

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

In the Matter of Possession)
and Control of the Commissioner of Banks) No. 00 CH 5905
and Real Estate of Independent Trust Corp.)
a/k/a Intrust.)

ORDER

This matter coming before the Court on the Motion of Joseph Umbach, due notice having been given, the court being advised of the premises:

IT IS HEREBY ORDERED that the motion is granted in part and denied in part:

1. All post-April 23, 1999 deposits plus appreciation thereon into Mr. Umbach's account are excluded from the Shortfall Allocation;
2. Umbach's pre-April 23, 1999 deposit of \$500,000.00 plus appreciation thereon was deposited into a commingled account and, therefore, was at risk. The Shortfall Allocation shall only be applied to such \$500,000.00 only;
3. The motion to compel discovery is denied as being moot;
4. The parties shall agree upon the rule of appreciation for pre and post April 23, 1999 deposits.

Atty. No. 90443

Name: Amy C. Andrews (Kirkland & Ellis) Date: September 25, 2000

Attorney for: Receiver

Address: 200 E. Randolph

ENTER: /s/ Judge Sidney A. Jones III

City/Zip: Chicago, IL 60601

Telephone: (312) 861-2000