

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
NOVEMBER 17 2010
FBI

11 DEC 18 PM 1:58

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS

UNITED STATE SECURITIES)
AND EXCHANGE COMMISSION,)

Plaintiff,)

) Civil Action No. IP00-1265 C-T/K

KENNETH R. PAYNE,)
JOHANN M. SMITH,)
DANIEL G. DANKER, CONSTANCE)
BROOKS-KIEFER,)
HEARTLAND FINANCIAL SERVICES,)
INC., AND JMS INVESTMENT)
GROUP, LLC.)

Defendants.)

UNION PLANTERS BANK, N.A.'S WITHDRAWAL OF CLAIM

Union Planters Bank, N.A. ("Union Planters"), by counsel, respectfully shows the Court as follows:

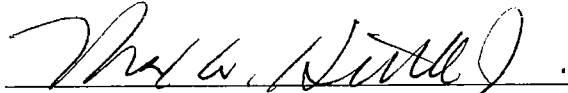
1. On or about August 21, 2000, this Court appointed James A. Knauer, as Receiver for Heartland Financial Services, Inc., JMS Investment Group, LLC, and their related companies (the "Heartland Companies").

2. On March 30, 2001, Union Planters filed a claim in the Receivership alleging, among other things, that Union Planters was entitled to recover at least \$356,442.00 plus other contingent amounts from the Heartland Companies (the "UPB Claim").

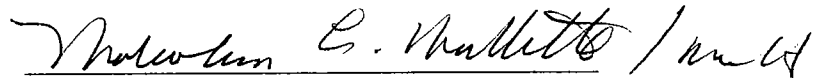
128

3. After giving due consideration to the Receiver's motion that the UPB Claim be disallowed which was filed herein on November 28, 2001, Union Planters respectfully withdraws its Claim.

Respectfully submitted,



Max W. Hittle, Jr., Attorney No. 7551-49



Malcolm C. Mallette, Attorney No. 9002-49

Krieg DeVault LLP

One Indiana Square, Suite 2800

Indianapolis, Indiana 46204-2079

(317) 636-4341

Attorneys for Union Planters Bank, N.A.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record by depositing a copy of the same in the United States mail, first class postage prepaid this 18th day of December, 2001 and addressed as follows:

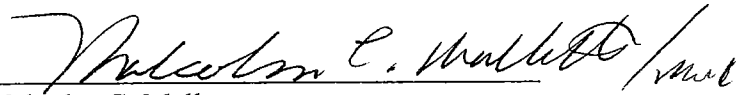
Paul A. Montoya
Kara M. Washington
Jeannette L. Lewis
United States Securities and Exchange
Commission
500 West Madison Street
Chicago, Illinois 60661

Fred D. Scott
Attorney at Law
55 Monument Circle
Suite 814
Indianapolis, Indiana 46204

James A. Knauer
Kroger Gardis & Regas, L.L.P.
111 Monument Circle, Suite 900
Indianapolis, Indiana 46204-5125

Dexter B. Johnson
Mallon & Johnson, P.C.
19 South LaSalle Street
Suite 1202
Chicago, Illinois 60603

Dennis Zahn
Symmes, Voyles, Zahn, Paul & Hogan
700 Jefferson Plaza
One Virginia Avenue
Indianapolis, Indiana 46204


Malcolm C. Mallette