

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

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In the Matter of the Liquidation of:

Index No.: 42173/1984

**SUPPLEMENTAL AFFIRMATION**

NASSAU INSURANCE COMPANY

**Return Date: July 15, 2015**

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Scott D. Fischer, an attorney duly admitted to practice before the Courts of the State of New York, affirms, under CPLR 2106, as follows:

1. I am the duly appointed agent of Anthony J. Albanese, the Acting Superintendent of Financial Services of the State of New York as Liquidator (“Liquidator”) of Nassau Insurance Company, and submit this supplemental affirmation in further support of the Liquidator’s motion, brought by way of Order to Show Cause, for an order approving the terms and conditions of the Trust Agreement and granting authority for the Liquidator to perform the terms of the Trust Agreement (the “Motion”). Terms defined in my June 16, 2015 affirmation in support of the Motion have the same meaning herein.

2. Subsequent to the filing of the Motion, the parties amended Article II, Section 2.3 of the Trust Agreement to reflect that the NYLB will review the final accounting to be filed with it by the Trustee and thereafter file such final accounting, with any comments it might have, in this Court (the “Trust Amendment”). The Trust Amendment is annexed hereto as Exhibit “A”.

3. The Liquidator supplements the Motion to respectfully request that this Court approve the terms and conditions of the Trust Agreement as amended.

WHEREFORE, the Liquidator respectfully requests that this Court grant the application, issue an order approving the Trust Agreement as amended and granting the Liquidator such other and further relief as is just and proper.

Dated: New York, N.Y.  
June 29, 2015

A handwritten signature in black ink, appearing to read "Scott D. Fischer". The signature is written in a cursive style with a large initial "S".

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Scott D. Fischer, Esq.

# **EXHIBIT A**

**AMENDMENT TO THE CREDITOR TRUST AGREEMENT**

Field Code Changed

This Amendment amends the June 16, 2015 Creditor Trust Agreement between Nassau Resolution, LLC as trustee ("Creditor Trustee") and Nassau Insurance Company, in Liquidation ("Nassau") pursuant to Article VII, Section 7.1 of the Creditor Trust Agreement.

**AMENDMENT**

Effective as of the date of this Amendment, the following amendment shall be made to the Agreement:

Clause 2.3 Final Accounting of Article II shall now read:

2.3 Final Accounting. Upon termination of the Creditor Trust, the Creditor Trustee shall file an accounting with the New York Liquidation Bureau ("NYLB") setting forth the amount it has collected and disbursed, and the fees and expenses incurred in administering the Creditor Trust, including the fees and expenses incurred by the Creditor Trustee and its professionals. The Creditor Trust's professionals shall be required to maintain accurate time records (if and to the extent they are compensated based on time) and expense records. The NYLB shall review such accounting and arrange for the accounting, including any comments of the NYLB thereon, to be filed with the Liquidation Court.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed by their respective authorized officers as of the day and year first above written.

ANTHONY J. ALBANESE  
Acting Superintendent of Financial Services of  
the State of New York as Liquidator of  
Nassau Insurance Company

BY: Scott D. Fischer DATE: 6/29/11  
Scott D. Fischer  
Acting Special Deputy Superintendent  
and Agent

NASSAU RESOLUTION, LLC  
As Creditor Trustee

BY: Garrison Resnick DATE: 6/29/11  
Garrison Resnick  
Member

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

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the Liquidation of

NASSAU INSURANCE COMPANY.

SUPPLEMENTAL AFFIRMATION

**JOHN PEARSON KELLY**

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

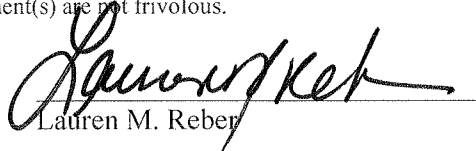
*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street – 15<sup>th</sup> Floor  
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: June , 2015  
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  
settlement to the HON.

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

Dated:

, on

Yours, etc.

**JOHN PEARSON KELLY**

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

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