

At IAS Part 5 of the Supreme Court of the State of New York, County of Nassau, at the courthouse at 100 Supreme Court Drive, in the County of Nassau, City of Mineola and State of New York, on the 20<sup>th</sup> day of

*September* 2013.

PRESENT:

HON. ROY S. MAHON, J.S.C.

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In the Matter of

Index No.: 2690/86

the Liquidation of

**ORDER**

AMERICAN FIDELITY FIRE INSURANCE COMPANY  
and AMERICAN CONSUMER INSURANCE COMPANY.

-----X

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 American Fire Fidelity Insurance Company and American Consumer Insurance Company (collectively, the "Companies"), having moved this Court, pursuant to Article 74 of the New York Insurance Law, for an order: (i) approving the Liquidator's reports ("Closing Reports") on the status of and request to close the Companies' 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 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 the Companies with allowed claims who are eligible to share in *pro-rata* distributions; (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 the Companies 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 <sup>Order to Show Cause signed June 25, 2013 with</sup> Verified Petition, dated June 20, 2013, due proof of service thereof upon all parties interested in the Companies, and due deliberation having been had thereon, and upon the decision of this Court <sup>by Short Form Order dated September 4, 2013,</sup>

*Handwritten notes:*  
 JSC  
 JSC

NOW, on application of John Pearson Kelly, attorney for the Liquidator, it is

ORDERED, that the <sup>unopposed</sup> application is granted; and it is further

ORDERED, that the Closing Reports on the status of and request to close the Companies' 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 the Companies with allowed claims who are eligible to share in *pro-rata* distributions; 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.

ENTER

*Rays. Makon* ct  
J.S.C.

**ENTERED**

OCT 07 2013

NASSAU COUNTY  
COUNTY CLERK'S OFFICE

Index No. 2960 Year 1986

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NASSAU

In the Matter of

the Liquidation of

AMERICAN FIRE FIDELITY INSURANCE COMPANY  
and AMERICAN CONSUMER INSURANCE COMPANY.

ORDER

**JOHN PEARSON KELLY**

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

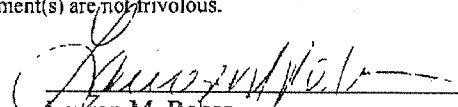
*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street - 15<sup>TH</sup> 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 Aug 16, 2013  
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

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*  
New York Liquidation Bureau  
110 William Street - 15<sup>th</sup> Floor  
New York, NY 10038  
(212) 341-6755  
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COUNTY CLERK OF  
NASSAU COUNTY

OCT 07 2013

NASSAU INDEX #  
FILED

86-002960



NASSAU COUNTY CLERK'S OFFICE  
ENDORSEMENT COVER PAGE

Recorded Date: 10-11-2013  
Recorded Time: 2:24:48 p

Record and Return To:

Liber Book:  
Pages From:  
To:

Control  
Number: 1906  
Ref #: 86--002960  
Doc Type: C33 ORDER

Plnt: IN THE MATTER OF THE LIQUIDATION OF  
Dfnd: AMERICAN FIDELITY FIRE INSURANCE CO  
Dfnd: AMERICAN CONSUMER INSURANCE CO

	Taxes Total	.00
	Recording Totals	.00
AAJ001	Total Payment	.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED  
MAUREEN O'CONNELL  
COUNTY CLERK



2013101101906