

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)
)
INA Trust, fsb,)
Wilmington, Delaware (OTS No. 15646))
)

Re: Order No. NE 07-11

Dated: August 30, 2007

**STIPULATION AND CONSENT TO ISSUANCE
OF AN ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES**

WHEREAS, the Office of Thrift Supervision ("OTS"), based upon information derived from the exercise of its regulatory responsibilities, has informed the Board of Directors of INA Trust, fsb, Wilmington, Delaware (the "Bank," OTS No. 15646), that the OTS is of the opinion that grounds exist to initiate administrative civil money penalty assessment proceedings against the Bank, pursuant to 12 U.S.C. § 1818(i)(2);¹ and

WHEREAS, the Bank desires to cooperate with the OTS and to avoid the time and expense of such administrative proceedings; and

WHEREAS, the Bank, while admitting that the OTS has jurisdiction with respect to this matter (as addressed in Paragraph 1 below), neither admits nor denies (i) that the above-mentioned grounds exist, or (ii) the OTS Findings of Fact (in Paragraph 2 below), and is of the understanding that this settlement is subject to Rule 408 of the Federal Rules of Evidence.

NOW, THEREFORE, the Bank hereby stipulates and agrees to the following:

1. Jurisdiction.

(a) INA Trust, fsb, a federally chartered savings bank, is and at all times relevant hereto has been a "savings association" within the meaning of 12 U.S.C. §§ 1462(4) and 1813(b). Accordingly, INA Trust, fsb, is and has been an "insured depository institution" as that term is defined in 12 U.S.C. § 1813(c).

(b) Pursuant to 12 U.S.C. § 1813(q), the OTS is the "appropriate Federal banking agency" with jurisdiction to initiate and maintain administrative enforcement proceedings against savings associations pursuant to 12 U.S.C. § 1818.

¹ All references to the "U.S.C." in this Stipulation and Consent to Issuance of an Order of Assessment of Civil Money Penalties ("Stipulation") and in the related Order are to the United States Code as amended.

(c) The Bank, as a savings association, is subject to the authority of the OTS to initiate and maintain administrative civil money penalty proceedings against it pursuant to 12 U.S.C. § 1818(i)(2).

2. OTS Findings of Fact.

The Bank is subject to an OTS-issued cease-and-desist order (No. NE-06-06), which became effective on May 30, 2006. At various times during the second half of calendar year 2006, the Bank failed to timely satisfy certain requirements of the following provisions of Order No. NE-06-06: Section 5 (Compliance Program Management), Section 6 (Trust Operations Enhancements), and Section 7 (Internal Control and Risk Management System).

3. Consent.

The Bank consents to the issuance by the OTS of the accompanying Order of Assessment of Civil Money Penalties (the "Order"). The Bank further agrees to comply with the terms of the Order upon its issuance and stipulates that the Order complies with all requirements of law.

4. Finality.

The Order is issued by the OTS under the authority of 12 U.S.C. § 1818(i)(2). Upon its issuance by the OTS (acting through its Regional Director for the Northeast Region), the Order shall be a final order, effective and fully enforceable by the OTS under the provisions of 12 U.S.C. § 1818(i).

5. Waivers.

The Bank waives the following:

- (i) The right to be served, pursuant to 12 U.S.C. § 1818(i)(2)(E)(i), with an OTS-issued written notice Notice of Assessment of Civil Money Penalties;
- (ii) The right to request and be a participant in an administrative hearing, pursuant to 12 U.S.C. § 1818(i)(2)(H), concerning the OTS's charges against it;
- (iii) The right to seek judicial review of the Order, including, without limitation, any such right provided by 12 U.S.C. § 1818(h), or otherwise, to challenge the validity of the Order; and
- (iv) Any and all claims against OTS, including its employees and agents, and any other governmental entity for the award of fees, costs, or expenses related to this OTS enforcement matter and/or the Order, whether arising under federal statutes (e.g., the Equal Access to Justice Act, 5 U.S.C. § 504, or 28 U.S.C. § 2412), under common law, or otherwise.

6. Other Government Actions Not Affected.

The Bank acknowledges and agrees that its consent to the issuance of the Order is solely for the purpose of resolving the OTS's administrative civil money penalty claims against it under 12 U.S.C. § 1818(i)(2) that are or would be based on the OTS Findings of Fact (at Paragraph 2 hereof). Neither this Stipulation nor the Order shall operate to release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of the Bank that arise relative to the aforesaid Findings of Fact or otherwise, and that may be or have been brought by any other government entity other than the OTS.

7. Miscellaneous.

(a) The construction and validity of this Stipulation and the Order shall be governed by the laws of the United States of America.

(b) All references to the OTS in this Stipulation and the Order shall also mean any of the OTS's successors, and assigns.

(c) The section and paragraph headings in this Stipulation and in the Order are for convenience only, and such headings shall not affect the interpretation of this Stipulation or the Order.

(d) The terms of this Stipulation and of the Order represent the final written agreement of the parties with respect to the subject matters hereof, and constitute the sole agreement of the parties with respect to such subject matters.

WHEREFORE, on this 20th day of August, 2007, the Bank has caused this Stipulation to be executed on its behalf, intending to be legally bound thereby.

INA Trust, fsb

By: s/ Kenneth Koreyva
Kenneth Koreyva
Chairman of the Board of Directors

Accepted by:
OFFICE OF THRIFT SUPERVISION

By: s/ Michael L. Simone
Michael L. Simone
Acting Regional Director
Northeast Region

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)	
)	Order No. NE-07-11
INA Trust, fsb,)	
Wilmington, Delaware (OTS No. 15646))	Dated: <u>August 30</u> , 2007
)	

ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

WHEREAS, INA Trust, fsb ("Bank") has executed a Stipulation and Consent to the Issuance of an Order of Assessment of Civil Money Penalties ("Stipulation"); and

WHEREAS, the Bank by its execution of the Stipulation has consented and agreed to the issuance of this Order of Assessment of Civil Money Penalties ("CMP Order") by the Office of Thrift Supervision ("OTS"), pursuant to 12 U.S.C. § 1818(i)(2).

NOW THEREFORE, IT IS ORDERED that:

1. CMP Assessment.

(a) Within ten (10) calendar days of the Effective Date of this CMP Order, the Bank shall pay a civil money penalty in the amount of Ten Thousand Dollars (\$10,000.00) by providing to the OTS a certified check or bank draft in the aforesaid amount made payable to the order of the Treasurer of the United States.

(b) The Bank shall send the certified check (or bank draft) via reputable overnight delivery service, together with (i) a cover letter referring to this CMP Order and the above-named savings association, and (ii) a copy of this CMP Order, to the following address: Controller's Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552. A copy of the check (or bank draft) and the related cover letter also shall be sent by postage prepaid U.S. Mail to M. Jefferson Davis, Office of Thrift Supervision, Harborside Financial Center Plaza Five, Suite 1600, Jersey City, New Jersey 07311.

2. The Stipulation is made a part hereof and is incorporated herein by this reference.

3. This CMP Order is and shall become effective on the date it is issued (the "Effective Date"), which date is shown in the caption hereof.

OFFICE OF THRIFT SUPERVISION

s/ Michael L. Simone

By: _____
Michael L. Simone
Acting Regional Director, Northeast Region