

T02000000983

Melanie D. Kamburian  
Corporate Paralegal  
Direct Dial: 561.862.4182  
mkamburi@hodgsonruss.com



July 22, 2002

**VIA EXPRESS MAIL**

Florida Department of State  
Division of Corporations  
Registration Section  
P.O. Box 6327  
Tallahassee, Florida 32314

400006654104--2  
-07/25/02--01023--015  
\*\*\*\*\*87.50 \*\*\*\*\*87.50

Dear Sir/Madame:

Re: FIRST SOUTHERN BANK  
Trademark Registration (36)

Pursuant to the provisions of Chapter 495, Florida Statutes, enclosed is one original and one copy of the Application for the Registration of a Trademark, together with three specimens of the mark. Also enclosed is a check in the amount of \$87.50 payable to the Division of Corporations to process the application.

Should you have any questions regarding the above, please do not hesitate to call me directly.

Your consideration in this matter is greatly appreciated.

Very truly yours,

*Melanie D. Kamburian*  
Melanie D. Kamburian

T02-983  
~~W02-22104~~

Enclosures

cc: Mitchell B. Kirschner, Esq.

First,  
789 740 (Southern Bank) ✓ ✓  
2928 762  
747 (36) 671  
745

02 AUG 27 PM 1:26  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA



FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State

July 31, 2002

MELANIE D. KAMBURIAN, ESQUIRE  
HODGSON RUSS  
1801 NORTH MILITARY TRAIL, SUITE 200  
BOCA RATON, FL 33431

SUBJECT: FIRST SOUTHERN BANK  
Ref. Number: W02000022106

We have received your document for FIRST SOUTHERN BANK and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

You must list a more specific service in #2(a) in Part I of the application.

Class(es) (36) would appear applicable to your specific mark. Please delete the class(es) you have on line 2 (d) and insert the pertinent class(es) (36).

In Part II(1) a & b we need a month, a day, and a year for the date the mark was first used anywhere and for the date it was first used in Florida.

Your mark contains word(s)/design(s) that must have a disclaimer. All geographical terms, such as cities, states, countries, and designs of same, must be disclaimed. Some commonly used words and corporate suffixes must also be disclaimed. You must disclaim the following term(s) by completing the disclaimer statement found in #2 of Part III of the application: FIRST, SOUTHERN BANK

The specimens provided this office are not acceptable; we need three permanent specimens, which may be the same or different. We do not accept photocopies or camera ready copies. We do not accept specimens which have been altered or defaced in any manner. In order to register your service mark, we need specimens from which we can determine the services being rendered. We will accept brochures, newspaper, or magazine advertisements, or business cards. If business cards are used, we must be able to determine from the business card the services offered. The mere mark, address, city, etc., on the business card, brochure, or advertisement is not acceptable -- we must be able to look at the specimens provided and be able to determine the services being rendered. We need specimens for each class of registration. We DO NOT accept letterhead, stationery, envelopes, invoices or mailing labels.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

Mitchell B. Kirschner  
Direct Dial: 561.862.4173  
Direct Facsimile: 561.862.4979  
mkirschn@hodgsonruss.com



August 16, 2002

Ms. Nanette Causseaux  
Florida Department of State  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

Dear Ms. Causseaux:

Re: First Southern Bank  
Your Ref. No. W02000022106

I trust you will find we have complied with the advice of your letter of July 31, 2002 (a copy of which is enclosed) and ask that you reconsider the application.

Very truly yours,



Mitchell B. Kirschner

MBK/eg  
Enclosures

FLADOCs 117532v1 (2\$\_S01!.DOC)



FLORIDA DEPARTMENT OF STATE  
Jim Smith  
Secretary of State

August 22, 2002

MELANIE D. KAMBURIAN, ESQUIRE  
HODGSON RUSS  
1801 NORTH MILITARY TRAIL, SUITE 200  
BOCA RATON, FL 33431

SUBJECT: FIRST SOUTHERN BANK  
Ref. Number: W02000022106

We have received your document for FIRST SOUTHERN BANK and your check(s) totaling \$87.50. However, the document has not been filed and is being retained in this office for the following:

Please accept our apology for failing to mention this in our previous letter.

Written approval and clearance of the terms BANK, BANKER, BANKING, TRUST COMPANY, BANCSHARES, SAVINGS & LOAN ASSOCIATION, SAVINGS BANK, or CREDIT UNION or words of similar import, must be obtained from the Division of Banking, pursuant to section 655.922(2a), Florida Statutes.

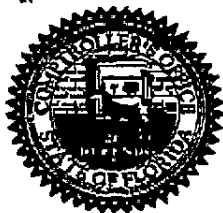
Enclosed is a "Name Approval Request" form to be filled out and sent to the address indicated on the form. If the proposed name is approved by the Division of Banking, resubmit the document and approval letter to the Division of Corporations for filing.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6918.

Nanette Causseaux  
Corporate Specialist Supervisor

Letter Number: 702A00049447



ROBERT F. MULLIGAN  
COMPTROLLER OF FLORIDA

**OFFICE OF THE COMPTROLLER**  
DEPARTMENT OF BANKING AND FINANCE  
STATE OF FLORIDA  
TALLAHASSEE  
32399-0350

August 27, 2002

Ms. Melanie D. Kamburian  
Paralegal  
Hodgson Russ Attorneys LLP  
1801 North Military Trail, Suite 200  
Boca Raton, Florida 33431

Re: First Southern Bank

Dear Ms. Kamburian:

Thank you for your recent fax/letter requesting approval of the above-referenced name to be registered as a trade/service mark name by the bank, which is a state-chartered financial institution located in Boca Raton, Florida.

The Department does not object to your use of the above-referenced name to be used by the bank in the state of Florida.

Sincerely,

Alex Heger  
Director

AH:ker

cc: Karon Beyer, Chief, Bureau of Corporate Records  
Division of Corporations, Secretary of State's Office

APPLICATION FOR THE REGISTRATION OF A TRADEMARK OR SERVICE MARK  
PURSUANT TO CHAPTER 495, FLORIDA STATUTES

TO: Division of Corporations  
Post Office Box 6327  
Tallahassee, FL 32314

Name & address to whom acknowledgment should be sent:

Mitchell B. Kirschner, Esq.  
Hodgson Russ LLP  
1801 North Military Trail, Suite 200  
Boca Raton, FL 33431  
(561 ) 394-0500  
Daytime Telephone number

PART I

1. (a) Applicant's name: First Southern Bank

(b) Applicant's business address: 9955 Glades Road

Boca Raton, FL 33434  
City/State/Zip

(c) Applicant's telephone number: ( 561 ) 479-2100

Individual  Corporation  Joint Venture  Other:  
 General Partnership  Limited Partnership  Union

If other than an individual,

(1) Florida registration number: 537683 (2) Domicile State: \_\_\_\_\_

(3) Federal Employer Identification Number: 59-2507590

2. (a) If the mark to be registered is a service mark, the services in connection with which the mark is used:  
(i.e., furniture moving services, diaper services, house painting services, etc.)

Retail banking services, including acceptance of deposits, certificates  
of deposit, commercial and residential loans, plus other retail banking  
services typical of a Florida chartered bank.

(b) If the mark to be registered is a trademark, the goods in connection with which the mark is used:  
(i.e., ladies sportswear, cat food, barbecue grills, shoe laces, etc.)

N/A

(c) The mode or manner in which the mark is used:(i.e., labels, decals, newspaper advertisements, brochures, etc.)

Corporate mark/logo to appear on building signage, correspondence, letterhead, business  
cards, labels, decals, and other forms of advertising.

(Continued)

(d) The class(es) in which goods or services fall:

Class 36

PART II

1. Date first used by the applicant, predecessor, or a related company (must include month, day and year):

(a) Date first used anywhere: 7/1/2002 (b) Date first used in Florida: 7/1/2002

PART III

1. The mark to be registered is: (If logo/design is included, please give brief written description which must be 25 words or less.)

Please see examples of proposed mark. Notwithstanding different colored examples, the proposed mark is the same in each instance; only the color and background is different. The mark shows the letters "F", "S", "B" with the numeral "1" within the "S", with the words "First Southern Bank" beneath the letters and the numeral.

English Translation

2. DISCLAIMER (if applicable)

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM " First, Southern Bank " APART FROM THE MARK AS SHOWN.

I, Peter S. Mottek, being sworn, depose and say that I am the owner and the applicant herein, or that I am authorized to sign on behalf of the owner and applicant herein, and no other person except a related company has the right to use such mark in Florida either in the identical form or in such near resemblance as to be likely to deceive or confuse or to be mistaken therefor. I make this affidavit and verification on my/the applicant's behalf. I further acknowledge that I have read the application and know the contents thereof and that the facts stated herein are true and correct

First Southern Bank

Typed or printed name of applicant

BY:

Applicant's signature or authorized person's signature (List name and title)

Peter S. Mottek, President

02 AUG 27 PM 1:24

STATE OF FLORIDA

COUNTY OF PALM BEACH

On this 9 day of JULY, 2002, Peter S. Mottek personally appeared before me,

[X] who is personally known to me [ ] whose identity I proved on the basis of

(Seal)

Notary Public Signature
Deborah Lentz
Notary's Printed Name

My Commission Expires:

FEE: \$87.50 per class



Deborah Lentz
My Commission DD011700
Expires March 25, 2005

**R. Moyle Fritz, Jr.**  
*Executive Vice President*  
CFO & COO



**First Southern Bank**

CORPORATE OFFICE  
9955 West Glades Road  
Boca Raton, FL 33434  
(561) 479-2100  
Fax (561) 488-4078

[mfritz@firstsouthernbank.com](mailto:mfritz@firstsouthernbank.com)