

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

IN THE MATTER OF THE POSSESSION AND )  
CONTROL OF THE COMMISSIONER OF BANKS )  
AND REAL ESTATE OF INDEPENDENT TRUST ) Cause No. 00CH05905  
CORPORATION a/k/a INTRUST, an Illinois ) Judge Jones  
Corporate fiduciary )

**OBJECTION TO PROPOSED ORDER**

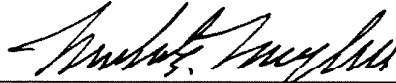
Comes now Michael E. Magliari, owner of account #61846, held at Intrust and objects to the proposed order of the Court, based upon the order's failure to recognize those class of investors who funded their respective account after April 23, 1999.

Pursuant to your petitioner's prior Affidavit and Motion (attached hereto and incorporated by reference) said above referenced account should be excluded.

Therefore, your petitioner requests that account #61846 should be excluded from the proposed order.


Respectfully submitted,

MICHAEL E. MAGLIARI, P.C.

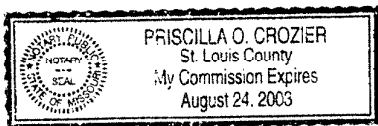


MICHAEL E. MAGLIARI  
Attorney at Law  
16640 Chesterfield Grove Road, Suite 110  
St. Louis, Missouri 63005

Sworn to before me this 12<sup>th</sup> day of February, 2001.

  
Notary Public

My Commission Expires:



COPY

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

IN THE MATTER OF THE POSSESSION AND	)	
CONTROL OF THE COMMISSIONER OF BANKS	)	
AND REAL ESTATE OF INDEPENDENT TRUST	)	Cause No. <i>00CH05905</i>
CORPORATION a/k/a INTRUST, an Illinois	)	Judge Jones
corporate fiduciary	)	

**AFFIDAVIT OF MICHAEL E. MAGLIARI AND MOTION BY  
MICHAEL E. MAGLIARI TO EXCLUDE HIS ACCOUNT  
FROM ALLOCATION OF THE SHORTAGE**

Michael E. Magliari swears under the penalties of perjury that the following is true and correct:

1. I am an account holder with funds deposited at Independent Trust Corporation ("Intrust"). Pursuant to the Court's Order dated August 2, 2000 (the "Order"), I respectfully move the Court for an Order excluding my account number 61846 at Intrust from the allocation of the deficiency in the trust assets of Intrust (the "Shortage").

2. Under the Court's Order, any individual account holder that filed a timely objection to the Receiver's Recommendation may file a motion with the Court to exclude his account from the Shortage if (1) his account never contained cash, (2) the account balance on April 23, 1999, was zero or de minimis, or (3) substantially all cash in the account was not subject to risk.

POINT I

THE ACCOUNT SHOULD BE EXCLUDED FROM THE SHORTAGE ON THE GROUND THAT MY ACCOUNT BALANCE ON APRIL 23, 1999, WAS DE MINIMIS.

3. On April 23, 1999, I made the following wire transfers into my account at Intrust:

<u>Date</u>	<u>Amount Wired</u>	<u>Depository Institution</u>
4/23/99	None	N/A

4. The Intrust Account Summary statements confirming said deposits are attached hereto as Exhibit A.

5. I hereby contend that the account balance on April 23, 1999, was de minimis<sup>1</sup> justifying exclusion of my account from the across-the-board allocation of the Shortage. (Order, Paragraph 2(p)(2)).

CONCLUSION

6. Based on all the foregoing, I respectfully request that the Court issue an Order excluding my account number 61846 at Intrust from the allocation of the deficiency in the trust assets of Intrust.

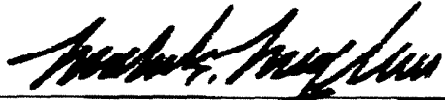
---

<sup>1</sup> At the hearing on July 28, 2000, the Court stated that the definition of "de minimis" would vary with each account on a case-by-case basis. Transcript of 7/28/00 Hearing, pages 173-174. None of the cash transactions occurred on dates that Intrust performed transactions with Intercounty Title pursuant to Exhibit B.

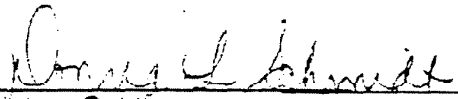
Respectfully submitted,

Dated: August 25, 2000

MICHAEL E. MAGLIARI, P.C.

By:   
Michael E. Magliari - #31317  
Attorney at Law  
16640 Chesterfield Grove, #110  
Chesterfield, MO 63005  
(636) 532-3601

Sworn to before me this 25<sup>th</sup> day of August, 2000.

  
Notary Public

My Commission Expires:

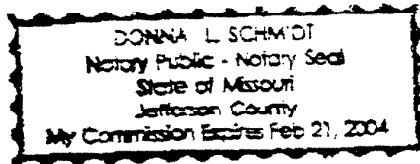


EXHIBIT A

**INTRUST**  
INDEPENDENT TRUST CORPORATION

**ACCOUNT SUMMARY**

ACCOUNT NUMBER 61846 PAGE 1  
TAX ID NUMBER 498 58 8201

04/01/1999 TO 06/30/1999

CLIENT INFORMATION

BROKER OF RECORD/INVESTMENT AGENT

MICHAEL E MAGLIARI  
724 FIELDCREST  
ST LOUIS MO 63126

JAMES GISSY  
CAPITAL MANAGEMENT SERVICES  
PO BOX 1712  
MANCHESTER MO 63011

IRA

PORTFOLIO DETAILS

Asset prices are as of 06/30/1999 where available. Because the data is provided by quotation services, INTRUST cannot guarantee the accuracy of such prices. Please refer to the explanation on the reverse side of this statement.

DESCRIPTION	NO. OF SHARES	PRICE	MARKET VALUE
CAPITAL MGMT TIMING	37121.5900	1.00000	37,121.59
MONEY MARKET ACCOUNT	31.3200	1.00000	31.32
TOTAL ASSET VALUE			37,152.91

TRANSACTION DETAILS

This section shows your account activity from 04/01/1999 to 06/30/1999. It includes account activity and information available to INTRUST as of the close of business 06/30/1999. Information processed after this date will be reported on your next statement. Reinvested balance on funds are rounded to 4 decimal places.

DATE	TYPE	DESCRIPTION	COMMENTS	NO. OF SHARES	AMOUNT
05/05/1999	DEPOSIT	IRA CASH ROLLOVER IN	DIRECT ROLLOVER REC'D 5/3		35,730.89
05/10/1999	WITHDREW	TRUSTEE FEE			40.00
05/13/1999	DOUGHT	CAPITAL MGMT TIMING	TO ACCOUNT 825168	35,690.8900	35,690.89
05/31/1999	INTEREST	MONEY MARKET ACCOUNT			31.32
06/30/1999	ADJUST	CAPITAL MGMT TIMING	UPDATE MKT VALUE	1,430.7000	0.00