## IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

## APPLICATION AND ORDER FOR PERMISSION TO SUBSTITUTE AND TO INCREASE SECURITIES ON DEPOSIT

Entered January 31, 1991

Order No. <u>91-6</u>

TO THE HONORABLE JUDGE OF SAID COURT;

NOW COMES TEXAS COMMERCE BANK NATIONAL ASSOCIATION, a national banking association, with its principal office and place of business in Houston, Harris County, Texas, and would respectfully show the Court as follows:

Petitioner, Texas Commerce Bank National Association, has heretofore by this Court been named and designated as one of the Depositories of monies of Estates in Bankruptcy, nor or hereafter pending in such District, and has filed its Bond in the sum of Five Million Dollars (\$5,000,000) as fixed by order of this Court. In lieu of surety or sureties, on the above mentioned Bond in the amount of Five Million Dollars (\$5,000,000), the Petitioner now has deposited with the Houston Branch, Federal Reserve Bank of Dallas, Houston, Texas, the following described securities:

9.125% United States Treasury Notes due February 15, 1991 in the amount of \$5,000,000

The above deposited sums made in lieu of surety or sureties on said Bond are under and subject to written agreement between the Petitioner and the Houston Branch, Federal Reserve Bank of Dallas, Houston, Texas, such agreement having been heretofore approved by this court as being in conformity with the law.

Your Petitioner now requests that it be allowed and permitted to withdraw, on or after January 14, 1991 fran the Houston Branch Federal Reserve Bank of Dallas, Houston, Texas and from the effect of said deposit agreements the hereinbelow listed United States Treasury securities standing in lieu of surety or sureties on said bond:

9.125% United States Treasury Notes due February 15, 1991 in the amount of \$5,000,000.

Your Petitioner further requests that it be allowed to substitute in lieu and in place thereof as to said bond the following securities:

- GNMA Pool# '@135239 9.50% due March 15, 2016 in the amount of \$ 990,000.00
- GNMA Pool# 190229 9.00% due December 15, 2016 in the amount of \$95,000.00
- GNMA Pool# 219396 9.50% due July 15, 2017 in the amount of \$991,875.99
- GNMA Pool# 226973 9.50% due August 15, 2017 in the amount of \$1,000,871.51
- GNMA Pool# 231121 9.50% due September 15, 2017 in the amount of \$75,000.00
- GNMA Pool# 234680 9.50% due October 15, 2017 in the amount of \$255,000.00 .
- GNMA Pool# 235220 9.50% due January 15, 2018 in the amount of \$625,000.00
- GNMA Pool# 250538 9.00% due July 15, 2018 in the amount of \$580,000.00
- GNMA Pool# 255328 9.50% due January 15, 2019 in the amount of \$1,000,000.00
- GNMA Pool# 272787 9.50% due February 15, 2019 in the amount of \$1,000,000.00

Said GNMA securities so substituted are to be subject in all respects to the terms and provisions of the presently existing agreement be the Petitioner and the Houston Branch, Federal Reserve Bank of Dallas, Houston, Texas, covering the bonds presently on deposit.

Respectfully submitted this the 14th day of January, 1991.

TEXAS COMMERCE BANK NATIONAL ASSOCIATION

By \s\
Daniel C. Haley

\*APPROVED

United States Bankruptcy Court
Southern District of Texas
R. F. WHELESS, JR.
CHIEF UNITED STATES BANKRUPTCY JUDGE

\*Subject to the representation of Texas Commerce Bank dated January 14, 1991, that the total amount of bankruptcy estate funds on deposit requiring collateralization under Bankruptcy Rule 5008 is \$1,718,454.29, which is attached and made a part hereof as Exhibit "A".

## TEXAS COMMERCE CAPITAL MARKETS

DANIEL C. HALEY Vice President 707 Travis Houston, Texas 77252-8049 (713) 236-5406

January 14, 1991

United States Bankruptcy Court Southern District of Texas Attn: Mr. David Bradley 515 Rusk Avenue Houston, Texas 77001

Dear Mr. Bradley:

Enclosed is an "Application for Permission to Substitute and to Increase Securities on Deposit".

Please obtain the necessary signature, retain one copy for your files, and return to my attention.

Also enclosed is a listing of the bankruptcy accounts which fall under the jurisdiction of the Bankruptcy Court.

Total bankruptcy accounts held at Texas Commerce Bank, N.A. \$2,392,700.79

Amount of funds needing collateral \$ 1,718,454.29 Total amount of securities pledged 5,000,000.00

Total amount over (under) pledged \$3,281,545.71

Based on the level of deposits and the applicable FDIC coverage, we propose collateral as follows:

GNMA GNMA, GNMA, GNMA, GNMA GNMA GNMA GNMA GNMA	Pool# Pool# Pool# Pool# Pool# Pool# Pool# Pool#	235239 190229 219396 226973 231121 234680 235220 250538 255328 272787	9.50% 9.00 9.50 9.50 9.50 9.50 9.50 9.50	due	3-15-2016 12-15-2016 7-15-2017 8-15-2017 9-15-2017 10-15-2018 7-15-2018 1-15-2019 2-15-2019	\$ 990,000.00 95,000.00 991,875.99 1,000,871.51 75,000.00 255,000.00 625,000.00 580,000.00 1,000,000.00
GNMA	POOT#	212181	9.50	aue	2-15-2019	\$6,612,747.50

Thank you for your assistance to this matter.

Sincerely,

\_\_\_\s\ Daniel C. Haley

Enclosure

## LISTING OF BANKRUPTCY ACCOUNTS

Estate of Falcon Andrau Energy Case# 86-05412H2-11	Total Deposit	Over 100M
Gary Knostman Trustee	\$ 404,809.89	\$304,809.89
Media Communications Case# 85-08490-H17 Lowell T. Cage Trustee	137,666.57	37,666.57
Estate of Mortgage America Corp. Case# 81-025474-H58 Gary Knostman Trustee	766,755.44	666,755.44
Estate of Progress Steel & Casting Case# 82-03380-Hl4 Gary Knostman Trustee	185,046.21	85,046.21
Republic Refining Co. Case# 84-03188-Hl4 Gary Knostman Trustee	315,067.88	215,067.88
Theo Pinson Bankruptcy	74,246.50	0
Estate of Shearn Moody, Jr. Case# 85-04138-H35 Steve Smith Trustee	509,108.30 \$2,392,700.79	