

Exhibit 5

The Davis Family Trusts, which were established for the benefit of Marvin Davis, his wife Barbara Davis, and the children of Marvin and Barbara Davis, hold 100% of the votes and approximately 50% of the total assets of Davis Clarksburg. The seven trusts that comprise the Davis Family Trusts, and their respective interests (both voting and as a percentage of total assets) in the entities in the Davis Clarksburg ownership chain are set forth in Exhibit 14.

Until his death on September 24, 2004, a fact reported in Exhibit 14 to the license renewal application of affiliated station WFXS (File No. BRCT-20050729CIT), Marvin Davis was the trustee of the Davis Family Trusts, and all shares held by those trusts were voted by Marvin Davis as the sole trustee. Davis Clarksburg therefore was controlled by Marvin Davis as the sole trustee of the Davis Family Trusts.

Upon Marvin Davis' death, the assets within the Davis Family Trusts were not subject to any probate process, nor was there any executor or administrator with power relating to the Davis Family Trusts. Moreover, no single person or entity became the successor trustee to all of the Davis Family Trusts by operation of law upon Marvin Davis' death or thereafter. As a consequence, the appointment of successor trustees to each of the Davis Family Trusts became the process by "operation of law" by which control of Davis Clarksburg would be involuntarily transferred. Toward that end, upon Marvin Davis' death, the Davis Family Trusts individually engaged in the process of appointing successor trustees and collectively endeavored over an extended period of time to formulate a succession plan for presentation to the Commission that was acceptable to each trust. However, the scope and complexities of the Davis Family Trusts' business interests and other holdings, the role that Marvin Davis played in the Davis family businesses and a disagreement within the Davis Family,¹ significantly delayed this process. The

¹ Patricia Davis Raynes consents to this application; **however**, Ms. Raynes qualifies any statements made by her or by anyone else that might be attributed to her in this application with the following statement, which is her statement alone and is not endorsed by any other party to this application: On September 13, 2005, Ms. Raynes filed a lawsuit in United States District Court for the Central District of California, *Raynes v. Davis et al.*, No. CV-05-6740, naming as defendants, among others, Marvin Davis, Barbara Davis (in her own capacity and as trustee of the Marvin and Barbara Davis Revocable Trust), John Davis (in his own capacity and as trustee of the John Davis Revocable Trust), Gregg Davis (in his own capacity and as trustee of the Gregg Davis Revocable Trust), Nancy Sue Davis (in her own capacity and as trustee of the Nancy Sue Davis Revocable Trust), and Dana Leigh Davis (in her own capacity and as trustee of the Dana Leigh Davis Revocable Trust). In that lawsuit, Ms. Raynes claims, *inter alia*, that the "Patricia Davis Raynes Revocable Trust" is and has been invalid, and that any property held in the name of the "Patricia Davis Raynes Revocable Trust" or by any person claiming to be a trustee of the "Patricia Davis Raynes Revocable Trust" in fact belongs to Ms. Raynes in her own right. Some or all of the defendants may dispute Ms. Raynes's claims concerning the existence and/or validity of the "Patricia Davis Raynes Revocable Trust." Ms. Raynes executed

Davis Family Trusts have agreed upon a succession plan for Davis Clarksburg and have each appointed a successor trustee, which in turn has facilitated the filing of this application for approval of the transfer of control of Davis Clarksburg.² In this regard, Davis Clarksburg notes that no single trust represents a controlling interest in Davis Clarksburg and each of the trustees is independent.

The current sole successor trustee of each of the Davis Family Trusts and the effective dates of such appointment (and dates of the last renunciation by other potential trustees in each case (*see* footnote 2)) are set forth in the table below:

Trust	Trustee	Effective Date of Current Trustee Appointment	Date of Last Renunciation
John Davis Trust under Trust Agreement dated March 15, 1990 ³	John Davis	April 4, 2005 ³	December 14, 2005
Nancy Sue Davis Trust under Restated Trust Agreement dated October 1, 1990	Nancy Sue Davis	September 22, 2005	September 22, 2005
Gregg Davis Trust under Restated Trust Agreement dated July 22, 2004	Gregg Davis	May 6, 2005	December 19, 2005
Patricia Davis Raynes Trust under Trust Agreement dated March 29, 1990	Patricia Davis Raynes	April 27, 2005	April 27, 2005
Dana Leigh Davis Trust under Restated Trust Agreement dated October 9, 1990	Dana Leigh Davis	April 22, 2005	April 22, 2005
Marvin and Barbara Davis Revocable Trust (Fifth Restated Agreement) dated October 22, 2002	Barbara Davis	September 25, 2004	N/A

documents some of the defendants in the lawsuit required her to execute in order for her to assume control of her own property, including documents that purported to make her the sole trustee of the "Patricia Davis Raynes Revocable Trust." Subject to Ms. Raynes' position, and as limited by that position, Ms. Raynes consents to this application.

² Davis Clarksburg notes that each of the agreements establishing the Davis Family Trusts provided for the appointment of successor trustees upon the death of Marvin Davis. Those provisions were not, to varying degrees, followed in fact. With respect to each trust, one or more successor trustees provided for in the trust agreement either accepted their appointment solely to facilitate appointment of a co-trustee and later resigned that position, or renounced the appointment in lieu of acceptance. In certain instances, the ultimate successor trustee was appointed by a successor trustee identified in the trust agreement.

³ John Davis also is the trustee of the JD Revocable Trust under Trust Agreement dated March 15, 1990, which holds a contingent 25% profit interest in DTV LLC. That contingency has not yet been realized. John Davis accepted his appointment as trustee on April 4, 2005. The final renunciation in lieu of appointment concerning successor trustees of this trust was executed on April 28, 2005. See Exhibit 5.

Accordingly, this application seeks Commission consent to the transfer of control of Davis Clarksburg from Marvin Davis, as trustee of the Davis Family Trusts, to, collectively, the current trustees of the Davis Family Trusts. Davis Clarksburg notes that there has been no change in the Davis Family Trusts' respective interests (either voting percentage or percentage of total assets) in the entities in the Davis Clarksburg ownership chain that are set forth in Exhibit 14. The only change proposed herein is the identity of the trustees of those trusts, who will exercise the voting interests associated with those trusts.