

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO</p> <p>Court Address: 1437 Bannock Street Denver, CO 80202</p>	<p style="text-align: center;"><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p>
<p>IN THE MATTER OF THE INVOLUNTARY LIQUIDATION OF AMERICAN INTERCAPITAL HOLDING, LLC, d/b/a/ AMERICAN INTERCAPITAL DEPOSITORY & TRUST</p>	
<p>JOHN W. SUTHERS, Attorney General CHRISTINE C. STRETESKY*, #31749 First Assistant Attorney General 1525 Sherman Street, 7th Floor Denver, CO 80203 Telephone: (303) 866-5278 Facsimile: (303) 866-5395 *Counsel of Record</p> <p>Brian J. Spano, #17059 Tamara F. Goodlette, #35775 Rothgerber Johnson & Lyons LLP 1200 17th Street, Suite 3000 Denver, Colorado 80202-5855 Telephone: (303) 623-9000 Facsimile: (303) 623-9222 Email: bspano@rothgerber.com Email: tgoodlette@rothgerber.com</p>	<p>Case Number: 07CV11222</p> <p>Ctrm.: 18</p>
<p>REPORT AND NOTICE THAT THE PERIOD FOR CREDITORS TO OBJECT TO THE MOTION TO APPROVE SETTLEMENT HAS EXPIRED</p>	

Fred J. Joseph, Acting Commissioner of Banking for the State of Colorado, in his capacity as Liquidator and Receiver (“Liquidator”) of American Intercapital Holding, LLC d/b/a American Intercapital Depository & Trust (“AIDT”) and Philip A. Feigin, in his capacity as Deputy Liquidator and Deputy Receiver of AIDT, hereby submit their Report

and Notice that the Period for Creditors to Object to the Motion to Approve Settlement Agreement has Expired.

BACKGROUND

On December 15, 2008, the Liquidator filed the Amended Schedule of Claim Determinations with this Court (the “Schedule”). Objections to the Schedule were due on January 12, 2009. The following creditors of AIDT were the only persons that timely asserted objections to the Schedule of Claims Determinations¹:

- MarketXT Holdings, Corp., MKXT, LLC, MarketXT, Inc., and Epoch Investments, LP, f/k/a Emyprean Investments, LP (“Epoch”)
- Market Maven Management, LLC and Sentry Global Trust, Ltd. (“Market Maven”)
- E. Jerry James and Susan M. James (the “Jameses”)

THE SETTLEMENT AGREEMENT WITH EPOCH

On June 24, 2009, the Liquidator moved this Court for entry of an Order approving the Liquidator's proposed settlement with the Plan Committee and Alan Nisselson, as the Responsible Officer for the substantively consolidated estate of MarketXT Holdings Corp., MKXT, LLC, MarketXT, Inc. and Epoch Investments, LP, f/k/a Emyprean Investments, LP (collectively, the "MarketXT Parties"), who hold the claims of AIDT creditor, Epoch (“Motion to Approve Settlement”). The Liquidator sent a copy of the Motion to Approve Settlement and the proposed Settlement Agreement to AIDT's creditors on June 24, 2009. The documents were also posted on AIDT's website on June 24, 2009 and they remain posted on the website. The twenty day notice period for

¹ Cambisud, S.A. submitted an objection but subsequently withdrew the objection.

creditors to object expired on July 14, 2009 at 5:00 p.m. The Liquidator did not receive any objections to the proposed Settlement Agreement. Accordingly, the Court may now rule on the Motion to Approve Settlement.

As outlined in paragraph 4.3 of the Settlement Agreement, the Agreement will not be effective until final, non-appealable orders are entered by this Court and the Bankruptcy Court for the Southern District of New York approving the Settlement Agreement.

**RESOLUTION OF THE OBJECTIONS ASSERTED
BY MARKET MAVEN AND THE JAMESES**

The objections of Market Maven and the Jameses have been briefed in full. Thus, in accordance with the Liquidator's Report and Recommendation Regarding Resolution of Creditor Objections filed with the Court on January 22, 2009 and this Court's Order of January 28, 2009 approving the Liquidator's proposed procedure, the Liquidator recommends that the Court enter an Order adjudicating each objection. *See* C.R.S § 11-103-804(8) (objections "shall be heard and determined by [this] court upon such notice to the commissioner and interested claimants as the court may prescribe."). The Liquidator does not believe that a hearing is necessary to resolve either of the objections.

INITIAL PARTIAL DISTRIBUTION

Once the objections are resolved, including the proposed Settlement Agreement with Epoch, the Liquidator will be able to request the Court to make partial distribution to the creditors. *See* C.R.S § 11-103-804(8). The distribution will be partial because the Liquidator, on behalf of AIDT and its depositors and creditors, has initiated lawsuits against third parties responsible for the insolvency and liquidation of AIDT. If successful, the proceeds of those lawsuits will become part of the estate of AIDT and will be available

in the future for distribution to creditors.

WHEREFORE, Petitioners Fred J. Joseph, Acting Colorado Banking Commissioner, in his capacity as Liquidator and Receiver of AIDT, and Philip Feigin, Deputy Receiver of AIDT, respectfully submit this Report and Notice that the Period for Creditors to Object to the Motion to Approve Settlement Agreement has Expired.

Dated this 16th day of July, 2009.

JOHN W. SUTHERS
Attorney General

*Duly Executed Original is on file at the offices of
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July, 2009 a true and correct copy of the foregoing **REPORT AND NOTICE THAT THE PERIOD FOR CREDITORS TO OBJECT TO THE MOTION TO APPROVE SETTLEMENT HAS EXPIRED** was served via LexisNexis File & Serve, addressed to the following:

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