

RESOLUTION 1996- 25

A RESOLUTION ALLOWING AZTAR INDIANA GAMING CORP. TO POST LETTER OF CREDIT NO. 103 TO REPLACE THE CASH DEPOSIT THAT WAS POSTED IN DECEMBER, 1995

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The following factors have been considered by the Commission:

1. Aztar Indiana Gaming Corp. ("Aztar") commenced gaming operations on or before December 5, 1995.
2. Pursuant to IC 4-33-6-9, a riverboat licensee is to post a bond determined by the Commission to be in an amount the Commission determines will be adequate to secure fulfillment of Aztar's legal and financial obligations to the City of Evansville, the State of Indiana, and other aggrieved parties as determined by the Commission.
3. Aztar posted Letter of Credit 101 in the amount of \$5,200,000 with the National City Bank of Evansville on August 29, 1994. Aztar posted Letter of Credit 102 in the amount of \$8,250,000 with the National City Bank of Evansville on August 29, 1994. Letter of Credit 102 is fully cash collateralized. Both Letters of Credit are irrevocable and satisfy the statutory requirements of IC 4-33-6-9. The amounts of those Letters of Credit are sufficient to satisfy the incentive payments that Aztar is to pay to the City of Evansville as a condition of the issuance of the Certificate of Suitability.
4. The Commission staff recommended that an additional bond in the amount of \$2,000,000 be posted in the form of a Letter of Credit, Cash or Negotiable Securities, or a Surety Bond. On or about December 4, 1995, Aztar posted the additional bond of \$2,000,000 in the form of a cash deposit with the State of Indiana Treasurer's Office.
5. On or about April 4, 1996, the instruments in which the \$2,000,000 was invested matured, and Aztar submitted Letter of Credit No. 103 to the Commission. Pursuant to Letter of Credit 103, Aztar posted \$2,000,000 with The National City Bank of Evansville, Indiana on or about April 3, 1996. Letter of Credit 103 is irrevocable and satisfies the surety requirements of IC 4-33-6-9.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

SECTION 2. APPROVAL OF THE LETTER OF CREDIT POSTED BY AZTAR.

The Commission hereby approves Letter of Credit 103 in the amount of \$2,000,000 posted by Aztar with National City Bank on or about April 3, 1996, and ratifies the release of the \$2,000,000 cash deposit to Aztar.

SECTION 3. EFFECTIVE DATE.

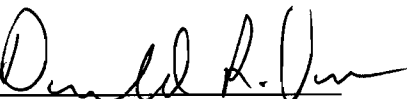
This RESOLUTION is effective immediately.

ADOPTED, THIS THE 17TH DAY OF APRIL, 1996:

THE INDIANA GAMING COMMISSION:


Alan I. Klineman, Chair

ATTEST:


Donald R. Vowels, Secretary