

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: CYNTHIA S. KERN  
KERN J.S.C.  
Justice

PART 55

AMERICAN AGENTS INSURANCE COMPANY

INDEX NO.

400161/01

MOTION DATE

MOTION SEQ. NO.

69

MOTION CAL. NO.

- v -

RE:

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for \_\_\_\_\_

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

PAPERS NUMBERED

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion is granted as per the attached order.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

**FILED**

NOV 29 2013

COUNTY CLERK'S OFFICE  
NEW YORK

RECEIVED  
NOV 27 2013  
TAG MOTION SUPPORT OFFICE  
TAGS SUPREME COURT-CIVIL

Dated: 11/26/13

CYNTHIA S. KERN  
J.S.C. J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

**FILED**

NOV 29 2013

COUNTY CLERK'S OFFICE  
NEW YORK

At IAS  
Part 55 of the Supreme Court of the  
State of New York, County of New  
York, at the Courthouse, 60 Centre  
Street, in the County, City and State  
of New York, on the 26<sup>th</sup> day of  
November, 2013.

PRESENT:

HON. CYNTHIA S. KERN, J.S.C.  
-----X

In the Matter of

Index No.: 400161/01

the Liquidation of

**ORDER**

AMERICAN AGENTS INSURANCE COMPANY.  
-----X

Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of the Superintendent of Financial Services of the State of New York ("Superintendent") as Liquidator ("Liquidator") of American Agents Insurance Company ("AAIC"), having moved this Court, pursuant to Article 74 of the New York Insurance Law, for an order: (i) approving the Liquidator's report ("Closing Report") on the status of and request to close AAIC's liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated therein; (ii) authorizing the continued payment of administrative expenses, including such expenses pertaining to the closing of the Liquidation Proceeding; (iii) terminating and closing the Liquidation Proceeding; (iv) authorizing the Liquidator, without further application to this Court, to continue to receive and disburse assets, pursuant to Insurance Law Article 74, to those creditors of AAIC with allowed claims who are eligible to share in a *pro-rata* distribution, after the termination of the Liquidation Proceeding, and to pay administrative expenses incurred in connection with the collection of such assets; (v) releasing and discharging the Liquidator, his

predecessors and successors in office, and their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with the Liquidation Proceeding; (vi) authorizing and directing the Liquidator, in his discretion, to destroy or otherwise dispose of any and all of the books, files, records and other property of AAIC without further order of this Court; and (vii) providing for such other and further relief as this Court deems appropriate and just.

NOW, upon reading the Verified Petition, dated September 18, 2013, due proof of service thereof upon all parties interested in AAIC, and due deliberation having been had thereon, and upon the decision of this Court;

NOW, on application of John Pearson Kelly, attorney for the Liquidator, it is

ORDERED, that the application is granted; and it is further

ORDERED, that the Liquidator's Closing Report on the status of and request to close AAIC's Liquidation Proceeding and the financial transactions delineated therein is approved; and it is further

ORDERED, that the Liquidator is authorized to continue paying administrative expenses, including such expenses pertaining to the closing of the Liquidation Proceeding; and it is further

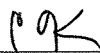
ORDERED, that the Liquidation Proceeding is terminated and closed; and it is further

ORDERED, that the Liquidator is authorized, without further application to this Court, to continue to receive and disburse assets, pursuant to Insurance Law Article 74, to those creditors of AAIC with allowed claims who are eligible to share in a *pro-rata* distribution, after the termination of the Liquidation Proceeding, and to pay administrative expenses incurred in connection with the collection of such assets; and it is further

ORDERED, that the Liquidator, his predecessors and successors in office, and their agents, attorneys and employees, are released and discharged from any and all liability arising from their acts or omissions in connection with the Liquidation Proceeding; and it is further

ORDERED, that the Liquidator is authorized and directed, in his discretion, to destroy or otherwise dispose of any and all of the books, files, records and other property of AAIC without further order of this Court.

ENTER

  
\_\_\_\_\_  
J.S.C.

**CYNTHIA S. KERN**  
J.S.C.

**FILED**  
NOV 29 2013  
COUNTY CLERK'S OFFICE  
NEW YORK