

Appeal No. 01-986

(Appeal Nos. 00-4130 and 01-0342)
Consolidated under Appeal No. 1-00-3253

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, PRICEWATERHOUSECOOPERS, LLP,)	
AS RECEIVER OF INDEPENDENT TRUST CORP.,)	
a/k/a INTRUST, and MILLENNIUM TRUST)	
COMPANY, LLC, as successor trustee,)	
Appellees,)	
)	
J. PHILLIP O'BRIEN, INTRUST ACCOUNT)	
HOLDER AND ALL ACCOUNT HOLDERS LISTED)	
HEREIN, parties in interest,)	
)	
Appellants.)	

SUPPORTING RECORD TO APPELLANTS' MOTION TO STAY
LIQUIDATION AND DISTRIBUTION OF ASSETS FROM THEIR
INDIVIDUAL FIDUCIARY ACCOUNTS

Volume 1: Pleadings/Orders in Circuit Court

<u>Date</u>	<u>Nature of Document</u>	<u>SR. Cite</u>
1/26/01	Receiver's Motion Regarding Stay of Appealed Allocation Order	C00001-17
1/31/01	Abbott Appellant Group's Response to Receiver's Motion Regarding Stay of Appealed Allocation Order	C00018-26
2/13/01	Fox Appellant Group's Response to Receiver's Motion Regarding Stay of Appealed Allocation Order	C00027-28
2/14/01	Response of Hudson Investment Partners LP and Oxbridge Associates LP to Motion Regarding Stay of Appealed Allocation	C00029-38

<u>Date</u>	<u>Nature of Document</u>	<u>SR. Cite</u>
	Order and with Respect to Proposed Final Order (without exhibits)	
2/21/01	Receiver's Reply to Response to Motion Regarding Stay of Appealed Allocation Order	C00039-59
3/2/01	Four Seasons Appellant Group's Motion to Stay Enforcement of the Court's March 1, 2001 Order Approving the Final Allocation of the Intrust Cash Trust Fund Shortage	C00060-63
3/12/01	Bolinske Appellant Group's Motion to Stay Enforcement of the Court's March 1, 2000 Order Approving Final Allocation of the Intrust Cash Trust Fund Shortage	C00064-75
3/13/01	O'Brien Appellant Group's Motion to Stay Liquidation and Distribution of Assets from Individual Fiduciary Accounts Pursuant to Rule 305(a), or in the Alternative, Rule 305(b)	C00076-134
	<ol style="list-style-type: none"> 1. Notice of Appeal filed 3/13/01 2. Appellate Court's Order Consolidating Appeals entered 2/13/01 	
3/14/01	Brightpoint Appellant Group's Motion to Stay Liquidation and Distribution of Assets from Individual Fiduciary Accounts Pursuant to Rule 305(a), or in the Alternative, Rule 305(b)	C00135-139
3/14/01	Receiver's Response to Motions for Stay	C00140-159
3/15/01	CLH Appellant Group's Motion to Join in the Motion to Stay Liquidation and Distribution of Assets from Individual Fiduciary Accounts Pursuant to Rule 305(a), or in the Alternative, Rule 305(b)	C00160-169
3/15/01	Motion of Bruce C. Freimuth, Terry G. Bommer and Others to Stay Liquidation and Distribution of Assets from Individual Fiduciary Accounts Pursuant to Rule 305	C00169A
3/15/01	Further Response to Hudson Investment Partners LP and Oxbridge Associates LP to Motions for Stay	C00170-177
3/16/01	Receiver's Exhibits Regarding Allocation Stay Hearing	C00178-341
	<ol style="list-style-type: none"> 1. Final Allocation Order (without exhibit) dated 3/1/01 2. Receiver's Report on Calculation of Final Allocation Percentage and use of March 1999 Statements dated 1/26/01 3. Receiver's Report on Calculations of Allocation Percentage Under Alternative Allocation Methodologies dated 2/20/01 4. Orders of Administration (4/14/00), Supplemental order of Administration (4/18/00), Order re: Second Supplemental Order of Administration (5/18/00), Order Amending May 	

<u>Date</u>	<u>Nature of Document</u>	<u>SR. Cite</u>
	18, 2000 order (6/12/00), and Commissioner's Directives	
	5. Schedule of Pending Intrust Allocation Appeals dated 2/19/01	
	6. Examples – prior Notices of Appeal, Joinders, Docketing Statements, Joinders in Motion for Stay (without exhibits)	
	7. Order Setting Hearing on Motion Regarding Stay of Appealed Allocation Orders (1/31/01) with Certificate of Service (2/1/01)	
	8. Order Denying Request for Stay by Fox Group with notice of hearing dated 3/6/01	
	9. Order of Appeal Court denying stay without prejudice (2/21/01)	
	10. Account holder e-mail/correspondence	
	11. Example – Notices of Appeal from Final Allocation Order (without exhibits)	
8/2/00	Orders	C00342-346
8/17/00	Order	C00347-352
9/12/00	Orders	C00353-364
9/25/00	Order	C00365
10/4/00	Orders	C00366-368
11/8/00	Orders (w/out Exhibits)	C00369-370
11/29/00	Order Approving Purchase and Assumption Agreement (w/out Exhibits)	C00371-382
3/19/01	Order Denying Motions for Stay	C00383

Supporting Record prepared by:

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Volume 2

Transcripts of Hearings in Circuit Court

<u>Date</u>	<u>Nature of Document</u>	<u>SR. Cite</u>
10/4/00	Hearing Before Judge Sidney A. Jones III (excerpt)	C00384-386
3/1/01	Hearing Before Judge Sidney A. Jones III	C00387-454
3/16/01	Hearing Before Judge Sidney A. Jones III	C00455-576

Pleadings in Appellate Court

<u>Date</u>	<u>Nature of Document</u>	<u>SR. Cite</u>
1/31/01	O'Brien Appellant Group's Motion to Stay Liquidation and Distribution of Assets from Their Individual Fiduciary Accounts	C00577-607
2/6/01	O'Brien Appellant Group's Motion to Supplement the Supporting Record Accompanying Their Motion to Stay Liquidation and Distribution of Assets from Their Individual Fiduciary Accounts	C00608-631
2/8/01	Receiver's Response to Motion to Stay	C00632-657
2/9/01	O'Brien Appellant Group's Motion for Leave to File a Reply to Receiver's Response to Motion to Stay Liquidation and Distribution of Assets from Their Individual Fiduciary Accounts	C00658-686

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