

APPEAL TO THE APPELLATE COURT OF ILLINOIS
FOR THE FIRST DISTRICT

FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

IN THE MATTER OF THE POSSESSION AND)	
CONTROL OF THE COMMISSIONER OF BANKS)	
AND REAL ESTATE OF INDEPENDENT TRUST)	No. 00 CH 05905
CORPORATION a/k/a INTRUST, an Illinois)	
corporate fiduciary)	Judge Sidney A. Jones, III
)	
THE COMMISSIONER OF BANKS AND REAL)	
ESTATE and PRICEWATERHOUSECOOPERS,)	
LLP, AS RECEIVER OF INDEPENDENT TRUST)	
CORP., a/k/a INTRUST, and MILLENIUM TRUST)	
COMPANY, LLC,)	
)	
Appellees,)	
)	
J. PHILLIP O'BRIEN, INTRUST ACCOUNT)	
HOLDER AND ALL ACCOUNT HOLDERS LISTED)	
HEREIN, parties in interest,)	
)	
Appellants.)	

NOTICE OF FILING AND CERTIFICATE OF SERVICE
OF NOTICE OF APPEAL UNDER SUPREME COURT RULE 304(b)

To: See Attached Service List

PLEASE TAKE NOTICE that on Friday, December 8, 2000, Appellants, by their respective counsel, filed a **NOTICE OF APPEAL UNDER SUPREME COURT RULE 304(b)**, with the Clerk of the Circuit Court of Cook County, Chancery Division, a true and correct copy of which is attached hereto and herewith served upon you.

SEE ATTACHED LIST OF APPELLANTS AND THEIR RESPECTIVE COUNSEL

Appellant J. PHILLIP O'BRIEN, an Intrust
account holder

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Attorney for J. Phillip O'Brien

**APPEAL TO THE APPELLATE COURT OF ILLINOIS
FOR THE FIRST DISTRICT**

**FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
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ESTATE and PRICEWATERHOUSECOOPERS,)	
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COMPANY, LLC,)	
Appellees,)	
)	
J. PHILLIP O'BRIEN, INTRUST ACCOUNT)	
HOLDER AND ALL ACCOUNT HOLDERS LISTED)	
HEREIN, parties in interest,)	
)	
Appellants.)	
)	

NOTICE OF APPEAL UNDER SUPREME COURT RULE 304(b)

J. Phillip O'Brien, an individual account holder of Independent Trust Corporation, in receivership ("Intrust"), by his counsel, and those other Intrust account holders named in the listing attached to this Notice and incorporated herein (collectively, "Account Holders"), by their respective counsel, hereby appeal to the Appellate Court of Illinois, First District, from the following orders:

- 1) the order entered in this cause on November 8, 2000 by the Circuit Court of Cook County, Chancery Division, Honorable Judge Sidney A. Jones, III, denying motions to exclude regarding accounts listed on Exhibit A thereto and including such accounts in the allocation of the cash trust fund shortage (and any order incorporated therein);
- 2) the order also entered by said Court on November 8, 2000 including accounts listed on Exhibit A thereto determined to have been opened after April 23, 1999, yet funded with the proceeds of assets held at Intrust prior to that date in the allocation of the cash trust fund shortage (and any order incorporated therein); and

- 3) the prior orders of said Court pertaining to the allocation of the cash trust fund shortage entered on September 12, 2000 and August 17, 2000 and any orders incorporated therein.

The above listed orders are collectively referred to as the "Orders".

Account Holders pray that this Court:

- (i) reverse the Orders denying Account Holders' motions to exclude their accounts from the allocation of the \$68.1 million cash trust fund shortage,
- (ii) order the immediate release and turnover to substitute trustees of Account Holders' choosing of their accounts and/or immediate and full access by Account Holders to the assets in their respective accounts,
- (iii) remand the cause to the Circuit Court for implementation of the above, including the conduct of any evidentiary hearings and discovery necessary to implement further proceedings of the cause,
- (iv) order Appellees to return and make restitution to Account Holders of any and all sums that may be improperly withdrawn from Account Holders' accounts or otherwise paid to or received by Appellees or improperly allocated to the account of any other Intrust account holder resulting from the Orders,
- (v) assess the costs related to this Appeal to the Appellees, and
- (vi) grant such other and further relief as may be just and appropriate.

SEE ATTACHED LIST OF APPELLANTS AND THEIR RESPECTIVE COUNSEL

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account holder

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Blickenstaff, Scott
Boylan, Dan
Brodhead, John
Brodsky, Howard
Brown, Nona
Burns, R. Marty
Burris, George
Bycott, Laura
Carpenter, David
Casey, Michael
Casey, Nora
Chotin, Yale & Lana
Cignetti, Judy
Ciha, Allan J. and Christina Milligan-Ciha
Culver, Elizabeth J. Trust
Davis, Scott and Cheryl
Diagnault, George
Doerner, Ruth
Driemeyer, Derick L.
Drury, William J.
Duchild, Bob
Eifler, Chales
Elefrits, Dr. C. Dale and Kathleen B.
Eskin, Steven and Judy
Fischer, Douglas
Fletcher, Helen C.
Flynn, Alice
Garner, Scott
Giunta, Roseann
Goode, Jane B.
Goode, Peter W., III
Graves, Sam and Lesley
Harper, Joan
Helva Trust
Henry, Harry
HH Culver Family Partnership
Hilliker, Ben
Hizar, Thomas
Hoke, Francis Ellet
Holland, Noel
Holt, Robert
Hurd, Nancy
Jakob, Paul
Jenney, Charles S. Trust
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Lashly, John M.
Leipholtz, James and Judy
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Link, Bill
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF FILING** and the attached **NOTICE OF APPEAL UNDER SUPREME COURT RULE 304(b)** was served by depositing same in the United States mail in pre-addressed envelopes, postage prepaid, at 55 W. Monroe St., Chicago, Illinois 60603, before the hour of 5:00 p.m. upon all parties to these proceedings listed on the attached service list and by personal delivery upon the Circuit Court of Cook County, Illinois, Judge Sidney Jones, III, on this 8th day of December, 2000.

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