

FEDERAL DEPOSIT INSURANCE CORPORATION
WASHINGTON, D.C.
AND

DEPARTMENT OF FINANCIAL INSTITUTIONS FOR THE STATE OF INDIANA
INDIANAPOLIS, INDIANA

_____)	
In the Matter of)	CONSENT ORDER
)	
)	
EVANSVILLE COMMERCE BANK)	
EVANSVILLE, INDIANA)	FDIC-09-692b
)	
(STATE CHARTERED)	
INSURED NONMEMBER BANK))	
_____)	

Evansville Commerce Bank, Evansville, Indiana (“Bank”), having been advised of its right to a NOTICE OF CHARGES AND OF HEARING detailing the unsafe or unsound banking practices alleged to have been committed by the Bank, and of its right to a hearing on the charges under section 8(b) of the Federal Deposit Insurance Act (“Act”), 12 U.S.C. § 1818(b), and under Indiana Code §§ 28-11-4-1 through 28-11-4-12, regarding hearings before the Department of Financial Institutions for the State of Indiana (“DFI”), and having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF A CONSENT ORDER (“STIPULATION”) with representatives of the Federal Deposit Insurance Corporation (“FDIC”) and the DFI dated , 01-15-2010, whereby, solely for the purpose of this proceeding and without admitting or denying the charges of unsafe or unsound banking practices, the Bank consented to the issuance of a CONSENT ORDER (“ORDER”) by the FDIC and the DFI.

The FDIC and the DFI considered the matter and determined that the requirements for issuance of an Order under 12 U. S. C. § 1818 (b) and under Indiana Code §§ 28-11-4-1 through 28-11-4-12, have been met. The FDIC and the DFI, therefore, accepted the STIPULATION and HEREBY ORDER, that the Bank, its institution-affiliated parties, as that term is defined in section 3(u) of the Act, 12 U.S.C. § 1813(u), and its successors and assigns, take affirmative action as follows:

SALE OR MERGER

1. (a) Within 30 days from the effective date of this ORDER, the Bank shall develop adopt and implement a plan to sell itself or merge itself into an insured depository institution that is not controlled by Capitol Bancorp Limited, or otherwise recapitalize the Bank so that the Bank is no longer controlled by Capitol Bancorp Limited.

(b) The plan required by this paragraph shall be acceptable to the Regional Director of the FDIC's Chicago Region ("Regional Director") and the Director of the DFI ("Director").

PROGRESS REPORTS

2. Within 10 days of the end of each month following the effective date of this ORDER, the Bank shall furnish to the Regional Director and Director written progress reports signed by each member of the Bank's board of directors, detailing the actions taken to secure compliance with the ORDER and the results thereof.

NOTIFICATION TO SHAREHOLDER

3. Following the effective date of this ORDER, the Bank shall send to its shareholders a copy of this ORDER: (1) in conjunction with the Bank's next shareholder communication; or (2) in conjunction with its notice or proxy statement preceding the Bank's next shareholder meeting.

This ORDER shall be effective upon its issuance by the FDIC and the DFI.

The provisions of this ORDER shall be binding upon the Bank, its institution-affiliated parties, and any successors and assigns thereof.

The provisions of this ORDER shall remain effective and enforceable except to the extent that, and until such time as, any provision has been modified, terminated, suspended, or set aside by the FDIC and the DFI.

Pursuant to delegated authority.

Dated: February 18, 2010

/ s /

M. Anthony Lowe
Regional Director
Chicago Regional Office
Federal Deposit Insurance
Corporation

/ s /

David H. Mills
Director
Department of Financial Institutions
State of Indiana