

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

PRESENT: HON. RICHARD F. BRAUN
J.S.C.
Justice

PART 23

Case: Colonial Indemnity Insurance Co.

INDEX NO. 405444/07
MOTION DATE _____
MOTION SEQ. NO. 007

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

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ No(s). _____
Answering Affidavits — Exhibits _____ No(s). _____
Replying Affidavits _____ No(s). _____

Upon the foregoing papers, it is ordered that this motion is *granted on default* to the extent of *the separate Order and Judgment of this date.*

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

FILED
DEC 05 2014
NEW YORK
COUNTY CLERK'S OFFICE

Dated: New York, New York, December 4, 2014

EMBA: [Signature], J.S.C.

1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
- DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

FILED
DEC 05 2014
COUNTY CLERKS OFFICE
NEW YORK

At IAS Part 23 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 80 Centre Street, in the County, City and State of New York, on the 5th day of December, 2014.

P R E S E N T:

HON. RICHARD F. BRAUN, J.S.C.

-----X
In the Matter of DINALLO, ERIC
the Liquidation of

Index No.: 405444/07

ORDER AND Judgment

COLONIAL INDEMNITY INSURANCE COMPANY.
-----X

Scott D. Fischer, Acting Special Deputy Superintendent and agent of the Superintendent of Financial Services of the State of New York as liquidator ("Liquidator") of Colonial Indemnity Insurance Company ("Colonial"), having moved this Court for an order: (i) approving the Liquidator's report on the status of and request to close ("Closing Report") the Colonial liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated in such report; (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 order of this Court, to receive and disburse assets of Colonial after the termination of the Liquidation Proceeding and to use such assets, first to pay administrative expenses incurred in connection with the collection and disbursement of such additional assets, and then to distribute the balance of such assets to those creditors of Colonial with allowed claims who are eligible to share in a *pro-rata* distribution; (v) approving the Liquidator's recommendation to allow the claim of the New York Property/Casualty Insurance Security Fund ("PC Fund") for expenses and losses it

paid, totaling \$24,627.16; (vi) 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; (vii) 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 Colonial without further order of this Court; and (viii) providing for such other and further relief as this Court deems appropriate and just.

NOW, upon reading the Verified Petition, dated October 16, 2014, due proof of service thereof upon all parties interested in Colonial, 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 Closing Report on the status of and request to close the Liquidation Proceeding and financial transactions delineated such Closing Report are approved; and it is further

ORDERED, that the Liquidator is granted the continued authority to pay 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 receive and disburse assets of Colonial after the termination of the Liquidation Proceeding and to use such assets, first to pay administrative expenses incurred in connection with the collection and disbursement of such additional assets, and then to distribute the balance of such assets to

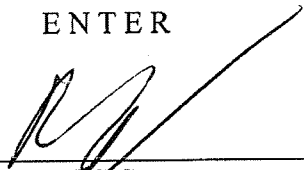
those creditors of Colonial with allowed claims who are eligible to share in a *pro-rata* distribution; and it is further

ORDERED, that the Liquidator's recommendation to allow the claim PC Fund for expenses and losses it paid, totaling \$24,627.16 is approved;

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

ENTER



J.S.C.

FILED
DEC 05 2014
COUNTY CLERKS OFFICE
NEW YORK

Index No. 405444

Year 2007

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

In the Matter of

the Liquidation of

COLONIAL INDEMNITY INSURANCE COMPANY.

ORDER

JOHN PEARSON KELLY

Attorney for Superintendent of Financial Services of the State of New York as Liquidator

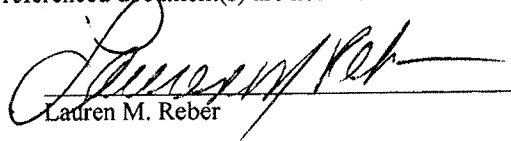
Office and Post Office Address, Telephone

New York Liquidation Bureau
110 William Street
New York, NY 10038
(212) 341-6523
Fax (212) 233-0461

ATTORNEY CERTIFICATION

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information, belief and reasonable inquiry, the contentions in the above referenced document(s) are not frivolous.

Dated: December 4, 2014
New York, New York


Lauren M. Reber

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on the day of 20

NOTICE OF SETTLEMENT

that an order
for settlement to the HON.

of which the within is a true copy will be presented
one of the judges of the within named court, at
20 at

Dated:

, on

Yours, etc.

JOHN PEARSON KELLY

Attorney for Superintendent of Financial Services
of the State of New York as Liquidator

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