

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

PRESENT: HON. PAUL G. FEINMAN  
*Justice*

PART 12

Re: mml Assurance,  
Inc. - v -

INDEX NO. 404631/06  
MOTION DATE 77  
MOTION SEQ. NO. 3  
MOTION CAL. NO. 5/13/11

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 without  
opposition. Proposed order signed.

**FILED**

MAY 20 2011

NEW YORK  
COUNTY CLERK'S OFFICE

Dated: 5/17/2011

*[Signature]*

J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

SUBMIT ORDER/ JUDG.  SETTLE ORDER/ JUDG.

MOTION CASES RESPECTFULLY REFERRED TO JUSTICE

FOR THE FOLLOWING REASON(S):

Practical approach  
referred to a non-e-filing party

*[Signature]*  
5/17/11

At IAS Part 12, 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 17 day of May, 2011.

P R E S E N T :

HON. PAUL G. FEINMAN, J.S.C.

-----X

In the Matter of

the Liquidation of

MMLA ASSURANCE, INC.

-----X

Index No.: 404631/06

**FILED**

**ORDER**

**MAY 20 2011**

NEW YORK  
COUNTY CLERK'S OFFICE

Petitioner Dennis J. Hayes, Special Deputy Superintendent ("Special Deputy") and agent of the Superintendent of Insurance of the State of New York as liquidator ("Liquidator") of MML Assurance, Inc. ("MMLA"), having moved this Court for an order: (i) approving the Liquidator's final report concerning the status of the liquidation of MMLA ("Final Report") and the financial transactions delineated therein; (ii) authorizing the continued payment of administrative costs and expenses; (iii) authorizing the Liquidator to disburse assets, to the extent assets are available after payment of administrative costs and expenses, to MML Financial, LLC ("MML Financial"); (iv) authorizing the Liquidator to reserve \$100,000 of MMLA's assets in an escrow account pending the receipt of a release from the Internal Revenue Service regarding the Liquidator's payment of a tax lien; (v) authorizing the Liquidator to receive and disburse to MML Financial, without further application to this Court, any receipts that are received after the termination of the Liquidation Proceeding; (vi) authorizing the Liquidator to disburse to MML Financial the monies held in escrow after termination of the liquidation proceeding, without further order of this Court; (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 MMLA without further order of this Court; (viii) 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; (ix) terminating and closing the liquidation proceeding; and (x) granting such other relief as this Court deems appropriate and just.

NOW, upon reading the Verified Petition, dated March 29, 2011, due proof of service thereof upon MML Financial, 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 within liquidation proceeding is terminated and closed and that the Liquidator, his predecessors and successors in office, their agents, attorneys, and employees are released and discharged from any and all liability as to all matters embraced in the within proceeding and from any and all further liability in the liquidation of MMLA; and it is further

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

ORDERED, that the Liquidator is authorized to continue paying administrative costs and expenses; and it is further

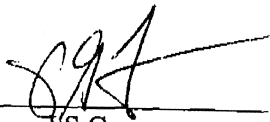
ORDERED, that the Liquidator is authorized to distribute MMLA's assets, consistent with this Court's orders and the priorities set forth in Insurance Law Section 7434, to those creditors of MMLA with allowed claims to the extent that, in the Liquidator's discretion, sufficient funds are available; and it is further

ORDERED, that the Liquidator is authorized to reserve \$100,000 of MMLA's assets in an escrow account pending the receipt of a release from the Internal Revenue Service regarding the Liquidator's payment of a tax lien; and it is further

ORDERED, that the Liquidator is authorized to disburse to MML Financial the monies held in escrow after termination of the liquidation proceeding, without further order of this Court; and it is further

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

ENTER

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

**FILED**

**MAY 20 2011**

NEW YORK  
COUNTY CLERK'S OFFICE