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**From:** Jon Winick [mailto:[jon.winick@clarkstcapital.com](mailto:jon.winick@clarkstcapital.com)]  
**Sent:** Saturday, April 04, 2009 3:38 PM  
**To:** LLPComments  
**Subject:** Legacy Loan Program Eligibility

Dear FDIC:

Clark Street Capital is a \$50MM private equity fund focusing on acquiring SBA and owner-occupied Commercial Real Estate assets. Formed last year, Clark Street Capital is the first opportunity fund to focus on these types of assets.

My biggest concern with the Legacy Loan Program is the FDIC limit the pool of buyers to only larger institutions. In many cases, larger legacy financial institutions were major contributors to the financial turmoil of today. We believe that the current environment is biased against the very institutions that were culpable. Large institutions are receiving TARP money while smaller institutions are facing a challenging capital-raising environment.

While I understand proof of funds, expertise, and servicing capabilities are necessary requirements, I believe the FDIC should not unfairly discriminate against smaller, more nimble funds by making the same kind of requirements found in the Legacy Securities program. In addition, the current online auction process in which pools are grouped in average balances of \$10MM or so, allows a broad spectrum of interested buyers. The more buyers, the greater the participation in this program.

I appreciate the opportunity to comment.

Best,

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