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Attorneys for Plaintiffs

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

NATIONAL CITY BANK OF INDIANA  
and  
NATIONAL CITY MORTGAGE CO,

Plaintiffs,

v.

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

Defendant.

**ORIGINAL  
FILED**  
APR 28 2003  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

Civil Action No. S-03-0655 GEB JEM

**BY FAX**

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

I, Stephen L. Smith, declare as follows:

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

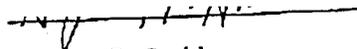
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One Legal

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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



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Comptroller of the Currency  
Administrator of National Banks

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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