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9
10 Attorneys for Plaintiffs

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13
14 NATIONAL CITY BANK OF INDIANA
and
15 NATIONAL CITY MORTGAGE CO,

16 Plaintiffs,

17 v.

18 DEMETRIOS A. BOUTRIS,
in his official capacity as Commissioner of
19 the California Department of Corporations,

20 Defendant.
21

Civil Action No. S-03-0655 GEB JEM

BY FAX

DECLARATION OF
STEPHEN L. SMITH
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION

22 I, Stephen L. Smith, declare as follows:

23 1. I am the Secretary of National City Bank of Indiana ("National City
24 Bank"). I have held this position since August of 2002. My duties as Secretary include
25 maintaining and certifying the authenticity of the corporate records of National City Bank.
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Filed By
One Legal

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2. I certify that the attached letter of March 23, 1998, is a true and correct copy of the letter that National City Bank received from David J. Rogers, National Bank Examiner for the federal Office of the Comptroller of the Currency ("OCC").

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the twenty-fifth day of April, 2003.

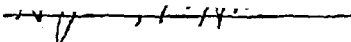

Stephen L. Smith

Exhibit 1



Comptroller of the Currency
Administrator of National Banks

Central District Office
One Financial Place, Suite 2700
440 South LaSalle Street
Chicago, Illinois 60605

March 23, 1998

Mr. Steven L. Smith
Vice President
National City Bank of Indiana
Law Department
One National City Center
Indianapolis, Indiana 46255

**Re: Notification by National City Bank of Indiana, Indianapolis, Indiana of its
Acquisition of National City Mortgage Co. as an Operating Subsidiary
(98-CE-08-012)**

Dear Mr. Smith:

We acknowledge receipt of your operating subsidiary notice dated March 3, 1998, informing us of the commencement of certain activities by National City Bank of Indiana, Indianapolis, Indiana from its acquisition of National City Mortgage Co. as an operating subsidiary, which was effective March 1, 1998.

Please direct any related questions to the undersigned or National Bank Examiner Carolina M. Ledesma at (312) 360-8867.

Sincerely,

David J. Rogers
National Bank Examiner