

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

EA  
12/13/13  
E

PRESENT: LING-COHAN  
Justice

PART 36

U.S. CAPITAL Insurance Company **FILED**

INDEX NO. 403176/97

MOTION DATE \_\_\_\_\_

- v - DEC 23 2013

MOTION SEQ. NO. 33

RE: COUNTY CLERK'S OFFICE  
NEW YORK

MOTION CAL. NO. \_\_\_\_\_

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~~ order to show cause is granted  
as per the attached order, dated 12/18/13.

RECEIVED  
DEC 28 2013  
CLERK'S OFFICE  
NEW YORK COUNTY COURT-CIVIL

Dated: 12/18/13

[Signature]  
JUDGE DORIS LING-COHAN J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

At IAS Part 36 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 18 day of Dec, 2013.

**FILED**

DEC 23 2013

PRESENT:

HON. DORIS LING-COHAN, J.S.C.  
COUNTY CLERK'S OFFICE  
NEW YORK

In the Matter of

Index No.: 403176/97

the Liquidation of

**ORDER**

U.S. CAPITAL INSURANCE COMPANY.

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 U.S. Capital Insurance Company ("U.S. Capital") having moved this Court, pursuant to Article 74 of the New York Insurance Law, for an order: (i) approving the Liquidator's report ("Closing Report") on the status of and request to close U.S. Capital's liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated therein; (ii) authorizing the continued payment of administrative expenses, including such 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 expenses incurred in connection with the collection of such assets and, if any assets remain after the payment of administrative expenses, to disburse those assets, pursuant to Insurance Law Article 74, to those creditors of U.S. Capital with allowed claims who are eligible

to share in a *pro-rata* distribution; (v) 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; (vi) 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 U.S. Capital without further order of this Court; and (vii) providing for such other and further relief as this Court deems appropriate and just..

NOW, upon reading the Verified Petition, dated November 8, 2013, due proof of service thereof upon all parties interested in U.S. Capital, 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 Closing Report on the status of and request to close U.S. Capital's Liquidation Proceeding and the financial transactions delineated therein are approved; and it is further

ORDERED, that the Liquidator is authorized to continue paying administrative expenses, including such 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 and disburse assets after the termination of the Liquidation Proceeding, pay administrative expenses incurred in connection with the collection of such assets and, if any assets remain after the payment of administrative expenses, to disburse those assets, pursuant to Insurance Law Article 74, to those creditors of U.S. Capital with allowed claims who are eligible to share in a *pro-rata* distribution; 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 or 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 the Companies without further order of this Court.

**FILED**

**DEC 23 2013**

ENTER COUNTY CLERK'S OFFICE  
NEW YORK



12/18/13

J.S.C.

JUDGE DORIS LING-COHAN

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

In the Matter of

the Liquidation of

U.S. CAPITALINSURANCE 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: December 17, 2013
New York, New York

Handwritten signature of Jack A. Franceschetti

Jack A. Franceschetti

[ ] 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 Superintendent of Financial
Services of the State of New York as Liquidator

Office and Post Office Address, Telephone

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