

At IAS Part 2 of the Supreme Court of the State of New York, County of Nassau, at the Courthouse, 100 Supreme Court Drive, Mineola, New York, on the 11th day of March, 2013.

P R E S E N T:

HON. THOMAS P. PHELAN, J.S.C.

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In the Matter of

Index No.: 17005/98

the Liquidation of

ORDER

New York Surety Company.

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Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of the Superintendent of Financial Services of the State of New York (“Superintendent”) as liquidator (“Liquidator”) of New York Surety Company (“NYSCO”), having moved this Court, pursuant to Article 74 of the New York Insurance Law, for an order: (i) approving the Liquidator’s Report on the Status and Request to Close NYSCO’s liquidation proceeding (“Liquidation Proceeding”) and the financial transactions delineated therein (“Report”); (ii) authorizing the continued payment of administrative costs and expenses, including such costs and expenses pertaining to the closing of the Liquidation Proceeding; (iii) terminating and closing the Liquidation Proceeding; (iv) authorizing the Liquidator, without further application to this Court, to continue to receive assets after the termination of the Liquidation Proceeding, pay administrative costs and expenses incurred in connection with the collection of such assets and, if any assets remain after the payment of administrative costs and expenses, to disburse those assets, pursuant to Insurance Law Article 74, to those creditors of NYSCO with allowed claims who are eligible to share in a

pro rata distribution; (v) authorizing the Liquidator, without further application to this Court, to release the collateral to the principals who were issued NYSCO surety bonds or to the New York State Comptroller as abandoned property in accordance with applicable law; (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 and 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 NYSCO without further order of this Court; and (viii) providing for such other and further relief as this Court may deem just and proper.

NOW, upon reading the Verified Petition, dated December 20, 2012, due proof of service thereof upon all parties interested in NYSCO, 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 ^{unopposed} 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 Liquidator is authorized to continue paying administrative costs and expenses, including such costs and 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 continue to receive assets after the termination of the Liquidation Proceeding, pay administrative costs and expenses incurred in connection with the collection of such assets and, if any assets

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remain after the payment of administrative costs and expenses, to disburse those assets, pursuant to Insurance Law Article 74, to those creditors of NYSCO with allowed claims who are eligible to share in a *pro rata* distribution; and it is further

ORDERED, that the Liquidator is authorized, without further application to this Court, to release the collateral to the principals who were issued NYSCO surety bonds or to the New York State Comptroller as abandoned property in accordance with applicable law; and it is further

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 and omissions in connection with the Liquidation Proceeding; and it is further

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

ENTER



Hon. Thomas P. Phelan, J.S.C.

ENTERED

MAR 13 2013

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**

(15)

Index No. 17005 Year 1998

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NASSAU

In the Matter of

the Liquidation of

NEW YORK SURETY COMPANY.

ORDER

JOHN PEARSON KELLY

Attorney for the 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 - 15th Floor
New York, NY 10038
(212) 341-6755
Fax (212) 608-3398

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: Feb 14, 2013
New York, New York

Handwritten signature of Lauren M. Reber

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 of which the within is a true copy will be presented for
settlement to the HON. one of the judges of the within named court, at

, on 20 at

Dated: Yours, etc.

JOHN PEARSON KELLY

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

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New York, NY 10038
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COUNTY CLERK OF
NASSAU COUNTY

MAR 13 2013

FILED

NASSAU INDEX # 29

Handwritten number 98-017005