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7/13/14  
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SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: MOULTON  
Justice

PART 40B

AMWEST SURETY INSURANCE CO.

INDEX NO. 404966/01

- v -  
RE:

FILED

MOTION DATE

MOTION SEQ. NO.

MOTION CAL. NO.

JUL 03 2014

RECEIVED  
06  
JUL 3 2014  
GENERAL CLERK'S OFFICE  
NYS SUPREME COURT - CIVIL

Without  
Further  
Order

The following papers, numbered 1 to COUNTY read on this motion to/for  
CLERK'S OFFICE  
NEW YORK

PAPERS NUMBERED

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

Answering Affidavits — Exhibits

Replying Affidavits

Cross-Motion:  Yes  No

Order to Show Cause

Upon the foregoing papers, it is ordered that this motion

Petition to close the

an allay receivership proceeding of Amwest and  
authorize the New York Liquidation Bureau to receive and  
distribute to the New York Property/Casualty Insurance  
Security Fund, any future distributions from the Nebraska  
liquidator, in amounts owed to the New York Property/Casualty  
Fund (Insurance Law § 7609) where the Nebraska liquidator  
will make a final general asset distribution (on a consensual  
future date) to reimburse the New York Property/Casualty  
Insurance Fund, as granted. The New York Liquidation Bureau  
will save administration fees by not having to file annual  
reports under Insurance Law § 7405(e). All Amwest claims,  
eligible to be paid, have been paid and pursuant to the  
affidavit of John Pearson Kelly no opposition has been received  
to the order to show cause.  
Order signed simultaneously to New York.

HON. PETER H. MOULTON  
SUPREME COURT JUSTICE

Dated: 7/2/14

*[Signature]*

J.S.C.

Check one  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

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

57

At IAS Part 40~~B~~ of the Supreme Court of the State of New York, County of New York, at the courthouse at 111 Centre Street in the County, City and State of New York, on the 2nd day of July, 2014.

P R E S E N T:

HON. PETER MOULTON, J.S.C.

-----x

In the Matter of

the Ancillary Receivership of

AMWEST SURETY INSURANCE COMPANY.

-----x

**FILED**

Index No.: 404966/01

JUL 03 2014

**ORDER**

COUNTY CLERK'S OFFICE  
NEW YORK

Mary Jo Marchisello, Assistant Special Deputy Superintendent (“Assistant Special Deputy”) and Agent of the Superintendent of Financial Services of the State of New York as ancillary receiver (“Ancillary Receiver”) of Amwest Surety Insurance Company (“Amwest”), having moved this Court for an order: (i) approving the Ancillary Receiver’s report (“Report”) on the status of, and request to close, the ancillary receivership proceeding of Amwest (the “Ancillary Receivership”) and the financial transactions delineated therein; (ii) authorizing the continued payment of administrative expenses, including such expenses pertaining to the closing of the Ancillary Receivership; (iii) terminating and closing the Ancillary Receivership; (iv) releasing and discharging the Ancillary Receiver, 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 Ancillary Receivership; (v) authorizing the New York Liquidation Bureau (the “NYLB”) to receive and disburse to the New York Property/Casualty Insurance Security Fund (the “P/C Fund”), established pursuant to Article 76 of the New York Insurance Law, any future distributions from the Insurance Director of the State of Nebraska as

domiciliary receiver of Amwest (the "Liquidator") in payment of amounts owed to the P/C Fund without further application to this Court and after deducting all administrative expenses in connection with such disbursements; (vi) authorizing and directing the Ancillary Receiver, in his discretion, to destroy or dispose of any and all of the books, files, records and other property of Amwest in his possession, including by transferring them to the Liquidator, upon termination of the Ancillary Receivership, 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 November 7, 2013, due proof of service thereof upon all parties interested in Amwest, and due deliberation having been had thereon, and upon the decision of this Court;

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

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

ORDERED, that the Report and the financial transactions delineated therein are approved; and it is further

ORDERED, that the Ancillary Receiver is granted the authority to continue to pay administrative expenses, including such expenses pertaining to the closing of the Ancillary Receivership; and it is further

ORDERED, that the Ancillary Receiver, 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 Ancillary Receivership; and it is further

ORDERED, that the NYLB is granted the authority to receive and disburse to the P/C Fund any future distributions from the Liquidator in payment of amounts owed to the P/C Fund without further application to this Court and after deducting all administrative expenses in connection with such disbursements;

ORDERED, that the Ancillary Receiver in his discretion is authorized and directed to destroy or dispose of any and all of the books, files, records and other property of Amwest in his possession, including transferring them to the Liquidator, upon termination of the Ancillary Receivership, without further order of this Court; and it is further

ORDERED, that the Ancillary Receivership is terminated and closed.

ENTER

  
J.S.C.

**HON. PETER H. MOULTON**  
**SUPREME COURT JUSTICE**

**FILED**

JUL 03 2014

COUNTY CLERK'S OFFICE  
NEW YORK

