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PART 46

At IAS Part 46 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 71 Thomas Street, in the County, City and State of New York, on the 11th day of January, 2010.

031870

P R E S E N T:

HON. LUCY BILLINGS, J.S.C.

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In the Matter of

Index No.: 400850/10

the Liquidation of

ORDER TO SHOW CAUSE

ADIRONDACK INSURANCE COMPANY OF NEW YORK,
BENSON & JAMES INSURANCE COMPANY INC.,
DENALI CASUALTY COMPANY,
DENALI NATIONAL SURETY COMPANY,
E TITLE INSURANCE, INC.,
OLD TOWER INSURANCE COMPANY,
PMI MORTGAGE INSURANCE CO. OF NY and
WESTMINSTER NATIONAL INSURANCE CORPORATION.

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FOR THE CLERK OF THE COURT ONLY
APPROPRIATE TO BE FILED
IN THE COUNTY CLERK'S OFFICE

affidavit

Based upon the attached ~~verified petition~~ (the "~~Verified Petition~~") of Dennis J. Hayes, Special Deputy Superintendent and Agent of James J. Wrynn, Superintendent of Insurance of the State of New York, as liquidator (the "Liquidator") of Adirondack Insurance Company of New York, Benson & James Insurance Company Inc., Denali Casualty Company, Denali National Surety Company, E Title Insurance, Inc., Old Tower Insurance Company, PMI Mortgage Insurance Co. of NY and Westminster National Insurance Corporation (collectively, the "Companies"), duly verified the 23rd day of December, 2010, ^{and} the exhibits attached thereto and upon all other papers previously submitted, and it appearing that the relief therein prayed for be granted;

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NOW, on motion of John Pearson Kelly, attorney for the Liquidator, requesting the issuance of an order: (i) approving the Liquidator's first and final report on the status of the Companies' liquidation proceeding (the "First and Final Report"); (ii) authorizing and directing the Liquidator to destroy or otherwise dispose of any and all of the books, files, records and other property of the Companies without further order of this Court; (iii) releasing and discharging the Liquidator, his predecessors and successors in office, their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with this proceeding; and (iv) terminating and closing this proceeding.

The Liquidator also requests that this Court issue this Order to Show Cause approving: (i) a return date at least 45 days after the date of issuance of this Order to Show Cause for a hearing ("Hearing") on the ~~petition~~^{motion} to be held before this Court; (ii) the form of notice to be given to all creditors, claimants and other persons interested in the Companies' affairs regarding the ~~petition~~^{motion} and the Hearing ("Notice"); and (iii) the method of service of the Notice, *i.e.*, by United States first class mail to Lana Choy at 121 Vanderbilt Road, Manhasset, New York, and Gregory W. Gardellis at 3 Birchfield Road, Larchmont, New York, and to all other interested parties by publication in *Business Insurance*, once a week for two consecutive weeks commencing within four weeks of entry of this Order to Show Cause, and posting on the Internet web page maintained by the New York Liquidation Bureau at <http://nylb.org>, within 30 business days of entry of this order;

AND, sufficient cause having been alleged therefor and this Court having found the form and method of the notice specified herein to be the best notice practicable, it is hereby

ORDERED, that:

1. All creditors, claimants and other persons interested in the Companies' affairs wishing to object to the relief requested in ~~the Verified Petition~~, ^{this Order to Show Cause} show cause before this Court at ^{76 Thomas} ___ Street, New York, New York, IAS Part 44, Courtroom 204, on the 23rd day of February 2011 at 9:30 a.m., or as soon thereafter as counsel can be heard, why an order granting the relief sought in ~~the petition~~ ^{Order to Show Cause} should not be issued;
2. The Notice in the form attached hereto be served on all creditors, claimants and other persons interested in the Companies' affairs by the method of service of the Notice, *i.e.*, by United States first class mail to Lana Choy at 121 Vanderbilt Road, Manhasset, New York, and Gregory W. Gardellis at 3 Birchfield Road, Larchmont, New York, and to all other interested parties by publication in *Business Insurance*, once a week for two consecutive weeks commencing within four weeks of entry of this Order to Show Cause and posting on the Internet web page maintained by the New York Liquidation Bureau at <http://nylb.org>, within 30 business days of entry of this order;
3. The form and method of the Notice specified herein shall constitute due and sufficient notice of this Order to Show Cause, ~~Verified Petition~~ ^{attached affidavit} and Hearing to all persons and entities entitled to receive such notice;
4. Any person or entity wishing to object to the relief requested in the ~~Verified Petition~~ ^{Order to Show Cause} must serve a written statement, setting forth the objections and attaching all supporting documentation, upon the Liquidator and file same with the Clerk of the Court at least 15 business days prior to the above-

scheduled return date. Service on the Liquidator is to be made by United States first class mail to the following address:

Superintendent of Insurance of the
State of New York as Liquidator of
Adirondack Insurance Company of New York, Benson &
James Insurance Company Inc., Denali Casualty
Company, Denali National Surety Company, E Title
Insurance, Inc., Old Tower Insurance Company, PMI
Mortgage Insurance Co. of NY and Westminster National
Insurance Corporation
110 William Street
New York, New York 10038-3889
Attention: Lauren M. Reber, Esq.

5. No person or entity will be entitled to object to the ^{relief} ~~petition~~ or otherwise be heard, except by serving and filing a written objection as described above, and any person who fails to so object shall be deemed to have waived any objections to the relief sought in the ^{Order to Show Cause} ~~petition~~, and shall be barred from raising objections to the ^{relief} ~~petition~~ in this or any other proceeding.

ENTER

Lucy Billings

LUCY BILLINGS

J. S.C.