

IN 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	'	Cause No. 00CH05905
INDEPENDENT TRUST CORPORATION	'	Judge Sidney A. Jones, III
a/k/a INTRUST, an Illinois corporate	'	
fiduciary	'	

**ORDER**

This matter involving allocation of the cash trust fund shortage coming to be heard on July 28, 2000, it is ORDERED:

1. That the hearing on the allocation of the deficiency in the trust assets of Independent Trust Corporation (AInTrust@) of approximately \$68.1 million (AShortage@) is continued to August 9, 2000 at 1:00 p.m. in Room 2301 of the Daley Center, 50 West Washington, Chicago, Illinois 60202.

2. The Court will consider excluding an account from allocation of the Shortage if:

a. the individual account holder of that account filed a timely objection to the Receiver-s recommendation in accordance with the Court-s Order Setting Hearing And Directing Method Of Notice On Allocation Of Cash Trust Fund Shortage With Notice Thereof; and

b. the account satisfies any **one** of the following requirements:

- (1) The account never contained cash;
- (2) The account balance on April 23, 1999 was zero or *de minimis*;
- (3) Substantially all cash in the account was not subject to risk; and

c. the account holder files a motion with the Court on or before August 9, 2000 requesting the exclusion of his or her account from the allocation. All documentation

necessary to substantiate the movant's claim that one of the requirements of (b) is satisfied must be attached to the motion.

3. The Court will also consider excluding an account from allocation if:
  - (a) the individual account holder did not file a timely objection as described in 2(a);  
and
  - (b) the account satisfies any one of the requirements in paragraphs 2b(1), 2b(2) or 2b(3); and
  - (c) the account holder files a motion with the Court on or before August 31, 2000 requesting the exclusion of his or her account from the allocation. All documentation necessary to substantiate the movant's claim that one of the requirements of 2(b) is satisfied must be attached to the motion.
4. A copy of the motion and supporting documentation shall also be sent to Andrew Groesch, Legal Assistant, Kirkland & Ellis, 200 East Randolph Drive, Suite 5400, Chicago, Illinois 60601 and must be received by August 9, 2000 if brought pursuant to paragraph 2 or by August 31, 2000 if brought pursuant to paragraph 3.
5. Notice is hereby given that the Court will hear motions brought pursuant to paragraph 2(c) of this Order on August 9, 2000 in Room 2301 of the Daley Center, 50 West Washington, Chicago, Illinois 60202.
6. Notice of this Order shall be given by the Receiver by posting this Order on the InTrust website, which notice shall be sufficient, reasonable, and adequate notice.

SIGNED AND ENTERED this 2<sup>nd</sup> day of August, 2000.

/s/ Sidney A. Jones, III  
JUDGE SIDNEY A. JONES, III