

95445714

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: DEPT-01 RECORDING \$31.50
 : T40008 TRAN 8030 07/11/95 10:21:00
 : 27118 + SL *-95-445714
 : DEPT COOK COUNTY RECORDER \$28.00

Property of Cook County Clerk's Office

POWER OF ATTORNEY

FEDERAL DEPOSIT INSURANCE CORPORATION

95445714



Record and Return To:

National Loan Investors, L.P.
 3030 N.W. Expressway, Suite 1313
 Oklahoma City, OK 73112
 Attn: Peggy J. Kennedy
 Package #130

3/15/95
 228000
 SAEP
 JP

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8/20/2009

RECORD & RETURN TO:
NATIONAL LOAN INVESTORS, L.P.
3030 N.W. EXPRESSWAY, SUITE 1313
OKLAHOMA CITY, OK 73112

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BOOK 6722 PAGE 1005

REC AUG 28 1991

PKg #130

COUNTY OF ERIE

STATE OF NEW YORK

DOC NUMBER 95035534
BOOK 6722
PAGE 1005 - 1009
TIME 11:33:03
FEE 16.00
03/21/95
JOHN J BARVEY
OKLAHOMA COUNTY CLERK
RECORDED AND FILED

POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, that the FEDERAL DEPOSIT INSURANCE CORPORATION, a Corporation organized and existing under an Act of Congress, hereinafter called the "FDIC", acting in its receivership capacity, acquired the assets of Goldome, a state chartered state bank and trust company (the "Bank"). Pursuant to 12 U.S.C. Section 1321, the FDIC in its capacity as receiver for the Bank ("Receiver") succeeded to all rights, titles, powers, and privileges of the Bank with respect to the Bank's assets. In that certain Purchase and Assumption Agreement dated May 31, 1991 by and between the FDIC in its corporate and receiver capacity and Key Bank of Western New York ("Key"), the Receiver sold certain of the Bank's former assets to Key. A number of the Bank's former assets were not sold to Key, and title to such assets remains with the Receiver. The Bank's former assets not sold to Key and remaining with the Receiver will hereafter be referred to as the "Remaining Assets." The Receiver has determined that it is necessary to appoint a representative to act on its behalf in connection with the maintenance and liquidation of the Remaining Assets.

Under Section C(38) of the Resolution of FDIC's Board of Directors, dated June 12, 1990, Seal No. 049112, the undersigned Wayne J. Ness as designee of the Director of the Division of Liquidation of the FDIC, is empowered to execute powers of attorney on behalf of the FDIC.

The Receiver, for the purpose of facilitating the maintenance and liquidation of the Remaining Assets, hereby appoints William Seamer, Mary Beth Glose, Chuck Meyer, John Maloney, Ralph J. Foscolo, D. Sigrid Edwards, and Jacquelyn Peterson, being officers of Niagara Asset Corporation ("Niagara Asset"), formerly known as KBW Asset Management Corp., as its attorneys-in-fact regarding the Remaining Assets. The Receiver hereby authorizes each of the herein named attorneys-in-fact to act individually and separately in the exercise of the powers granted herein. The herein named attorneys-in-fact will hereafter be referred to, individually and collectively, as "the Receiver's Attorney-in-Fact."

* 3 MOUNTAIN PLAZA, STE 500, BFLD NY 14203-1489

The Receiver's Attorney-in-Fact is hereby empowered and authorized to:

- (1) Sign, seal and deliver as the act and deed of the Receiver any instrument in writing, and to do every other thing necessary and proper including, but not

[Handwritten signature]

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BOOK 6722 PAGE 1006

limited to the institution of legal proceedings, for the collection and recovery of any and all monies and properties of every kind and nature whatsoever for and on behalf of the Receiver and to give proper receipts and acquittances therefor in the name and on behalf of the Receiver;

(2) Release, discharge or assign any and all judgments, mortgages on real estate or personal property (including the release and discharge of the same of record in the office of any Prothonotary or Register of Deeds wherever located where payments on account of the same in redemption or otherwise may have been made by the debtor(s)), and to endorse receipt of such payment upon the records in any appropriate public office;

(3) Receive, collect and give all proper acquittances for any other sums of money owing to the Receiver for any Remaining Asset which the Receiver's Attorney-in-Fact may sell or dispose of;

(4) Execute any and all transfers and assignments as may be necessary to assign any securities or other choses in action;

(5) Sign, seal, acknowledge and deliver any and all agreements as shall be deemed necessary or proper by the Receiver's Attorney-in-Fact in the care and management of the Remaining Assets;

(6) Sign, seal, acknowledge and deliver surety bonds in the name of and on behalf of the Receiver in connection with litigation involving the Remaining Assets;

(7) Sign receipts for the payment of all rents and profits due or to become due on the Remaining Assets;

(8) Execute, acknowledge and deliver deeds of real property in the name of the Receiver;

(9) Extend, postpone, release and satisfy or take such other action regarding any mortgage lien held in the name of the Receiver;

(10) Execute, acknowledge and deliver in the name of the Receiver a power of attorney wherever necessary or required by law to any attorney employed by the Receiver;

(11) Foreclose any mortgage or other lien on either real or personal property, wherever located;

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BOOK 6722 PAGE 1007

(12) Do and perform every act necessary for the use, liquidation or collection of the Remaining Assets held in the name of the Receiver;

(13) Sign, seal, acknowledge and deliver any and all documents as may be necessary to settle any action(s) or claim(s) asserted against the Receiver.

The Receiver also gives and grants unto the Receiver's Attorney-in-Fact full power to substitute one or more officers of Niagara Asset, as attorney-in-fact under him or her (whether one or more, hereinafter, the "Substitute Attorney-in-Fact"), in or concerning this Power of Attorney or any part hereof, and such substitution at the pleasure of the Receiver's Attorney-in-Fact may be revoked, the Receiver hereby ratifying and confirming all that the Receiver's Attorney-in-Fact or the Substitute Attorney-in-Fact shall do or may do in the premises by virtue hereof. The total number of the Receiver's Attorney-in-Fact, including the Substitute Attorney-in-Fact, shall not exceed seven (7) at any given time.

This Power of Attorney shall be effective immediately and shall continue until May 31, 1996 or until terminated earlier by a revocation filed by the Receiver in the office of the County Clerk of Erie County, New York.

IN WITNESS WHEREOF, the Receiver, by its duly authorized officer empowered by appropriate Resolution of its Board of Directors, has caused these presents to be subscribed in its name this 21st day of AUGUST, 1991.

FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR GOLDOME

By: Wayne A. Ness

Wayne A. Ness
Assistant Director of Operations
Division of Liquidation
Federal Deposit Insurance Corporation

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Natalia A. Gurevich
And Latina

ATTEST: Latina C. Lee

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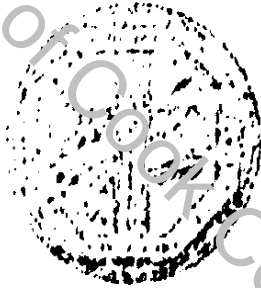
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UNITED STATES OF AMERICA

DISTRICT OF COLUMBIA

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This instrument was acknowledged before me on this 21st day of August, 1991, by Wayne J. Ness who, being by me duly sworn, did depose and say that he resides in Washington, D.C., and that he is the Assistant Director of Operations of the Division of Liquidation of the Federal Deposit Insurance Corporation, the corporation described in and which executed the above instrument in the capacity stated; and that he signed his name thereto by authority of the Board of Directors of said corporation.



Gwendolyn Ferguson
Notary Public, District of Columbia, United States of America

GWENDOLYN FERGUSON
Printed Name
My commission expires September 24, 1991

508

1991 AUG 28 PM 4: 18

FILED
ERIE COUNTY
CLERK'S OFFICE

Power of Attorney
of Federal Deposit
Insurance Corporation,
Receiver of Goldome

Dated August 21, 1991

* Virginia Henderson
Niagara Asset Corp
Three Fountain Plaza
Suite 500

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

Recorded in Liber. 169 Page. 198
of 198
on the 28th day of August
A.D., 1991, at 11:00 o'clock P.M.
and examined.

David J. Santoro
CLERK

LIBER 169 PAGE 198

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SSW D - 17 - 11

1070 P/B

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FILE NO. 1995-1009

BOOK 6722 PAGE 1009

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STATE OF NEW YORK, COUNTY OF ERIE, ss:
I, DAVID J. SWARTS, Clerk of said County, and also Clerk
of Supreme and County Courts of said County, do hereby
certify that I have compared the annexed copy with the original
POWER OF ATTORNEY



filed in my office and that the same is a correct transcript there-
from and of the whole of said original.

WITNESS my hand and seal of said County and Courts on
18y of JAN 30 1995 1995

David J. Swarts
COUNTY CLERK

95445713

CERTIFIED COPY

JAN 30 1995
DAVID J. SWARTS
COUNTY CLERK
DEPUTY

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