

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO Court Address: 1437 Bannock Street Denver, CO 80202	
IN THE MATTER OF THE INVOLUNTARY LIQUIDATION OF AMERICAN INTERCAPITAL HOLDING, LLC, d/b/a/ AMERICAN INTERCAPITAL DEPOSITORY & TRUST	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/> Case Number: 07CV11222
JOHN W. SUTHERS, Attorney General CHRISTINE C. STRETESKY, *31749 First Assistant Attorney General 1525 Sherman Street, 7th Floor Denver, CO 80203 (303) 866-5278 Facsimile: (303) 866-5395 *Counsel of Record Brian J. Spano, #17059 Joel. A. Glover, #20821 Rothgerber Johnson & Lyons LLP 1200 17 th Street, Suite 3000 Denver, Colorado 80202-5855 Phone Number: (303) 623-9000	Div.: Ctrm.:
SCHEDULE OF CLAIM DETERMINATIONS IN THE LIQUIDATION OF <u>AMERICAN INTERCAPITAL HOLDING, LLC D/B/A</u> <u>AMERICAN INTERCAPITAL DEPOSITORY & TRUST</u>	

This Schedule of Claim Determinations ("Schedule") is submitted by undersigned counsel on behalf of Richard J. Fulkerson, Commissioner of Banking for the State of Colorado, in his capacity as Liquidator of American Intercapital Holding, LLC d/b/a American Intercapital Depository & Trust ("AIDT"), pursuant to C.R.S. § 11-103-804(7)(c) and the Order Approving Deadlines for Claim Determination issued by the Denver District Court in Case No. 07CV11222 (the "Court") on July 31, 2008.

Notice to Creditors of the Schedule

In order to provide creditors with an opportunity to review this Schedule, on October 31, 2008, a copy of this Schedule was sent to the last known address of all known creditors, along with a cover letter summarizing their claim and whether the Schedule of Claim Determinations accepts or rejects their respective claims. In addition, on or about October 31, 2008, this Schedule was posted on the Liquidator's web site – www.aidtprivatebank.com and a hard copy of this Schedule was made available for inspection at the offices of Rothgerber Johnson & Lyons LLP. In addition to these notices, commencing on October 31, 2008, the Liquidator published once a week for three successive weeks in the Denver Post and the Rocky Mountain News, notice that this Schedule was available for inspection and review on the web site as indicated above.

Filing of this Schedule with the Court

On December 15, 2008, this Schedule is being filed with the Court. Creditors have until January 12, 2009 to file objections to this Schedule with the Court.

Statutory Priority for Claims

Section 11-103-804(9)(a), C.R.S., sets forth the priority levels for payment of creditors upon liquidation of a state bank:

On liquidation of a state bank, after payment of federal deposit insurance, claims for payment have the following priority:

(I) Obligations incurred by the commissioner, fees and assessments due to the division, and expenses of liquidation, all of which may be covered by a proper reserve of funds;

(II) Claims of depositors having an approved claim against the general liquidating account of the bank;

(III) Claims of general creditors having an approved claim against the general liquidating account of the bank;

(IV) Claims otherwise proper that were not filed within the time prescribed by this code;

(V) Approved claims of subordinate creditors; and

(VI) Claims of stockholders of the bank.

Schedule of Claim Determinations

This Schedule lists all creditors at priority levels II - VI with the determined claim amount for each creditor.¹ Customers of AIDT are not identified by name on the Schedule and instead are only identified by creditor number in accordance with the privacy protections of the Colorado Foreign Capital Depository Act, article 37.5, Title 11, C.R.S. In the notice sent to each creditor, the creditor was notified of their own number. A summary of claims at priority levels II – VI is set forth below:

<u>Priority Level</u>	<u>Total Amount of Determined Claims</u>
II	\$10,330,434.87
III	\$404,975.83 605 shares of Remington Ventures
IV	\$265,572.33
V	\$0.00
VI	5,347,699 units of stock

¹ The Liquidator has reserved funds sufficient to pay obligations and expenses of the liquidation under Class I of C.R.S. § 11-103-804(9)(a) incurred by the Liquidator in accordance with C.R.S. § 11-103-802(2)(b) which provides, "When the commissioner has taken possession of a state bank, the commissioner shall be vested with the full and exclusive power of management and control, including the power to continue or to discontinue the business; ... to employ any necessary assistants, including legal counsel ..."

DEPOSITORS
(Level II)

<u>Creditor Number</u>	<u>Name</u>	<u>Determined Amount of Claim</u>
1	(Customer – name redacted)	\$206,152.30
2	(Customer – name redacted)	\$10,094.05
3	(Customer – name redacted)	\$203,128.14
4	(Customer – name redacted)	\$1,202.12
5	(Customer – name redacted)	\$84,417.36
6	(Customer – name redacted)	\$1,198,200.00
7	(Customer – name redacted)	\$9,928.97
8	Market Maven Management LLC [See Section Below for Details on Market Maven.]	\$3,700,000.00
9	(Customer – name redacted)	\$1,137,981.28
10	(Customer – name redacted)	\$202,045.22
11	(Customer – name redacted)	\$312,663.18
12	(Customer – name redacted)	\$3,264,622.25
TOTAL:		\$10,330,434.87

GENERAL CREDITORS
(Level III)

<u>Creditor Number</u>	<u>Name</u>	<u>Determined Amount of Claim</u>
13	Accountemps	\$1,026.90
14	American Express	\$19,080.16
15	AT&T	\$2,912.30
16	Chase Auto Finance	\$35,757.36
17	City and County of Denver	\$891.74
18	Europeene De Gestion Privee	\$5,244.80
19	Fennemore Craig, P.C.	\$14,505.30
20	Samuel B. Gregory, III	\$0.00
21	Holme Roberts & Owen	\$14,467.24
22	J. William Artist & Associates	\$5,000.00
23	E. Jerry James and Susan M. James	\$0.00
24	Kutak Rock LLP	\$65,926.45
8	Market Maven Management LLC [See Section Below for Details on Market Maven.]	\$200,000.00 605 Shares of Remington Ventures
25	Sams Club	\$4,171.66
26	Shuster & Company	\$11,825.42
27	Tisdale & Assoc., LLC	\$22,791.50
28	Uncommon Solutions	\$1,375.00
TOTAL:		\$404,975.83 + 605 Shares of Remington Ventures

CLAIMS THAT WERE NOT FILED WITHIN THE
TIME PRESCRIBED BY C.R.S. § 11-103-804
(Level IV)

<u>Creditor Number</u>	<u>Name</u>	<u>Determined Amount of Claim (in Units of Stock)</u>
29	General Electric Capital Corp	\$3,109.59
30	Brookfield Republic Plaza	\$262,462.74
TOTAL:		\$265,572.33

SUBORDINATE CREDITORS
(Level V)

No subordinate creditors have been identified.

STOCKHOLDERS
(Level VI)

<u>Creditor Number</u>	<u>Name</u>	<u>Determined Amount of Claim (in Units of Stock)</u>
31	American International Holding Advisors, LLC	1,371,174
32	Colorado Community Foundation	600,000
33	EJII, LLC	2,567,632
34	Ayesha Fawad	11,500
35	Tarik Fawad Malik	50,000
36	Paramount	250,000
37	WRBSG/Epoch Investments LP	497,393
TOTAL:		5,347,699 Units of Stock

Market Maven Settlement

The Market Maven figures are provided for convenience only. The priority level and amount of Market Maven's claims were the subject of a settlement agreement between the Liquidator and Market Maven that has been submitted to the Court for approval. Objections to the settlement, if any, may only be resolved in accordance with the Court approval process.

Schedule for Making Distributions to Claimants

After the twenty-day time period for objections provided for under C.R.S. § 11-103-804(8) has elapsed, claims subject to dispute, if any, will have been identified. Those disputes will be resolved in accordance with the provisions of C.R.S. § 11-103-804.

Pursuant to C.R.S. § 11-103-804(8), the Liquidator will, from time to time, make partial distribution to the holders of claims that are undisputed (or that have been allowed by the Court if they were disputed) after establishing a proper reserve for the payment of any disputed claims.

As soon as practicable after the determination of all objections, the Liquidator shall make final distributions to creditors in accordance with this Schedule.

WHEREFORE, Petitioner Richard J. Fulkerson, Colorado Banking Commissioner, in his capacity as Liquidator and Receiver of AIDT, respectfully submits this Schedule of Claim Determinations.

JOHN W. SUTHERS
Attorney General

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First Assistant Attorney General
Business & Licensing Section
Attorneys for the Colorado Banking Board

and Petitioner Richard J. Fulkerson, as
Liquidator of American Intercapital
Holding, LLC d/b/a American Intercapital
Depository & Trust

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