

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, CHANCERY DIVISION

IN THE MATTER OF THE POSSESSION )  
AND CONTROL OF THE COMMISSIONER ) Cause No. 00 CH 05905  
OF BANKS AND REAL ESTATE OF ) Judge Jones  
INDEPENDENT TRUST CORPORATION )  
a/k/a INTRUST, an Illinois corporate fiduciary )

**OPPOSITION TO RECEIVER'S MOTION FOR ENTRY  
OF A FINAL ALLOCATION OF TRUST FUND SHORTAGE**

Account Holders Jeffrey H. Fox (Account No. 38638), Michael Meister (Account No. 51043), Charles Minnaar (Account No. 35831), ProFutures, Inc. (Account No. 925586) and David B. Small (Account No. 1609032) (collectively "Account Holders"), hereby object to the Receiver's Motion for Entry of a Final Allocation of Cash Trust Fund Shortage. Account Holders' accounts are in trusts which cannot be lawfully invaded to pay a shortage in trusts or depository accounts of other account holders. The loss should be left where it occurred, which is in the cash accounts of the account holders who maintained cash with InTrust when the receivership was imposed.

SIDLEY & AUSTIN


By: William J. Nissen

Sidley & Austin  
(William J. Nissen)  
Attorneys for Jeffrey H. Fox, Michael Meister,  
Charles Minnaar, ProFutures, Inc. and David B. Small  
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Attorney No. 90761

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that two copies of the foregoing was served on the following person by messenger before 5:00 p.m. and one copy was served on the following persons on the accompanying service list by U.S. Mail on February 13, 2001:

Kirkland & Ellis  
Attn: Andrew Groesch  
200 E. Randolph Drive  
Chicago, IL 60601

  
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William J. Nissen