Sec news digest add summary from the securities and exchange commission

Issue 73-191 (SEC Docket, Vol. 2, No. 16 - Oct. 16)

October 2, 1973

COMMISSIONER EVANS DISCUSSES CONCERNS OVER CERTAIN BANK ACTIVITIES

"The split jurisdiction between the bank regulatory agencies and the Commission over persons offering similar or competing services may result in unequal regulation and thus unfair competition", said Commissioner John R. Evans in prepared remarks before a Fractising Law Institute program yesterday in San Francisco, California. Partly because a definition of banking has not been specifically prescribed and the desire of commercial banks to offer one-step, full, financial services, Mr. Evans noted that "commercial banks are presently engaged in a variety of securities and investment activities in direct competition with members of the investment banking and securities industries." He indicated that there have been serious questions whether the line drawn by Congress between commercial and investment banking permits these activities or whether the line has become so eroded that it is completely illegible.

has become so eroded that it is completely illegible.

Among other things, Mr. Evans pointed out that the Commission is concerned with 'ank activities in the underwriting of municipal bonds; the investment management services of bank trust departments; and the custodial services for securities such as those provided by transfer agents and depositories. In addition, the Commissioner commented on more resent bank activities on which the Commission is presently focusing its attention. One activity was the dividend reinvestment service offered by banks to corporations permitting shareholders to have the option of reinvesting their cash dividend checks automatically in the corporation's stock. Mr. Evans indicated that "the offering of these investment programs may raise questions as to the need for the protections afforded by registration under the Securities Act, and the operation of these plans may also raise questions as to the applicability of the Investment Company Act."

Commissioner Evans also commented on the automatic stock purchase plans being offered by banks to checking account customers and to the general public. The typical plan allows an individual to select stocks from a list of 25 securities and arrange for payments of \$20 to \$500 to be deducted automatically each month from his checking account. These programs are similar in many respects to the monthly investment programs offered by many brokerage firms, and there is a good argument that persons offering a similar service ought to be subject to the same regulations in order that they fairly compete with each other."

After commenting on "mini-account" services offered by banks, Commissioner Evans observed that the Commission has no interest in expanding the Commission's mandate to administer the securities laws into banking or any other areas of activity not involving securities. However, Mr. Evans pointed out that the Commission has an obligation to fulfill completely its statutory responsibility and "that persons competing in the securities markets should be subject to equal rules, regulations, and enforcement standards."

DECISIONS IN ADMINISTRATIVE PROCEEDING

I.F.S., MAC-VEE, JIM, MCCREARY AND JENSEN SANCTIONED. The SEC has censured I.F.S. Investors Services, Inc., a broker-dealer, Chevy Chase, Maryland. It has also suspended Mac-Vee Investment Company, Inc., Manassas, Virginia, JIM Mortgage Brokers, Inc., Fairfax City, Virginia, Thomas W. McCreary, who was president of Mac-Vee, and James A. Jensen, president of JIM, from association with any broker or dealer or member of a registered securities association for three months beginning September 26, 1973. Thereafter, Jensen and McCreary are suspended, until further order of the Commission, from any such association in any supervisory or unsupervised capacity.

During the period December 1971-March 1973 Mac-Vee, JIM, McCreary and Jensen sold unregistered securities of Del Rio Springs, Inc., and made false and misleading statements concerning the assurances of certain yields on an investment in those securities, the risks involved in such investment, and the fees, commissions and interest rates involved. In addition, Mac-Vee and JIM, aided and abetted by McCreary and Jensen, effected transactions as brokers and dealers without being registered with the Commission, and 1.F.S. failed to

supervise McCreary and Jensen, who had been associated with it.

The Commission's order was based on offers of settlement in which the respondents, without admitting or denying the charges, consented to the indicated findings and sanctions. (Rel. 34-10407)

L. F. ROTHSCHILD & CO., AND HOWE CENSURED. An order has been issued censuring L. F. Rothschild & Co., New York, New York and Patricia M. Howe, one of its general

The decision was based on findings that during 1965-69 the firm and Howe failed to disclose fully to the Washington State Finance Committee that during the period they were transacting substantial business with the Washington State Finance Committee through its former Executive Secretary, Howe made personal loans and the firm and Howe extended other favors and benefits to the Executive Secretary.

The Commission's findings were based on an offer of settlement in which respondents, without admitting or denying the charges, consented to the findings and the censures.

(Rel. 34-10406)

COMMISSION ANNOUNCEMENTS

COMMENT PERIOD ON OPTION TRADING REVIEW EXTENDED. The comment period on the Commission's review of option trading by specialists, market makers, floor traders and block positioners announced August 1, 1973 (Rel. 34-10312) has been extended to October 31, 1973. (Rel. 34-10415)

COURT ENFORCEMENT ACTIONS

ORDER ENJOINS SALES OF UNREGISTERED CONDOMINIUM UNITS. The SEC announced that the Federal District Court for the District of Columbia has permanently enjoined Marasol Properties, Iberia Immobiliaria Internacional, Inc., Inter-Fed Travel Services Association, and De Ritchie from violations of the registration and anti-fraud provisions of the securities laws. The Court found, among other things, that the offer and sale of condominiums for the primary purpose of investment rather than occupancy by the purchasers, coupled with an undertaking to arrange continuing rental of the units for the benefit of the purchasers constituted the offer and sale of securities in violation of the registration provisions of the Federal securities laws. (LR-6081)

INVESTMENT COMPANY ACT RELEASES

HARTFORD EQUITY SALES COMPANY. Hartford Equity Sales Company, Inc., a subsidiary of International Telephone & Telegraph's (ITT) Hartford Fire Insurance Company, has filed an application for an exemption from certain provisions of the Act to permit it to serve as principal underwriter for variable annuity contracts issued with respect to the Hartford Variable Life Insurance Company Separate Account, or alternatively, for an order of temporary exemption to permit it to serve until after a final decision on a June 1972 application of ITT and two subsidiaries and pending final disposition of the present application. Interested persons have until October 26, 1973 to request a hearing on the application. (Rel. IC-8018)

HOLDING COMPANY ACT RELEASES

THE COLUMBIA GAS SYSTEM. A notice has been issued giving interested persons until October 23 to request a hearing upon a proposal of The Columbia Gas System, a registered holding company, to issue and sell \$50 million of 10-year promissory notes to a group of commercial banks. The proceeds will be used to complete the 1973 capital expenditure program of Columbia's subsidiary companies. (Rel. 35-18104)

EASTERN UTILITIES ASSOCIATES. An order has been issued authorizing Brockton Edison Company, subsidiary of Eastern Utilities Associates (EUA), to (1) increase its capital stock, (2) sell 320,000 new common shares to EUA, (3) pledge the new common stock under EUA's Indenture, (4) sell 30,000 preferred shares at competitive bidding, and (5) to sell \$10 million of first mortgage bonds at competitive bidding. (Rel. 34-18105)

OHIO POWER COMPANY. A notice has been issued giving interested persons until October 25 to request a hearing on a proposal of Ohio Power Company, subsidiary of American Electric Power Company, Inc. (AEP), to sell \$34,500,000 of common stock to AEP. (Rel. 35-18106)

MONONGAHELA POWER COMPANY. A notice has been issued giving interested persons until October 26 to request a hearing on a proposal of Monongahela Power Company, subsidiary of Allegheny Power System, Inc., to sell 100,000 shares of cumulative preferred stock at competitive bidding. (Rel. 35-18107)

SECURITIES ACT REGISTRATIONS FILED

ADRS FOR VENTERSPOST GOLD MINING COMPANY LIMITED FILED. Morgan Guaranty Trust Co. of New York, 23 Wall St., New York 10015, filed a registration statement seeking registration of 100,000 American Depositary Receipts for Rand One Shares of Venterspost Gold Mining Company Limited (a South African corporation). (File 2-48921 - Aug. 24)

WESTVACO CORPORATION, 299 Park Ave., New York, N.Y. 10017 - 305,144 shares of common stock. It is proposed to offer these shares in exchange for the outstanding shares of United States Envelope Company, at the rate of .85 share for each U.S. Envelope common share and .50 share for each U.S. Envelope preferred share. Merrill Lynch, Pierce, Fenner & Smith, Inc., One Liberty Plaza, New York, has agreed to head a group of underwriters who will solicit exchanges. Westvaco produces paper and paperboard, manufactures specialty chemical products and owns extensive timberlands. U.S. Envelope converts paper and plastic materials into envelopes, cups and other items. (File 2-48957 - Aug. 30)

MGIC INVESTMENT CORPORATION, MGIC Plaza, Milwaukee, Wis. 53201 - \$100 million of sinking fund debentures, due 1988, and \$100 million of convertible subordinated debentures, due 1993, to be offered for sale through underwriters headed by Goldman, Sachs & Co., 55 Broad St., New York, N.Y. 10005. The company, through subsidiaries, insures lenders from losses on residential and commercial mortgage loans, commercial leases, mobile home loans and municipal obligations. (File 2-48959 - Aug. 31)

HARRIS, UPHAM TAX-EXEMPT FUND, FIRST SERIES, 120 Broadway, New York, N.Y. 10005 - \$9,250,000 of units. The Fund is the first of a proposed series of similar but separate trusts created under a trust indenture and agreement among Harris, Upham & Co. Inc., as sponsor, United States Trust Company of New York, as trustee, and Standard & Poor's Corporation, as evaluator. The Fund's objectives are tax-exempt income and conservation of capital through investment in a diversified portfolio of municipal bonds. (File 2-48961 - Aug. 31)

DUTCHMAN HEREFORD COMPANY II, (the general partner), Lauxmont Farms, R. D. #1, Wrightsville, Pa. 17368 - \$1,680,000 of partnership interests in Dutchman Cattle Breeding Systems/1973, to be offered for sale in minimum amounts of \$15,000. The Partnership was formed to engage in producing purebred Hereford and Chianina cattle. (File 2-48964 - Aug. 31)

NBS FINANCIAL CORPORATION, 26500 Northwestern Highway, Southfield, Mich. 48076 - 143,187 shares of common stock. It is proposed of offer these shares in exchange for all the 95,458 outstanding shares of common stock of National Bank of Royal Oak, at the rate of 1.5 shares for each outstanding Bank share. NBS is a bank holding company, which owns substantially all of the outstanding capital stock of National Bank of Southfield. (File 2-48978 - Sept. 4)

OKLAHOMA MORRIS PLAN COMPANY, 322 South Boulder, Tulsa, Okla. 74103 - \$6,000,000 of investment certificates, Series A, to be offered for sale at 100% of principal amount. The company engages in consumer finance business, consisting of making direct loans to individuals and purchasing retail installment sales contracts. (File 2-48982 - Sept. 4)

UNION PLANTERS CORPORATION, 67 Madison Ave., Memphis, Tenn. 38103 - 313,257 shares of common stock. It is proposed to offer these shares in exchange for the outstanding shares of Tennessee National Bancshares, Inc., at the rate of one share for each 3.25 Tennessee shares. Union Planters is a bank holding company, which through subsidiaries, is engaged in the commercial and mortgage banking businesses. (File 2-48983 - Sept. 4)

EQUITABLE VARIABLE LIFE INSURANCE COMPANY, 1285 Avenue of the Americas, New York, N.Y. 10019 - \$50 million of variable life insurance policies. (File 2-48988 - Sept. 5)

AMERICAN STERILIZER COMPANY, 2222 West Grandview Blvd., Erie, Pa. 16509 - 638,400 shares of common stock. It is proposed to offer these shares in exchange for the outstanding common stock, warrants and options of Rehab Corp., at the rate of .84 shares for each Rehab share. American Sterilizer manufactures and distributes a broad range of equipment, instruments and related supplies for use in hospitals. Rehab operates and licenses cardiac centers and owns and operates a rehabilitation hospital. (File 2-48989 - Sep. 5)

NEW YORK LIFE INSURANCE COMPANY, 51 Madison Ave., New York, N.Y. 10010 - \$5,000,000 of variable life insurance policies. (File 2-48990 - Sept. 5)

AMFAC CATTLE COMPANY, P. 0. Box 16086 - 5590 High St., Denver, Colo. 80216 - \$15 million of investment contracts for engaging in cattle feeding programs, to be offered for sale in minimum amounts of \$20,000. (File 2-48991 - Sept. 5)

TEXAS COMMERCE BANCSHARES, INC., 712 Main St., Houston, Tex. 77002 - 370,588 shares of common stock. It is proposed to offer these shares in exchange for the outstanding shares of Irving Bank & Trust Company, Irving, Texas, at the rate of .82353 shares for each Bank share. Bancshares is a bank holding company. (File 2-48992 - Sept. 6)

 $\underline{STOCK\ PLANS\ FILED}$. The following have filed Form S-8 registration statements with the SEC seeking registration of securities to be offered pursuant to employee stock and related plans:

Pott Industries, Inc., Saint Louis, Mo. (File 2-48979) - 100,000 shares La-Z-Boy Chair Company, Monroe, Mich. (File 2-48981) - 70,000 shares IU International Corporation, Wilmington, Del. (File 2-48984) - 1,000,000 shares Texas Industries, Inc., Dallas, Tex. (File 2-48985) - 447,269 shares and (File 2-48986) 108,000 shares

Recognition Equipment Incorporated, Irving, Tex. (File 2-48993) - 150,000 shares

SECURITIES ACT REGISTRATIONS. Effective October 1: Brockton Edison Co., 2-48966; Coleco Industries, Inc., 2-48994 and 2-48995; First Liberty Corp., 2-48888 (Dec. 30); General Electric Co., 2-49091; LCA Corp., 2-48694; Monmouth Capital Corp., 2-46747; Premier Industrial Corp., 2-48973; Texas Commerce Bancshares, Inc., 2-48992.

NOTE TO DEALERS: The period of time dealers are required to use the prospectus in trading transactions is shown in parentheses after the name of the issuer.

MISCELLANEOUS

RECENT FORM 8-K FILINGS

Form 8K is a report which must be filed with the SEC by the 10th of the month after any of the following important events or changes changes in control of the registrant, acquisition or disposition of assets, legal proceedings; changes in securities (i.e., collateral for registered securities), defaults upon senior securities, increase or decrease in the amount of securities outstanding, options to purchase securities, revaluation of assets—submission of matters to a vote of security holders; and any newly enacted requirements effecting registrant's business.

The companies listed below have filed Form 8-K reports for the month indicated, responding to the item of the form specified. Photocopies may be purchased from the Commission's Public Reference Section (in ordering, please give month and year of report). An index of the captions of the items of the form was included in Monday's News Digest.

COMPANY	ITEM NO.	HTHOM
BANCURPURATION OF MUNTANA	7	Jb/73
BBI INC	2,7,0,10,13,14	J 8/73
BIOLOGICAL PRESERVATION INC	11.14	07/73
BURMANS INC	1,3	08/73
BOSTUN EDISUN CO	13	08/73
BRYN MANK CAMP RESURTS INC	8,12,14	08/73
BUILDING SYSTEMS INC	2,13,14	06/73
CANADIAN JAVELIN LTD	3,10,13,14	Ub/73
CARBUN FUEL LU	3	08/73
CARESSERG MUDILE HUME PRUPERILES LTD 72	3,13	06/73
LEUU JURP	3	U8/73
LHARVUZ LAKSEN LURP	13,14	08/73
LUASTAL INDUSTRIES INC	4,13	06/73
CUCA CULA BUTTLING CU UF LUS ANGELES	14	U8/73

CREATURE OF THE CONT	•	
CUMPREHENSIVE COMMUNITIES CORF	13	110 / 73
CUMPUSAMP INC		08/73
CUNAGRA INC	13,14	00/73
	1,24	06/13
CUNDUMINIUMS NURTHWEST INC	13	J5/73
CONVENIENT INJUSTRIES OF AMERICA INC	12,14	05/13
CUKENCU LOKP	7	05/13
CSC INC	7,14	01/13
CURTIS HOUKER CURP		
	13	J8/13
DIGI LUG SYSTEMS INC	±4	JU/73
DIGITEK CURP	à	JU/73
DYMAT INTERNATIONAL CURP	0,10,14	15/13
EBS DATA PROLESSING INC	10,14	30/13
ECKMAR LURP	2,7,13,14	30/13
EXXUN CURP		
	3	30/13
FINANCIERA METRUPULITANA S A	7	u8/13
FITCHBUNG GAS & ELECTRIC LIGHT CO	7,14	U0/13
GENERAL AMERICAN UIL CU JF TLXAS	↓ U	00/15
GENERAL DEVELOPMENT LORP	3,8,13	J8/13
GERIATRIC & MEDICAL CENTERS INC	7.0	00/73
GUULU INVESTURS TRUST		00/73
	2 (7 1 2) .	
HANLEY CUNSULTUATED INC	2,6,7,13,14	00/73
HARUKUM SEKVILES LUKP	3	30/73
HARVEST MARKETS INC	10,13,14	Jo/73
HYNAUTIC INC	1.12.14	36/73
INDUSTRIAL FUELS CURP	15	00/73
INFURMATION TRANSFER INC		36/73
	7.12	
INSTRUMENT SYSTEMS LUKP	2,10,13,14	00/73
INSTRUMENTATION LABORATORY INC	7,14	40/73
INTERNATIONAL BANKNUTE LU INC	4,13,14	Jo/13
INTERNATIONAL LIFE INSURANCE CO OF BUFFA	13,14	00/13
INTERNATIONAL TELEPHONE & TELEGRAPH CORP	3,10,14	38/73
INTERPUBLIC GROUP OF COMPANIES INC	d	00/73
JERSEY CENTRAL POWER & LIGHT CO	10,13	00/73
KAY CURP	2,4,7,9,11,14	00/13
KING RESUURCES CO	3,13,14	06/73
LEIGH PRODUCTS INC	I	00/73
LILAC TIME INC	13	35/73
LITTUN INDUSTRIES INC	10	38/73
MARSH SUPERMARKETS INC	11,13	30/73
MERIDIAN LIFE INSURANCE CU	4.7.8.1+	00/73
MERRILL LYNCH & LU INC	.	00/13
MGIC INVESTMENT CURP	13,14	U8/13
MUNTANA CURP	ರ	30/73
NATIONAL COMMUNITY BUILDERS	1,0,13	00/13
NATIONAL CUMPUTER ANALYSTS INC	11	00/73
NEI CORP	1,11,14	38/13
		16/73
NELSON RESUURCE CURP	4,9,14	
NEWPARK RESUURLES INC	2,7,11	08/73
ORIGINAL CONEY ISLAND INC	2,3,10,13	00/73
USR CURP	2:14	J0/73
UZITE CURP	ز	00/73
PARGAS INC	ż	08/73
PASQUALE FLUD CU INC	13	30/73
	3,13,14	08/73
PENTAIR INDUSTRIES INC	·	
PHARMACARE INC	13,14	J8/73
Pluneer Systems inc	0,10,14	UU/73
PLANT INDUSTRIES INC	3	JU/73
PULLUTION RESEARCH & CONTROL LORP	2,6,10,13	30/73
POTTER INSTRUMENT CO INC	7,13,14	J8/73
	13	05/73
QUALITY DATA PRUCESSING INC		
RADICE REALTY & CONTRUCTION CORP	7,13,14	08/73
RAY PRUUF CORP	1,11,14	00/73
RECOGNITION EQUIPMENT INC	7,14	08/73
RESIDEX CURP	3.13.14	J8/13
RETENTION COMMUNICATION SYSTEMS INC	7,14	36/73
	10,14	08/73
REXHAM LURP		08/73
SCUTTEX CORP	13,14	
SÉNECA FUUDS CURP	10	08/73
SERVO CURP OF AMERICA	7,8,13	J8/73

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SHAN INDUSTRIES INC	4,1	08/73
SMUKE WATCHERS INTERNATIONAL INC	2,3,14	08/73
SPECTRA PHYSICS INC	13,14	00/73
SPEKTI UKUG PRUDUCTS INC	2,3,10,13	06/73
STECHER TRAUNG SCHMINT CORP	3,10,14	0o/13
STERLING STUKES CO INC	7	06/73
TELTRUMIUS SEKVILES INC	1,12,14	08/73
TEMPLEI INDUSTRIES INC	2,8	08 /73
TENNANT LU	13	Us/73
TEXAS GAS TRANSMISSIUM COMP	13	08/73
THRESHULU TECHNOLUGY INC	13,14	04/73
TIME INC	2,7,10,11	JE/73
TOTAL PETRULEUM NUKTH AMERICA LTU	10,14	U8/73
TUTAL SUPPLY SYSTEMS INC	2,14	08/73
TREADWAY COMPANIES INC	12	UB/73
THENTY UNE C CORP	2,14	08/73
UNITED OVERTOR CURP	12,13,14	00/73
UNIVERSAL MARIUN LUKP	13,14	06/73
VARISTSIEMS CURP	13	08/73
VENTURA INTERNATIONAL INC	2	00/73
WELDILT CURP	12,13,14	08/73
WHEELING PITISBUNGH STEEL GURP	3	08/73
WINSTUN N K CUKP	٤	08/73
XUNICS INC	13	08/73
AIR EXPRESS INTERMATIONAL CORP	13,14	J8/73
ALDEN CARE EVIERPRISES INC	• -	
	11,14	07/73
ALDEN DAKE ENTERPRISES INC	2,14	08/73
ALPHA CAPITAL CURP	2,14	09/73
AMERICAN AGRUNUMICS CUFP	3	Jø/73
APPEILD FLUIDIUS INC	13	U8/73
BEALUM KESUUKUES LUKE	13	12/72
BELAIN FINANCIAL CUNT	13.14	04/73
BRUUNS INDUSTRIES INC	8,13	08/73
	•	
WINTER CALIFORNIA PROPERTY	7,8	08/73
LUKINARE INTERNATIONAL INDUSTRIES INC	د 1	U8/73
UILLARU ULPARTMENT STURES INC	7,14	06/73
DIVENSIFIED INDUSTRIES INC	9,11,13	U8/73
EVANS INC	B	09/73
FIRST MARTEURD CURP	2,3,14	09/73
FIRST MISSISSIPPI CORP	2,13,14	00/73
FUNK SEEDS INTERNATIONAL INC	10,14	J8/73
OLEMPIONE DISTILLENTES CO		
	11	J9/73
MAMIETUN INTERNATIONAL CORP	3,14	08/73
HYNES a Homes insundance counselons int	2:14	10/72
HYMES & MUNES INSURANCE COUNSELLORS LITE	2,14	11/72
HYNES & MUNES INSUNAINCE ECUMSELINS INC	2,14	01/73
LUENT IMATION CORP	13	37/73
NUKEUNU INC	11	04/73
LIMITED STURES INC	4,13,14	08/13
LUCAL FINANCE CURP	1,2,4,8,14	00/13
MAGMA ENERGY INC		
	13	09/73
MANAGEMENT ASSISTANCE INC	3,13,14	∂8/73
MARATHUM MAINURACTURING CO	3,7,8,9,13	08/73
NATIONAL COMPOTER SERVICES CORP	13	04/72
NATIONAL COMPUTER SERVICES CORP	43	05/72
NATIONAL COMPOTER SERVICES COPP	3,13	09/72
NATIONAL COMPUTER SERVICES CORP	13	12/72
NATIONAL COMPUTER SERVICES JURP	13	01/73
NATIONAL MINE SERVICE CU	7.14	
NEW ENGLAND ELECTRIC STATEM	• -	08/73
	13	08/73
PACIFIC LIGHTING SERVICE CO	11,13	08/73
RIVERSIUE REAL ESTATE INVESTMENT TRUST	2,14	08/73
SALANT LURY	7,0,14	08/73
SUBURBAN DRUAUCASTING CURP	13,14	08/73
UNIVERSAL CONTAINER CORP	13.14	08/73
VIKUA INC	8	08/73
WUKLUGUM INC	4,2,3,8,43	08/73
	*********	00/13

INIRUL CURP	11+45	Jo/13
MEDICAN SYPINT INDUSTRIAL SIN	10	05/73
AMERICAN EXPURT INDUSTRIES INC AMERICAN GUARANTY CURP RHUDE ISLAND	3,0,10,13,14	08/73 06/73
AMERICAN NATIONAL ENTERPRISES INC	13,14	08/73
ATLANTIC CONTRUL SYSTEMS INC	2,14	08/73
AVUNUALE MILLS	1.10	08/73
BELKNAP INC	12.14	08/73
BOUTHE CUMPUTER CURP	6,13,14	ud/73
CARULINA PIPELINE CU	7	05/73
COLUMNIA PENN GRUUP INC	10,14	08/73
COLUMBIA GENERAL CURP ELECTRONICS MISSILES & CUMMUNICATIONS IN	8,10,14	06/73 06/73
FIRST GREATHEST CURP	12,14 2,7,14	06/73
FIRST TENNESSEE NATIONAL LUKY	7	08/13
GENERAL AIRCRAFT CURP	11	07/73
HERITAGE BANCURPURATION	10	08/13
KEYES FIBRE CJ	4.7.8.14	08/73
LAFAYETTE FUNDS INC	7,14	08/73
LAFAYETTE FUNDS INC	7,14	08/73
LUCKHEED AIRCKAFT CUKP MACRUUYNE CHATILLUN CUKP	3,10,14 13	08/73 08/73
MIDLAND ROSS CURP	10,14	08/73
MUNUGRAM INDUSTRIES INC	10,13,14	00/73
NATHANS FAMUUS INC	1,8	08/73
NEW YURK TELEPHONE CU	7,11,14	08/73
NUMERAX INC	10,14	6773
NUTRITION WORLD INC	7,13,14	08/13
PARK INVESTMENT CO	13,14	06/73
PENNSYLVANIA CO	8	00/13 01/73
PP&C CUMPANIES INC RAYCU INTERNATIUNAL INC	8 7	01/13
SOUTHEAND ROYALTY CU	13	68/73
TAB PRODUCTS CU	3	08/73
TELESCIENCES INC	3.7	08/73
TENNECO CURP	10	Jø/73
TYCO LABORATURIES INC	12,15,14	08/73
WAINOCU OIL LTD	7	08/73
WESTCALIND CORP	13	08/73 05/73
YOSEMITE PARK & CURRY CU AEKU KESUUKULS INC	1,12	US/13
AFÜUA	3,14	J # / 13
AIRBURNE FREIGHT LURP	11114	03/73
ALEXANDER & ALLAANDER SERVICES INC	13	10/13
AMERICAN METAL CLIMAX INC	139.4	61/10
ANSUNIA WIKE & UMBLE UU	ز	52/73
BENUIX CORP	3	08/73
BERMEL CURP	2,13 13	33/13 21/20
BISHUP INDUSTRIES INC BRANDUM APPLIED SYSTEMS INC	11,15,14	00/13
CABLE FUNDING CURP	1,3	Jo/73
CANRAD MANUVIA INC	3,14	Ju/13
CENTURY TELEPHONE ENTERPRISES INC	1	00/13
Champion inc	11,14	00/73
CHICAGO ROCK ISLAND & PACIFIC RAILRUAD C	1.1	14/73
CULLINS KAUTO CO	10,13,14	00/13
COMMUNACALTH DUCTURS HUSPITAL INC	2,3,7,10,13,14	08/73 27/13
CONSULTUATED FOUDS CORP CONTINENTAL CARE CENTERS INC	5,14	03/73
CRESSUM CUNSULTUATED INC	2,12,14	37/12
DATATRUM INC	3	00/13
DEKU INDUSTRIES INC	13	Js/73
DINERS CLUB INC	t	09/13
DOUGHERTY DRUTHERS OU	13,14	07/73
EAST MULLINE DUWNS INC	د .	00/73
EMERSONS LTU	7 4,14	07/13 01/13
ENRUL INDUSTRIES INC	10,14	06/73
ESSEX BANCUKY INC	10114	55, 15

		
FANNY FARMER LANUY SHUPS INC	10,14	00/73
FANSILEL INC	13.14	09/73
FARMLAND INDUSTRIES INC	8	06/73
FINANCIAL LAND CURP	9,11	04/13
FIRST DENESHARES OF FLURIDA INC	<u>.3</u>	08/73
FLURIDA INVESTMENT IRUST FUDD FAIR STORES INC	15	U8/73
OBC CEUSED CIRCUIT TV CURP	3	08/73
ORANITEVILLE CO	9,14	06/73
ORAY HANDEACTURING LU	13 7,15	08/73
DREAT NORTHERN MANAGEMENT CO INC	7,13 3,13	08/73
UKEENALCH GAS CO	7.14	08/73 08/73
HALLISUKTON CO	3	09/73
HAMILION INVESTMENT TRUST	13,14	03/73
MARKELSON RUSSER CO	3	09/73
HARIFLEN LIFE INSURANCE CO	12,14	36/73
HEIST O II CUMP	11,14	11/72
HUSKINS MANORACTURING CU	1.14	00/73
HUMONY TISER INC	8	08/73
INDECON INC	12,14	08/73
INLANU INC	1	03/72
INTERNAL TOWAR AIRPORT HOTEL SYSTEM INC	i3	09/73
INTERNATIONAL ASSEMBLIX CORP	3,14	J8/13
INTERNATIONAL MINING CURP	13	Ū8/73
INTERNATIONAL TIMESHAKING CURP	2	09/73
INTLKSTATE STUKES INC	13	ÿ4/73
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INVESTIGES KUYALIY DO INU ITEL INVESTIGES OKUUP I	11	08/73
JERVIS GURP	13,14	08/13
JEWLL COMPANIES INC	4,14	30/73
JUHNSON MILLS INC	7	08/73
KATHUL PETROLEUM INC	10	06/73
KUKACUKP INDUSTRIES INC	1,2,3,4,7,9,11,13 2,6,13,14	
KURFUND INC	13	08/73 07/73
LANE SUPERIOR DISTRICT PUMER CO	7	09/73
LABER SYSTEMS & ELECTRUNIUS INC	7,14	Ü8/73
LIGGETT & MYERS INC	13,14	07/73
LQ BUIUR INNS INC	4,7,6,14	08/73
LVU CAGLE INC	7,14	07/73
MACANUKERS & FURBES CU	10,13	03/73
MAGMA PORER CO	13	09/73
MATTHENS JAMES IN & CU	1,2,8	08/73
MCKAC JUNSULTUATED WIL & GAS INC	1,2,7,14	07/73
MEAD CORP	7,8,14	08/73
MIULANU UIL CURF	2	04/73
MIDEANU DIE CURP	2	05/13
MIDLAND DIE CORP MISS PAT	2	06/73
MUNTCALM VININERS INC	2,13	08/73
NATIONAL COMPOTER SERVICES CORP	7,14	06/73
MATIONAL COMPUTER SERVICES CURP	1,2,11,12,13	11/71
NATIONAL CUMPUTER SERVICES CURP	13	03/72
NATIONAL COMPUTER SERVICES CORP	3:13 7:13	10/72 04/73
NASTUNAL COMPUTER SERVICES CURP	3,13	04/73
NATIONAL COMPUTER SERVICES CORP	13	07/73
NATIONAL LIVING CENTERS INC	1,4,11,14	08/73
NATIUNAL SUUAK KÉFINING LU	12,14	08/73
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