Wic LeGrand, Clerk District Court, #1218

To Fee $2.40 ✓

Northwest Davenport Savings Bank.

Filed for record the 9th day of March A. D. 1934 at 11:05 o'clock A. M.
Maggie Reese Hobbs, Recorder.
Jessie Allgeyer, Deputy.

CERTIFIED COPY OF ORDER OF COURT.

IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR SCOTT COUNTY

L. A. Andrew, Superintendent of Banking of the State of Iowa,
Plaintiff,

v.

Northwest Davenport Savings Bank Davenport, Iowa.
Defendant.

ORDER APPOINTING RECEIVER.

Now, on this 28 day of December, A. D. 1932 this matter came on for hearing before the Honorable Wm. W. Scott, a judge of the District Court of the State of Iowa in and for..... County, upon the petition of the Honorable L. A. Andrew, Superintendent of Banking of the State of Iowa, in which petition an order is prayed asking for the liquidation of the liabilities, distribution of the assets, and winding up of the affairs of the defendant, the Northwest Davenport Savings Bank of Davenport Iowa, and further asking for the appointment of

the Superintendent of Banking of the State of Iowa and of his successors in office as Receiver for the defendant bank and further praying for an order authorizing the Superintendent of Banking of the State of Iowa and his successors in office to designate an examiner for the purpose of assisting him, the Superintendent of Banking, in performance of his duties as such Receiver; the Plaintiff appearing by his attorney, the Honorable John Fletcher, the Attorney General of Iowa, and the defendant appearing in person and by written appearance of its board of directors, all in conformity to a resolution duly adopted by said Board of Directors on the 27" day of December, A. D. 1932, at its bank building in Davenport, Scott County, Iowa.

Thereafter this cause was fully tried and submitted to the Court upon the pleadings, proof and evidence introduced by the plaintiff and the appearance of the defendant as aforesaid and the Court, being fully advised in the premises, finds

1. That the defendant in the above entitled cause has expressly waived time and accepted service of notice of the pendency of this suit, all as shown by such acceptance on file herein, and that the defendant has entered its personal appearance in open court in this suit, and that this court has full jurisdiction of both parties and the subject matter hereof.

2. That the equities of this cause are with plaintiff, that the allegations of the plaintiff's petition are all true, and that an order should be entered by this court providing for the liquidation of the liabilities, the distribution of the assets, and the winding up of the affairs of the defendant bank, and for the appointment of the Honorable L. A. Andrew, Superintendent of Banking of the State of Iowa, and his successors in office, as permanent receiver of said defendant bank for the purpose of making such liquidation, distribution and dissolution, and for the appointment by said Receiver, of an examiner to take charge of the assets of said institution and to assist the said Banking Superintendent in such liquidation, distribution and dissolution.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court:

1. That the Honorable L. A. Andrew, Superintendent of Banking of the State of Iowa, and his successors in office, be and he is appointed as permanent Receiver of the defendant, the Northwest Davenport Savings Bank of Davenport, Iowa, all for the purpose of carrying out orders and decrees of the Court as herein entered and as may be hereafter entered by the Court in this case; and that in the event the Honorable L. A. Andrew shall cease to be Banking Superintendent of the State of Iowa, then and in that event his successor in office shall file with the District Court of Scott County, Iowa, a certified copy of his appointment as such Superintendent of Banking of the State of Iowa, and from thenceforth such successor shall act as such Receiver, and said receivership shall be continued in the same manner as to all succeeding Superintendents of Banking in the State of Iowa during the pendency of this receivership proceeding.

2. That said Receiver be and he is hereby vested with full power and authority to appoint an additional bank examiner at the expense of this receivership to assist him as such Receiver in the liquidation of the liabilities, the distribution of the assets and the dissolution of the defendant banking institution; and that said examiner shall act in the name of the Superintendent of Banking of the State of Iowa and shall qualify in this Court by filing herein certificate duly certified by the Superintendent of Banking of the State of Iowa.

3. That said Receiver be and he is hereby vested with full power and authority to incur all necessary expenses in connection with said receivership and to employ counsel, all in accordance with the laws of the State of Iowa and the orders of this Court, as herein and hereafter entered upon the application of such Receiver.

4. That said Receiver be and he is hereby authorized to employ such clerical help and assistants as may be necessary in the work of liquidation, distribution and dissolution as in this decree provided.

5. That said Receiver shall perform such other and further duties as are usually incumbent upon a permanent receiver of a banking institution under the laws of this State and may prosecute or commence actions at law or in equity for the collection of all claims due or to become due said defendant banking institution or this receivership, may execute attachment bonds when it is deemed advisable to sue by attachment, and may defend actions at law or suits in equity against said defendant or this receivership, or to preserve the property thereof, all in accordance with the directions and orders of this court in the premises.

6. That said Receiver and Examiner in Charge are authorized to lease the real estate and property owned by defendant bank, collect all rentals, and when it is deemed advisable, to pay interest on prior liens, taxes, insurance, and make repairs in order to preserve and protect the assets for the benefit of the creditors.

7. The Court reserves the right from time to time, as circumstances may arise, to make such additional orders in the premises as will secure, preserve and protect the interests of the several stockholders and creditors of the defendant.

8. That the Receiver and Examiner in Charge as herein provided shall each furnish bond to this Court conditioned upon the faithful performance of his duties and the faithful preservation of the property of the defendant banking institution and the faithful accounting for its funds in the penal sum of Twenty five Thousand ($25,000.00) Dollars for the Receiver and Seventy-five Thousand ($75,000.00) Dollars for the Examiner in Charge; that the expenses of such bonds shall be paid as part of the costs and expenses of the receivership; and that the compensation of the bank examiner shall be the compensation fixed by the Superintendent of Banking, to be approved by this court, and not to exceed the compensation of such examiner as fixed by law which compensation shall be paid as other costs and expenses of the receivership.

9. That said Receiver be and he is hereby authorized to deposit receivership funds in any State or National Bank doing business in the State of Iowa.

10. That said Receiver shall file duplicates of his reports with the Attorney General of the State of Iowa and with this Court, and shall report his doings from time to time as may be necessary and as may be ordered by this Court.

All of which is fully ordered, adjudged and decreed by the Court.

Dated at Davenport, Iowa, this 28th day of December, A. D. 1932.

Wm. W. Scott
Judge Seventh Judicial District
of Iowa.

L. A. Andrew, Superintendent of Banking of the State of Iowa.
Plaintiff

vs.

Northwest Davenport Savings Bank
Davenport, Iowa.
Defendant.

O R D E R

Be it remembered that on this the 17th day of July, A. D. 1933, this cause came on for hearing upon the Interlocutory Final Report of the Honorable L. A. Andrew, Superintendent of Banking of the State of Iowa, Receiver of the Northwest Davenport Savings Bank, of Davenport, Iowa, accompanied by his application for discharge.

Thereafter the Court inspected the proofs of service of notice of the hearing upon said Interlocutory Final Report and petition for discharge, and finds that notice of such hearing has been given in conformity to the order of this Court entered herein on the 1st day of

July, A. D. 1933, by publication in the Daily Times and Davenport Democrat, two newspapers published at Davenport, Iowa, in issues as of date July 5th, A. D. 1933, all as shown by the affidavit of the publisher on file herein; and that the Court has jurisdiction of the subject matters and parties hereto.

Thereafter the hearing was held upon said final report and application for discharge, and the Court being fully advised in the premises finds that said Interlocutory Final Report should be approved; the Honorable L. A. Andrew, Superintendent of Banking of the State of Iowa be discharged as such Receiver and his bondsmen exonerated; and that all acts and doings of L. A. Andrew, Superintendent of Banking as Receiver, herein should be ratified, approved and confirmed.

The Court further finds that the Honorable D. W. Bates having qualified as Receiver of the said bank as of date, midnight, June 30th, 1933, his appointment as of that date should be ratified, confirmed and approved.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT, that L. A. Andrew, Superintendent of Banking of the State of Iowa be discharged as Receiver of the Northwest Davenport Savings Bank of Davenport, Iowa.

That all of his acts and doings as such Reciver herein be and the same are hereby approved, confirmed and ratified.

That as of said date, midnight, June 30th, 1933, the bond of the said L. A. Andrew as Receiver of the said bank be discharged and his bondsmen exonerated and released of any and all liability.

That the said bond now on file on behalf of L. A. Andrew, as Receiver, may be continued as to the Homorable D. W. Bates, as Receiver, upon the filing by the surety company of a proper endorsement showing continuance of its liability thereon and its surety undertaking.

That this receivership be continued under the direction of the Honorable D. W. Bates, Superintendent of Banking of the State of Iowa, as Receiver of the Northwest Davenport Savings Bank, of Davenport, Iowa, that the Examiner in Charge, H. C. Lynn, appointed for the purpose of assisting the Superintendent of Banking of the State of Iowa in the duty of liquidation of the assets and the distribution of the proceeds thereof, continue in the performance of his duties, until such time as a successor may be designated by the Honorable D. W. Bates, Superintendent of Banking as Receiver, if he so elects.

All of which is finally ordered, adjudged and decreed by the Court.

Read signed and approved in open Court this 17th day of July, A. D. 1933.

Wm. W. Scott
J U D G E

IN THE DISTRICT COURT OF THE STATE OF IOWA
WITHIN AND FOR SCOTT COUNTY

STATE OF IOWA, Scott County, ss.

I, NIC Le GRAND, Clerk of the District Court of the State of Iowa, in and for said County, do hereby certify that the above and foregoing is a true and perfect transcript of the Record Entry of Order appointing L. A. Andrew, Superintendent of Banking of the State of Iowa, as Receiver of the Northwest Davenport Savings Bank, Davenport, Iowa; Order Substituting D. W. Bates as Receiver of said Bank, all in the matter of L. A. Andrew, Superintendent of Banking of the State of Iowa, Plaintiff vs. Northwest Davenport Savings Bank, Davenport, Iowa, Defendant, being in District Court Cause No. 29220.

I further certify that L. A. Andrew, Superintendent of Banking of the State of Iowa, by said Court appointed Receiver of the Northwest Davenport Savings Bank of Davenport, Iowa, on the 28th day of December A. D., 1932, qualified as such Receiver on the 31st day of December A. D., 1932, by filing the requisite bond which was approved by the Clerk of the District Court, and taking the oath prescribed by law, and Letters of Receivership were

issued to him on said date.

I further certify that on July 17th, A. D., 1933, the Court ratified, confirmed and approved the appointment of the Honorable D. W. Bates, Superintendent of Banking of the State of Iowa, as the qualified and acting Receiver of the Northwest Davenport Savings Bank of Davenport, Iowa, as of date, midnight, June 30th, 1933, as successor to L. A. Andrew, former Superintendent of Banking of the State of Iowa, whose term of office expired at said time.

I further certify that on the same date, to-wit: July 17th, 1933, it was ordered by the Court that the receivership of the said Northwest Davenport Savings Bank of Davenport, Iowa, be continued under the direction of the Honorable D. W. Bates, Superintendent of Banking of the State of Iowa, as Receiver, and that the Examiner in Charge, H. C. Lynn, appointed for the purpose of assisting the Superintendent of Banking of the State of Iowa in the duty of liquidation of the assets and the distribution of the proceeds thereof, continue in the performance of his duties, until such time as a successor may be designated by the Honorable D. W. Bates, Superintendent of Banking of the State of Iowa, as Receiver.

I further certify that D. W. Bates, is still acting as such Receiver, and that H. C. Lynn is still acting as such Examiner-in-Charge in said Receivership.

And I further certify that the records of said Court are now in my custody and under my control, and that I am the proper officer to make this certificate.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at the Court House in Davenport, in said County, this 26th day of February, A. D. 1934.

Nic LeGrand
Clerk of District Court

COMPARED

By Frank Raap
Deputy

(DISTRICT COURT SEAL)