

ASSIGNMENT

WHEREAS, Heritage Federal Savings Bank, Omaha, Nebraska ("Association"), was a federally chartered savings association, the accounts of which were insured by the Federal Deposit Insurance Corporation ("FDIC"); and

WHEREAS, pursuant to Section 5(d)(2)(B)(i) of the Home Owners' Loan Act of 1933 ("HOLA") as amended by Section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), the Director of the Office of Thrift Supervision ("Director") may, without any requirement of notice, hearing or other action, appoint a conservator or receiver for a federal savings bank; and

WHEREAS, pursuant to Section 5(d)(2)(H)(ii) of HOLA, as amended by Section 301 of FIRREA, the Director shall appoint only the Federal Deposit Insurance Corporation ("FDIC") or the Resolution Trust Corporation ("RTC"), as appropriate, as receiver for a savings bank for the purpose of liquidation or winding up the affairs of such savings bank; and

WHEREAS, the Director, by Order No. 90-353, dated February 15, 1990, appointed the RTC as Receiver for the Association; and

WHEREAS, pursuant to Section 21A(b)(4) of the Federal Home Loan Bank Act, as amended by Section 501 of FIRREA, the RTC possesses the power provided the FDIC in Sections 11, 12 and 13 of the Federal Deposit Insurance Act, as amended by Sections 212, 213, 214, 216, and 217 of FIRREA; and

WHEREAS, pursuant to Section 11(d)(2)(F)(i) of the Federal Deposit Insurance Act, as amended, as incorporated by Section 21A(b)(4) of the Federal Home Loan Bank Act, as amended, the RTC, by application to the Director, may organize a new federal savings association to take over such assets or such liabilities as the RTC may determine to be appropriate; and

WHEREAS, the RTC submitted an application to the Director to organize Heritage Federal Savings Bank of Omaha, a new federal savings association ("New Federal") to take over such assets and liabilities of the Association as the RTC may determine to be appropriate; and

WHEREAS, the Director, by Order No. 90-354 dated February 15, 1990, authorized the incorporation of New Federal, and a federal charter therefor has been authorized and issued by the Office of Thrift Supervision; and

WHEREAS, pursuant to Section 5(d)(2)(H) of HOLA, as amended, the Director, at the Director's discretion, may appoint the FDIC or the RTC, as appropriate, as conservator for a federal savings bank; and

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STATE OF IOWA, ss. 1988 Inst. No. 156 Filled for Record this 5 day of April 19 90 at 4:00 PM
MADISON COUNTY, Book 156 Page 97 Recording Fee 10.00 Mary E. Welty, Recorder, By M. Welty Deputy

1988

Compared

