

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 15

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Index No.: 451834/2020

In the Matter of

the Liquidation of

**AFFIRMATION**

ONETITLE NATIONAL GUARANTY COMPANY, INC.

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Holly Sutton, an attorney at law, duly admitted to practice before the Courts of the State of New York, hereby affirms the following to be true under penalties of perjury:

1. I am an attorney with the New York Liquidation Bureau (“NYLB”), which serves as the staff of Adrienne A. Harris, Superintendent of Financial Services of the State of New York (“Superintendent”) in her capacity as liquidator (“Liquidator”) of OneTitle National Guaranty Company, Inc. (“OneTitle”). I submit this affirmation upon information and belief, based on my review of the OneTitle files maintained by the NYLB and the conversations I have had with employees of the Liquidator, in support of the Liquidator’s application for an order substantially in the form of the proposed order annexed hereto as Exhibit “1”, approving the Liquidator’s report on the status of and request to close the OneTitle liquidation proceeding, and the financial transactions detailed therein (“Closing Report”). A copy of the Closing Report is annexed hereto as Exhibit “2”.

2. This application amends and supersedes the Liquidator’s Order to Show Cause to approve the Liquidator’s report on the status of and request to close the OneTitle liquidation proceeding filed on October 11, 2022 (NYSCEF 55-60) (the “October 2022 OSC”), which was signed by Justice Edmead on October 12, 2022, with a return date of December 5, 2022 (NYSCEF 61). While the matter was unopposed as of the return date, to date there has been no entry of the proposed order to approve the final report and close the liquidation proceeding.

3. On May 15, 2023, while the October 2022 OSC was pending, the Liquidator was notified of a tax warrant filed by the New York State Tax Department against OneTitle, dated May 10, 2023 (“Tax Warrant”). Pursuant to Insurance Law section 7434(a)(1)(v), the Liquidator recommends allowance of the Tax Warrant in full as a Class Five claim (“Class Five Claim”), which class includes claims of state governments. A copy of the Tax Warrant is annexed as Exhibit “A” to the Closing Report dated May 22, 2023, filed with the instant application. The inclusion of this Class Five Claim will result in the reduction of surplus to be distributed to Class Nine shareholders by the amount of the Tax Warrant. As noted below, assets of the estate remaining after payment of all allowed claims will be paid to OneTitle Holdings, LLC (“Holdings”), OneTitle’s sole shareholder, as the Class Nine shareholder under Insurance Law section 7434(a)(1)(ix) when the liquidation proceeding is closed. The Liquidator respectfully requests to withdraw the October 2022 OSC (NYSCEF 55-60) and proceed with the instant application, which has been updated to include and allow for the Class Five Claim.

**Activities in Furtherance of Winding Down the OneTitle Estate**

4. During the pendency of the liquidation proceeding, the Liquidator has: (i) taken possession of OneTitle’s business and assets; (ii) transferred all electronic data to the Liquidator’s control; (iii) reviewed all of OneTitle’s executory contracts; (iv) reviewed claims asserted against OneTitle policies; (v) reviewed OneTitle’s liabilities; and (vi) taken other steps necessary to wind down OneTitle’s affairs.

5. The Liquidator moved before this Court recommending disallowance of eight claims of former OneTitle policyholders for the return of premiums as such claims are not allowable for title insurance under applicable law. By order dated July 15, 2022, this Court granted the Liquidator’s motion and disallowed those eight claims (NYSCEF 42).

6. The Liquidator reviewed documents and reached agreement to settle an additional eight claims of former OneTitle policyholders at reduced amounts (collectively, “Class Two Claims”), and recommended allowance of two claims of general creditors (collectively, “Class Six Claims”). The Liquidator moved before this Court to approve the allowed claims, and by order dated September 16, 2022, this Court granted the Liquidator’s motion and approved the allowance of the Class Two Claims and the Class Six Claims (NYSCEF 54).

7. On May 15, 2023, the Liquidator was notified of the Tax Warrant (Exhibit “A” to the Closing Report dated May 22, 2023, filed with the instant application), which the Liquidator determined is a books and records claim of the state government, and recommends allowance in full as the Class Five Claim.<sup>1</sup> The Liquidator seeks the Court’s approval of this recommended allowance.

8. Based on the current financial status of the estate, the Liquidator anticipates being able to pay all allowed claims, including the recommended allowance of the Class Five Claim, and have a surplus left over. Upon the closing of the liquidation proceeding, all assets remaining after payment of Class One administrative expenses, Class Two Claims, the Class Five Claim and Class Six Claims will be distributed to Holdings, OneTitle’s sole shareholder.

#### **Proposed Notice**

9. The Liquidator proposes that notice of the Order to Show Cause and its supporting papers be given by: (i) overnight delivery to OneTitle Holdings, LLC, c/o B. Lance Sauerteig,

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<sup>1</sup> The Liquidator notes that the Tax Warrant accrues interest at the rate(s) pursuant to the Tax Law on the \$9,126.94 from April 25, 2023.

7060 Lions Head Lane, Boca Raton, FL 33496,<sup>2</sup> at least \_\_\_\_\_ days before the Return Date; and (ii) posting this Order on the Internet web page maintained by the NYLB at <https://www.nylb.org/home.htm>, under Legal and Estate Notices, at least 15 days prior to the Return Date.

10. No previous application for the relief sought herein has been made to this or any other court or judge thereof.

WHEREFORE, it is respectfully requested that the Court grant an order substantially in the form of the proposed order annexed hereto as Exhibit "1": (i) withdrawing the October 2022 OSC (NYSCEF 55-60); (ii) approving the Closing Report dated May 22, 2023, filed with the instant application and the financial transactions detailed therein, annexed hereto as Exhibit "2"; (iii) authorizing the continued payment of actual and necessary administrative expenses, if any, including such expenses pertaining to the closing of the liquidation proceeding; (iv) authorizing the Liquidator to distribute OneTitle's assets, consistent with the priorities set forth in Insurance Law section 7434, to those former policyholders and creditors of OneTitle with allowed claims and, upon the closing of the liquidation proceeding, to distribute to Holdings as the Class Nine shareholder all assets remaining after payment of administrative expenses and allowed claims; (v) terminating and closing the liquidation proceeding; (vi) authorizing the Liquidator to receive and disburse, without further application to this Court, any receipts that are received after the termination of the liquidation proceeding; (vii) authorizing the Liquidator, after termination of the

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<sup>2</sup> Lance Sauerteig, a member of the Board of Directors of OneTitle and point person for OneTitle and Holdings, verified this service address in October 2022. Previously, the Liquidator served OneTitle Holdings, LLC, with the October 2022 OSC by overnight delivery to its New York State Department of State, Division of Corporations, address of record, at 80 Broad Street, Suite 301, New York, NY, 10004, and c/o its State of Delaware, Division of Corporations, registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE, 19808 (NYSCEF 62). The delivery to 80 Broad Street was returned as undeliverable on the basis that the company was unknown, and the Corporation Service Company notified the NYLB that it could not forward service of process to OneTitle Holdings, LLC, due to an undeliverable address.

liquidation proceeding and without further order of this Court, to destroy or otherwise dispose of any and all of the books, files, records (paper or electronic) and other property of the OneTitle estate; (viii) releasing and discharging the Liquidator, her 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; and (ix) for such other and further relief that this Court deems just and proper

Dated: New York, New York  
May 22, 2023



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Holly Sutton

**Exhibit 1 – Proposed Order**

At IAS Part 15 of the Supreme Court of the State of New York, County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the \_\_\_ day of \_\_\_\_\_, 2023.

P R E S E N T:

HON. TA-TANISHA D. JAMES, J.S.C.

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

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In the Matter of

Index No.: 451834/2020

the Liquidation of

**ORDER**

ONETITLE NATIONAL GUARANTY COMPANY, INC.  
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Upon the motion of the Superintendent of the Department of Financial Services of the State of New York, as liquidator (“Liquidator”) of OneTitle National Guaranty Company, Inc. (“OneTitle”), for an order, *inter alia*: (i) withdrawing the Order to Show Cause and supporting papers filed on October 11, 2022 (NYSCEF 55-60); (ii) approving the Closing Report dated May 22, 2023, filed with the instant application and the financial transactions detailed therein, annexed as Exhibit “2” to the May 22, 2023 affirmation of Holly Sutton; (iii) authorizing the continued payment of actual and necessary administrative expenses, if any, including such expenses pertaining to the closing of the liquidation proceeding; (iv) authorizing the Liquidator to distribute OneTitle’s assets, consistent with the priorities set forth in Insurance Law section 7434, to those former policyholders and creditors of OneTitle with allowed claims and, upon the closing of the liquidation proceeding, to distribute to OneTitle Holdings, LLC, as the Class Nine shareholder, all assets remaining after payment of administrative expenses and allowed claims; (v) terminating and closing the liquidation proceeding; (vi) authorizing the Liquidator to receive and disburse, without

further application to this Court, any receipts that are received after the termination of the liquidation proceeding; (vii) authorizing the Liquidator, after termination of the liquidation proceeding and without further order of this Court, to destroy or otherwise dispose of any and all of the books, files, records (paper or electronic) and other property of the OneTitle estate; and (viii) releasing and discharging the Liquidator, her 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;

NOW, on the motion of the Liquidator, and no opposition having been filed with the Court, it is:

**ORDERED**, that the application is granted; and it is further

**ORDERED**, that the Order to Show Cause and supporting papers filed on October 11, 2022 (NYSCEF 55-60), are withdrawn; and it is further

**ORDERED**, that the Closing Report dated May 22, 2023, and the financial transactions detailed therein are approved; and it is further

**ORDERED**, that continued payment of actual and necessary administrative expenses, if any, including such expenses pertaining to the closing of the OneTitle liquidation proceeding, is authorized; and it is further

**ORDERED**, that the Liquidator is authorized to distribute OneTitle's assets, consistent with the priorities set forth in Insurance Law section 7434, to those former policyholders and creditors of OneTitle with allowed claims and, upon the closing of the liquidation proceeding, to distribute to OneTitle Holdings, LLC, as the Class Nine shareholder, all assets remaining after payment of administrative expenses and allowed claims; and it is further

**ORDERED**, that the liquidation proceeding is terminated and closed; and it is further



**ORDERED**, that the Liquidator's receipt and disbursement, without further application to this Court, of any receipts that are received after the termination of the liquidation proceeding, is authorized; and it is further

**ORDERED**, that the Liquidator, after termination of the liquidation proceeding and without further order of this Court, is authorized to destroy or otherwise dispose of any and all of the books, files, records (paper or electronic) and other property of the OneTitle estate; and it is further

**ORDERED**, that the Liquidator, her 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.

E N T E R

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J.S.C.

**Exhibit 2 – Closing Report**

**FINAL REPORT ON THE STATUS OF AND REQUEST TO CLOSE  
THE LIQUIDATION PROCEEDING OF  
ONETITLE NATIONAL GUARANTY COMPANY, INC.**

**INTRODUCTION**

Adrienne A. Harris, Superintendent of the Department of Financial Services of the State of New York (“Superintendent”), as liquidator (“Liquidator”) of OneTitle National Guaranty Company, Inc. (“OneTitle”), hereby reports that she has completed her duties regarding the liquidation of OneTitle.<sup>1</sup>

The Liquidator submits this final report to apprise the Court of the status of the liquidation proceeding (“Closing Report”) and to respectfully request that the Court enter an order substantially in the form of the proposed order annexed as Exhibit “1” to the accompanying affirmation of Holly Sutton, *inter alia*, approving the Closing Report and the financial transactions detailed herein and terminating and closing the OneTitle liquidation proceeding.

**BACKGROUND**

**A. OneTitle Liquidation**

OneTitle was incorporated in the State of New York on April 1, 2013, obtained a license as an insurer on December 24, 2013, and commenced business on February 18, 2014. OneTitle was authorized to transact title insurance as set forth in paragraph 18 of Insurance Law section 1113(a) and was licensed to operate in New York State only. The company underwrote title insurance for owners and mortgagees across New York State as a primary insurer. OneTitle is a wholly owned subsidiary of OneTitle Holdings, LLC (“Holdings”), a Delaware limited liability company and holder of 100 percent of the shares of OneTitle.

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<sup>1</sup> The Liquidator has appointed David Axinn as Special Deputy Superintendent and Agent of the Liquidator and other Agents to carry out through her staff at the New York Liquidation Bureau (the “NYLB”) the responsibilities of the Liquidator.

In April 2020, Holdings and OneTitle's Board of Directors advised that OneTitle began unwinding business operations in 2018. They advised that OneTitle had not written any new business since 2019, had no source of income, had limited capital, was unable to maintain its mandatory statutory surplus, and that OneTitle's Board of Directors unanimously consented to the entry of an order of liquidation pursuant to Insurance Law Article 74.

OneTitle was placed into liquidation under Article 74 of the New York Insurance Law ("Insurance Law") on October 6, 2020, by order of the Supreme Court of the State of New York, New York County (the "Court") (NYSCEF 14) ("Liquidation Order").

**B. Reinsurance**

Before being placed in liquidation, OneTitle purchased reinsurance from Fidelis Insurance ("Fidelis"), policy #B03911R1601911, to provide reinsurance to certain OneTitle policies, and provide holders of those policies with a direct right against Fidelis for their covered losses in excess of \$250,000. Fidelis is a United Kingdom company, and the Liquidator engaged in discussions with Fidelis about, *inter alia*, Fidelis employing a claims representative in the United States in the event a OneTitle policyholder asserts a reinsurance claim after the liquidation proceeding is closed. Fidelis has appointed Solomon & Siris, P.C., a law firm in Garden City, New York, to handle any potential claims policyholders may have under the Fidelis policy, with Stuart Siris, Esq., of Solomon & Siris serving as the point of contact for any questions concerning the policy. Notice of the reinsurance was provided to policyholders by posting the Notice to Policyholders of OneTitle National Guarantee Company, Inc., Concerning Potential Reinsurance on January 7, 2022, on the NYLB website and by filing it on the docket (NYSCEF 23).

**C. Claims Bar Date and Description of Classes of Creditors**

The Liquidation Order, dated October 6, 2020, required presentment to the Liquidator of all claims of creditors and claimants against OneTitle, other than the Liquidator's claims for administrative expenses, by six months of the date of entry of the Liquidation Order, i.e., April 6, 2021 (the "Bar Date"). By setting a Bar Date, the Court allowed a reasonable time for any creditor or claimant to assert any type of claim against OneTitle.

The priority of distribution of assets from a liquidating insurer is set forth in Insurance Law section 7434, which provides that all members of a senior class be paid in full before the members of the next class may receive any payment. Section 7434(a)(1) provides in pertinent part:

Upon the recommendation of the Superintendent, and under the direction of the court, distribution payments shall be made in a manner that will assure the proper recognition of priorities and a reasonable balance between the expeditious completion of the liquidation and the protection of unliquidated and undetermined claims...No claim by a shareholder, policyholder or other creditor shall be permitted to circumvent the priority classes through the use of equitable remedies.

The classes of claims, as provided for in the prioritization scheme established by Insurance Law section 7434, are as follows:

Class One – Administrative Claims

Claims with respect to the actual and necessary costs and expenses of administration incurred by the Liquidator;

Class Two – Claim and Related Costs

All claims under policies including claims of the federal, state or local government for losses incurred, third-party claims, claims for unearned premiums, and all claims of the security fund guaranty associations, but excluding claims arising under reinsurance contracts;

Class Three – Federal and Government Claims

Claims of the federal government, except those stated above in Class Two;

Class Four – Employee Claims

Claims for wages owing to employees of an insurer against whom an Article 74 proceeding is commenced and claims for unemployment insurance contributions required by Article 18 of the New York Labor Law;

Class Five – State and Local Government Claims

Claims of state and local governments, except those stated above in Class Two;

Class Six – General Creditor Claims

Claims of general creditors, including, but not limited to, claims under reinsurance contracts;

Class Seven – Late Filed Claims

Claims filed late or any other claims other than claims under Class Eight or Class Nine below;

Class Eight – Section 1307 Loans

Claims for advanced or borrowed funds made pursuant to Insurance Law section 1307; and

Class Nine – Shareholder Claims

Claims of shareholders or other owners in their capacity as shareholders.

**CURRENT STATUS OF CLAIMS PRESENTED**

Eighteen claims were submitted to the Liquidator in the liquidation proceeding in accordance with the Liquidation Order. In addition, on May 15, 2023 (while the Liquidator's Order to Show Cause filed on October 11, 2022, (NYSCEF 55-60) was pending), the Liquidator was notified of a tax warrant filed by the New York State Tax Department against OneTitle, dated May 10, 2023 ("Tax Warrant"). Because the Bar Date has passed, no additional claims may be presented to the Liquidator.

**A. Disallowed Claims**

Eight of the claims submitted in the liquidation proceeding were by former OneTitle policyholders for the return of title insurance premiums. The Liquidator reviewed these claims and determined that claims for the return of title insurance premiums are not allowable claims as a matter of law. The Liquidator provided notice of its determination to recommend disallowance of these claims and no claimant objected. Having received no objections, the Liquidator made an application before this Court recommending that the claims for return of premiums be disallowed.

By order dated July 15, 2022, this Court granted the Liquidator's application and disallowed the eight claims seeking return of premiums (NYSCEF 42).

**B. Allowed Claims**

**1. Class Two and Class Six Claims**

The Liquidator received eight claims of former OneTitle policyholders (collectively, "Class Two Claims"), and two claims of general creditors of OneTitle (collectively, "Class Six Claims"). The Liquidator reviewed documents and reached agreement to settle the Class Two Claims at reduced amounts, and recommended allowance of the Class Six Claims in full. The Liquidator moved before this Court to approve the recommended allowances, and by order dated September 16, 2022, this Court granted the Liquidator's motion approving allowance of the Class Two Claims and the Class Six Claims (NYSCEF 54).

**2. Class Five Claim**

The Liquidator has determined that the Tax Warrant is a books and records claim of the state government and recommends its allowance in full as a Class Five claim (the "Class Five Claim"). A copy of the Tax Warrant is annexed hereto as Exhibit "A". The inclusion of this Class Five Claim will result in the reduction of surplus to be distributed to Class Nine shareholders by the amount of the Tax Warrant.<sup>2</sup>

**3. Class Nine Claim**

The Liquidator believes the estate has sufficient funds to pay the administrative claim, the Class Two Claims, Class Six Claims and Class Five Claim in full, and that there will be funds remaining after these claims are paid. Holdings is the 100 percent shareholder of OneTitle. After payment of the administrative expenses of the liquidation proceeding and the Class Two Claims,

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<sup>2</sup> The Liquidator notes that the Tax Warrant accrues interest at the rate(s) pursuant to the Tax Law on the \$9,126.94 from April 25, 2023.

Class Six Claims and Class Five Claim, any remaining assets will be paid to Holdings as the Class Nine shareholder under Insurance Law section 7434 upon the closing of the estate. Given that all creditors will be paid in full, there is no further action that the Liquidator needs to take to close the estate.

### **FINANCIAL REPORT**

OneTitle's financial books and records were closed on May 15, 2023 (the "Closing Date"). OneTitle's Statement of Assets and Liabilities, and the Statement of Changes of Cash and Invested Assets for the Period October 6, 2020 (Liquidation Date) to May 15, 2023 (Closing Date) are attached hereto as Exhibit "B".

As of the Closing Date, OneTitle's records reflect total assets in the amount of \$153,938, and total liabilities in the amount of \$31,193.

#### **A. Assets**

As of the Closing Date, OneTitle's records reflect total assets in the amount of \$153,938, consisting of unrestricted cash.

#### **B. Liabilities**

As of the Closing Date, OneTitle's records reflect total liabilities of \$31,193, consisting of \$5,924 in remaining Class One administrative expenses, \$10,950 in Class Two policyholder claims, \$9,201<sup>3</sup> for the recommended allowance of the Tax Warrant as a Class Five Claim, and \$5,118 in Class Six creditor claims.

#### **C. Disbursements**

As of the Closing Date, the Liquidator had incurred and paid \$78,688 in administrative expenses, consisting of: \$39,682 for salaries of the Liquidator's staff and related payroll taxes;

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<sup>3</sup> This figure represents the amount of the Tax Warrant plus accrued interest through May 17, 2023, and is subject to change as interest continues to accrue.



\$26,023 for professional fees (e.g., accountants to prepare financial statements and other consultants for litigation support); \$7,326 for rent and related expenses; \$5,330 for general and administrative expenses (e.g., insurance, office equipment and supplies, printing, postage and telephone services); and \$327 for employee relations and welfare.

No distribution of assets has been made yet to any class of claimant other than Class One. Upon closing the liquidation proceeding, all monies left over after payment of the administrative expenses of the proceeding, the allowed Class Two Claims and Class Six Claims, and the proposed allowance of the Tax Warrant as a Class Five Claim, will be distributed to Holdings as the Class Nine shareholder.

### **RELIEF SOUGHT**

The Liquidator submits this Closing Report to report that the affairs of the OneTitle liquidation proceeding have been completed and that it is in the best interests of the estate to close the liquidation proceeding at this time under the terms and conditions outlined herein. Accordingly, the Liquidator respectfully requests that the Court issue an order:

1. Approving this Closing Report and the financial transactions detailed herein;
2. Authorizing the continued payment of actual and necessary administrative expenses, if any, including such expenses pertaining to the closing of the liquidation proceeding;
3. Authorizing the Liquidator to distribute OneTitle's assets, consistent with the priorities set forth in Insurance Law section 7434, to those former policyholders and creditors of OneTitle with allowed claims and, upon the closing of the liquidation proceeding, to distribute to Holdings as the Class Nine shareholder all assets remaining after payment of administrative expenses and allowed claims;
4. Terminating and closing the liquidation proceeding;
5. Authorizing the Liquidator to receive and disburse, without further application to this Court, any receipts that are received after the termination of the liquidation proceeding;

6. Authorizing the Liquidator, after termination of the liquidation proceeding and without further order of this Court, to destroy or otherwise dispose of any and all of the books, files, records (paper or electronic) and other property of the OneTitle estate; and
7. Releasing and discharging the Liquidator, her 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.

Dated: New York, New York  
May 22, 2023



David Axinn  
Special Deputy Superintendent and  
Agent of Adrienne A. Harris  
Superintendent of the Department of  
Financial Services of the State of New York  
as Liquidator of OneTitle National Guaranty  
Company, Inc.

**Exhibit A – Tax Warrant**

Civil Enforcement-Region 4B  
W A Harriman Campus, Albany NY 12227-0001

23048534094600-AJ00



ONETITLE NATIONAL GUARANTY COMPANY  
RONALD LABENSKI  
180 MAIDEN LN FL 14  
NEW YORK NY 10038-4925

May 10, 2023

Warrant ID: E-052187122-W001-7

Docketed warrant amount: \$ 9,126.94

**The New York State Tax Department filed a tax warrant against you.**

*The enclosed tax warrant allows us to seize your property to satisfy your unpaid tax debts covered by the warrant.*

A tax warrant is equivalent to a civil judgment against you. It is a matter of public record that is filed in the appropriate New York State county clerk's office and with the New York State Department of State. Your warrant information will also be posted on the Department of State's public website. A tax warrant:

- creates a lien against your real and personal property which may affect your ability to obtain credit or buy or sell property, and
- allows us to seize and sell your real and personal property or garnish your wages or other income.



## NOTICE TO JUDGMENT DEBTOR OR OBLIGOR

Money or property belonging to you may be taken or held in order to satisfy a judgment or order which has been entered against you. Read this carefully.

### YOU MAY BE ABLE TO GET YOUR MONEY BACK

State and federal laws prevent certain money or property from being taken to satisfy judgments or orders. Such money or property is said to be "exempt." The following is a partial list of money that may be exempt:

1. Supplemental Security Income (SSI)
2. Social security
3. Public assistance (welfare)
4. Spousal support, maintenance (alimony), or child support
5. Unemployment benefits
6. Disability benefits
7. Workers' compensation benefits
8. Public or private pensions
9. Veterans benefits
10. 90% of your wages or salary earned in the last 60 days
11. Railroad retirement benefits
12. Black lung benefits
13. COVID-19 stimulus relief for individuals and families with children

If you think that any of your money that may be taken or held is exempt, you must act promptly because the money may be applied to the judgment or order. If you claim that any of your money that may be taken or held is exempt, you may contact the Tax Department at 518-457-5434.

Also, **YOU MAY CONSULT AN ATTORNEY, INCLUDING ANY FREE LEGAL SERVICES ORGANIZATION IF YOU QUALIFY.** The law (New York Civil Practice Law and Rules, Article 4, and sections 5239 and 5240) provides a procedure for determination of a claim to an exemption.

### Other exempt property

There are certain other kinds of personal and real property that we cannot take or seize to pay your debt. (See primarily, the New York Civil Practice Law and Rules, Article 52, sections 5205 and 5206.)

Examples include:

- necessary tools, machinery, instruments, or books to carry on a profession or calling not exceeding a specific monetary threshold;
- security deposits for the rental of a residence or utility services for a residence;
- certain New York State College Choice Tuition Savings accounts;
- trusts, custodial accounts, annuities, insurance contracts, monies, assets or interests established as part of, and all payments from, either any trust or plan qualified as an individual retirement account (IRA) under Internal Revenue Code (IRC) section 408 or 408A; a Keogh (HR-10) retirement or other plan established by a corporation qualified under IRC section 401 or created as a result of rollovers from such plans pursuant to IRC sections 402(a)(5), 403(a)(4), 408(d)(3), or 408A, or a plan that satisfies the requirements of IRC section 457; and
- certain real property up to a certain amount in value (homestead exemption).

# Warrant



Civil Enforcement-Region 4B  
W A Harriman Campus, Albany NY 12227-0001

**Commissioner of Taxation and Finance**  
against

Judgment  
Creditor

Judgment Debtor(s) **Warrant ID:** E-052187122-W001-7  
Last Known Address **County of Judgment:** NEW YORK

ONETITLE NATIONAL GUARANTY COMPANY  
180 MAIDEN LN FL 14  
NEW YORK, NY 10038-4925

23048534094600-AJ00

**The people of the state of New York to: R SEBOK**

an officer or employee of the Department of Taxation and Finance: **Whereas**, a tax has been found due to the Commissioner of Taxation and Finance of the **state of New York** from the debtor(s) named, the nature and amount of which, together with the interest and penalties thereon, are as follows:

Assessment ID	Period Ending	Tax	Penalty	Interest	Assessment Total
L-056145474-2	12/31/2020	\$ 0.00	\$ 45.52	\$ 7.86	\$ 53.38
L-056145473-3	12/31/2020	\$ 0.00	\$ 115.00	\$ 31.93	\$ 146.93
L-052949749-2	12/31/2019	\$ 23.00	\$ 47.04	\$ 15.64	\$ 85.68
L-052949748-3	12/31/2019	\$ 122.00	\$ 122.66	\$ 57.77	\$ 302.43
L-052187125-3	12/31/2018	\$ 15.00	\$ 20.63	\$ 10.80	\$ 46.43
L-052187124-4	12/31/2018	\$ 2,000.00	\$ 1,071.91	\$ 1,040.72	\$ 4,112.63
L-052187123-5	12/31/2017	\$ 212.00	\$ 53.00	\$ 126.04	\$ 391.04
L-052187122-6	12/31/2017	\$ 2,162.34	\$ 540.50	\$ 1,285.58	\$ 3,988.42
<b>Total amount due →</b>					<b>\$ 9,126.94</b>

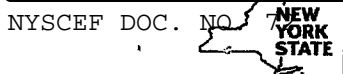
**And whereas**, said tax, interest and penalties now remain wholly unpaid;

**Now therefore**, we command you to file a copy of this warrant within five days after its receipt by you in the office of the clerk of the county named above, for entry by him/her in the judgment docket, pursuant to the provisions of the Tax Law.

**And we further command you**, that you satisfy said claim of said **Commissioner of Taxation and Finance** for said tax with penalties and interest out of the real and personal property in said county belonging to said debtor(s) and the debts due to him/her at the time when said copy of this warrant is so docketed in the office of the clerk of such county or at any time thereafter; and that only the property in which said debtor(s) who is/are not deceased has an interest or the debts owed to him/her shall be levied upon or sold hereunder; and return this warrant and pay the money collected, to the Commissioner of Taxation and Finance of the state of New York.

**Levy and collect** total amount due shown above plus accrued interest and any additional penalties provided by law.

Interest at the rate(s) pursuant to the Tax Law shall accrue on \$ 9,126.94 from April 25, 2023.



Department of Taxation and Finance

RECEIVED NYSCEF: 05/22/2023 May 10, 2023

Civil Enforcement Division W A Harriman Campus, Albany NY 12227-0841

ONETITLE NATIONAL GUARANTY COMPANY RONALD LABENSKI 180 MAIDEN LN FL 14 NEW YORK NY 10038-4925

Payment Document

You owe the tax debts included in the warrant identification number (ID) below.

How to pay

You can pay your tax debts in any of the following ways.

- Online: The easiest and fastest way to pay. Go to www.tax.ny.gov and select the make a payment option to learn more.
- Mail: Mail your check or money order payable in U.S. funds to the Commissioner of Taxation and Finance with the payment document below. Write the warrant ID on your payment.
- Phone: Call 518-457-5434.

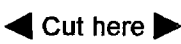
Create an Online Services account and log in to electronically:

- Pay bills
- Respond to department notices
- View your account summary
- Manage account-specific email alerts and notifications

Access is available 24 hours a day, 7 days a week at:

www.tax.ny.gov/online

DTF-968.4 (11/17)



Keep this part for your records. Return this part with your payment.

Payment Document

- Payment for tax debts included in warrant ID: E-052187122-W001-7
- Payment for any other unpaid tax debts. Enter Taxpayer ID:

Amount to be applied

\$

\$

Enter amount enclosed \$

Make your check or money order payable in U.S. funds to the Commissioner of Taxation and Finance. Include your warrant ID referenced above on your payment. Enter address change only if different from address above.

Mail to the address below

NYS ASSESSMENT RECEIVABLES PO BOX 4127 BINGHAMTON NY 13902-4127

DTF-968.4 (11/17)

1DE7 - 1180635 P0000327 - 04

if not using U.S. Mail, see Publication 55, Designated Private Delivery Services.

E052187122W0017 00000000000000

**Exhibit B – Financial Report**



**ONE TITLE NATIONAL GUARANTY COMPANY, INC. IN LIQUIDATION**  
**STATEMENT OF ASSETS**

	<u>May 15, 2023</u>
<b>Assets</b>	
<b>Cash-Unrestricted</b>	<b>\$ 153,938</b>
<b>Total Assets</b>	<b>\$ 153,938</b>

**ONE TITLE NATIONAL GUARANTY COMPANY, INC. IN LIQUIDATION**  
**STATEMENT OF LIABILITIES**

	<u>May 15, 2023</u>
<b>Class I - Administrative Claims:</b>	<b>\$ 5,924</b>
<b>Class II - Claims and Related Costs:</b>	<b>10,950</b>
<b>Class III - Federal Government Claims:</b>	<b>-</b>
<b>Class IV - Employee Claims:</b>	<b>-</b>
<b>Class V - State and Local Government Claims:</b>	<b>9,201</b> Note 1
<b>Class VI - General Creditors:</b>	<b>5,118</b>
<b>Class VII - Late Filed Claims:</b>	<b>-</b>
<b>Class VIII - Section 1307 (Shareholder) Loans:</b>	<b>-</b>
<b>Class IX - Share Holder Claims:</b>	<b>-</b>
<b>Total Liabilities</b>	<b>31,193</b>
<b>Assets over Liabilities</b>	<b>122,745</b>
<b>Total Liabilities and Deficit of Assets over Liabilities</b>	<b>\$ 153,938</b>

**Note 1: Warrant payable to the New York State Department of Taxation and Finance includes interest and penalties to May 15, 2023. This amount is subject to change as interest and penalties continue to accrue until paid.**

<b>ONE TITLE NATIONAL GUARANTY COMPANY IN LIQUIDATION</b>	
<b>Statement of Changes in Cash and Invested Assets</b>	
<b>For the Period October 6, 2020 to May 15, 2023</b>	
	<b>As Of</b>
	<b>May 15, 2023</b>
Cash at Liquidation October 6, 2020	<u>\$ 232,626</u>
<b>Disbursements:</b>	
Salaries & Related Payroll Taxes	39,682
Professional Fees	26,023
Rent and Related Expenses	7,326
General & Administrative Fees	5,330
Employee Relations and Welfare	327
<b>Total Disbursements</b>	<u>78,688</u>
Cash and Invested Assets at September 30, 2022	<u>\$ 153,938</u>