

{{2-29-04 p.C-5939}}

[¶12,134] In the Matter of Kenneth Keith Fox, Heartland Community Bank, Franklin, Indiana,
Docket No. 02-147k (12-17-03)

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$5,000.

**In the Matter of
KENNETH KEITH FOX,
individually, and as an institution-affiliated party of
HEARTLAND COMMUNITY BANK
FRANKLIN, INDIANA
(Insured State Nonmember Bank)
ORDER TO PAY**

FDIC-02-147k

Kenneth Keith Fox ("Respondent") and a representative of the Legal Division of the Federal Deposit Insurance Corporation ("FDIC") executed a Stipulation and Consent to the Issuance of an Order to Pay ("CONSENT AGREEMENT") dated August 5, 2003, whereby Respondent, solely for the purpose of this proceeding and without admitting or denying any unsafe or unsound practices or breaches of fiduciary duty for which civil money penalties may be assessed, consented and agreed to pay a civil money penalty in the amount specified below to the Treasury of the United States.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of the unsafe or unsound practices or breaches of fiduciary duty by Respondent, the history of previous practices or breaches of fiduciary duty by Respondent, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED, that by reason of the practices or breaches of fiduciary duty set forth in paragraph 3 of the CONSENT AGREEMENT, a penalty of \$5,000 be, and hereby is, assessed against the Respondent. The Respondent shall pay the civil money penalty to the Treasury of the United States.

IT IS FURTHER ORDERED, that the Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

This ORDER TO PAY shall be effective upon issuance.

Pursuant to delegated authority.

Dated this 17th day of December, 2003.