

94976

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION
DEPARTMENT OF THE TREASURY

IN THE MATTER OF)
)
GERMANIA BANK,)
A FEDERAL SAVINGS BANK)
Alton, Illinois)
)
)

Re: Enforcement Review
Committee Resolution
No. 90-47

Dated: June 21, 1990

TEMPORARY ORDER TO CEASE AND DESIST

WHEREAS, in accordance with Section 5(d)(1)(A) of the Home Owners' Loan Act ("HOLA"), as amended by Title III of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 ("FIRREA") (to be codified at 12 U.S.C. § 1464(d)(1)(A)), and Section 8(b) of the Federal Deposit Insurance Act ("FDIA"), as amended by Title IX of the FIRREA (to be codified at 12 U.S.C. § 1818(b)), the Office of Thrift Supervision ("OTS"), being of the opinion that Germania Bank, ("Germania ") has engaged in violations and unsafe or unsound practices, has issued a Notice of Charges and Hearing ("Notice") against Germania incorporated by reference herein; and

✓

WHEREAS, such Notice, on the basis of particular facts and circumstances contained therein, specifies violations and unsafe or unsound practices engaged in by Germania; and

WHEREAS, the OTS has determined that the violations and unsafe or unsound practices specified in the Notice, and the continuation thereof, are likely to cause significant dissipation of assets or earnings, weaken the condition of Germania or otherwise prejudice the interests of its depositors prior to the completion of proceedings initiated by such Notice;

NOW THEREFORE, in accordance with Section 8(c) of the FDIA, as amended by Title IX of the FIRREA (to be codified at 12 U.S.C. § 1818(c)), the OTS hereby issues this Temporary Order to Cease and Desist.

ACCORDINGLY, IT IS ORDERED, that Germania shall immediately notify the holders of Germania's Subordinated Capital Notes ("Notes") that such Notes may have been sold by persons not licensed to sell such notes in Illinois, and therefore, such sales may be voidable and thus rescinded.

IT IS FURTHER ORDERED, that Germania immediately shall file a Form 8K with the OTS reporting and enclosing copies of the above notification.

IT IS FURTHER ORDERED, that Germania shall promptly pursue claims against all appropriate parties, including professionals and consultants, who participated in the offering of the Notes and were responsible for the failure to obtain licenses to sell the Notes.

IT IS FURTHER ORDERED, that all technical words or terms used in this Order, for which meanings are not specified or otherwise provided by the provisions of this Order, shall, insofar as applicable, have meanings as defined in the Code of Federal Regulations, Title 12, Chapter V, or as defined in FIRREA, the FDIA, or the HOLA, and any such words or terms undefined in the foregoing shall have meanings that accord with the best custom and usage in the savings association industry.

THIS ORDER shall be and is effective upon service on Germania and shall remain effective and enforceable until the completion of the administrative proceeding initiated by the Notice, incorporated by reference herein, served upon Germania

until such time as the OTS shall dismiss the charges specified in such Notice, or if a cease and desist order is issued against Germania, until the effective date of such Order.

By the Enforcement Review Committee

151
for Rosemary Stewart, Secretary
Enforcement Review Committee