

~~4. THAT PORTION OF ANY RENTAL PAYMENT WHICH IS APPLICABLE TO THE SPACE SUBLEASED FROM THE BANK OR TRUST COMPANY AND NOT USED BY IT.~~

~~(11) (I) "LOAN" MEANS ANY EXTENSION OF CREDIT RESULTING FROM DIRECT NEGOTIATIONS BETWEEN THE BANK OR TRUST COMPANY AND ITS CUSTOMER, AND/OR THE PURCHASE, IN WHOLE OR IN PART, OF SUCH EXTENSION OF CREDIT FROM ANOTHER. LOANS INCLUDE PARTICIPATIONS, SYNDICATIONS, AND LEASES TREATED AS LOANS FOR FEDERAL INCOME TAX PURPOSES.~~

~~(II) "LOAN" DOES NOT INCLUDE:~~

~~1. PROPERTIES TREATED AS LOANS UNDER § 595 OF THE INTERNAL REVENUE CODE;~~

~~2. FUTURES OR FORWARD CONTRACTS;~~

~~3. OPTIONS;~~

~~4. NOTIONAL PRINCIPAL CONTRACTS SUCH AS SWAPS;~~

~~5. CREDIT CARD RECEIVABLES, INCLUDING PURCHASED CREDIT CARD RELATIONSHIPS;~~

~~6. NONINTEREST BEARING BALANCES DUE FROM DEPOSITORY INSTITUTIONS;~~

~~7. CASH ITEMS IN THE PROCESS OF COLLECTION;~~

~~8. FEDERAL FUNDS SOLD;~~

~~9. SECURITIES PURCHASED UNDER AGREEMENTS TO RESELL;~~

~~10. ASSETS HELD IN A TRADING ACCOUNT;~~

~~11. SECURITIES;~~

~~12. INTERESTS IN A REMIC, OR OTHER MORTGAGE BACKED OR ASSET BACKED SECURITY, AND~~

~~13. OTHER SIMILAR ITEMS.~~

~~(12) "LOAN SECURED BY REAL PROPERTY" MEANS THAT 50% OR MORE OF THE AGGREGATE VALUE OF THE COLLATERAL USED TO SECURE A LOAN OR OTHER OBLIGATION, WHEN VALUED AT FAIR MARKET VALUE AS OF THE TIME THE ORIGINAL LOAN OR OBLIGATION WAS INCURRED, WAS REAL PROPERTY.~~

~~(13) "MERCHANT DISCOUNT" MEANS THE FEE OR NEGOTIATED DISCOUNT CHARGED TO A MERCHANT BY THE BANK OR TRUST COMPANY FOR THE PRIVILEGE OF PARTICIPATING IN A PROGRAM WHEREBY A CREDIT CARD IS ACCEPTED IN PAYMENT FOR MERCHANDISE OR SERVICES SOLD TO THE CARD HOLDER.~~