

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

PRESENT: KERN
CYNTHIA S. KERN
Justice
J.S.C.

PART 55

HIGHLANDS INSURANCE COMPANY (UK)
LIMITED

INDEX NO.

402246/11

MOTION DATE

MOTION SEQ. NO.

02

MOTION CAL. NO.

- v -

RE:

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

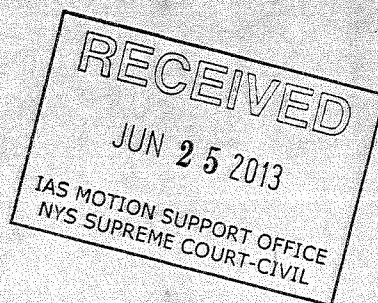
Cross-Motion: ☐ Yes ☐ No

Upon the foregoing papers, it is ordered that this motion is granted as per the attached order without opposition.

FILED

JUN 26 2013

NEW YORK
COUNTY CLERK'S OFFICE



Dated: 6/26/13

CYNTHIA S. KERN
J.S.C. 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 55 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 26th day of June, 2013.

P R E S E N T:

HON. CYNTHIA S. KERN, J.S.C.

-----X
In the Matter of

the Conservation of the Trust Fund of

HIGHLANDS INSURANCE COMPANY
(UK) LIMITED.
-----X

Index No.: 402246/11

FILED

JUN 26 2013

**NEW YORK
COUNTY CLERKS OFFICE**

A motion having regularly come on to be heard before this Court on the 25th day of June, 2013, for an Order granting the motion of Benjamin M. Lawsky, the Superintendent of Financial Services of the State of New York, as conservator (the "Conservator") of Highlands Insurance Company (UK) Limited ("Highlands"): (a) approving the conservation agreement (the "Conservation Agreement") dated January 4, 2013, between Dan Schwarzmenn and Mark Batten in their capacity as liquidators of Highlands (the "Office Holders") and the Conservator; (b) authorizing the Conservator to distribute the funds held in the Trust Fund to the Office Holders in accordance with the terms of the Conservation Agreement; (c) terminating this conservation proceeding upon distribution of the Trust Fund to the Office Holders without further order of this Court; (d) releasing and discharging, upon distribution of the Trust Fund in accordance with the terms of the Conservation Agreement, the Conservator, 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 conservation proceeding; (e) authorizing and directing the Conservator, in his discretion, to destroy or otherwise dispose of any and all of the books, files,

records and other property of Highlands in his possession without further order of this Court; and
(f) providing for such other and further relief as this Court deems just and proper.;

NOW, upon reading the Petition, dated April 29, 2013, by Mary Jo Marchisello, Assistant Special Deputy Superintendent and Agent of the Conservator with due proof of service thereof upon the Liquidator of Highlands, and due deliberation having been had thereon, and upon the decision of this Court;

NOW, on application of John Pearson Kelly, Esq., Attorney for the Conservator, it is

ORDERED, that the petition is granted; and it is further

ORDERED, that the Conservation Agreement is approved; and it is further

ORDERED, that the Conservator is authorized to distribute the Trust Assets to the Office Holders in accordance with the Conservation Agreement; and it is further

ORDERED, that the within Conservation Proceeding is terminated and closed upon distribution of the Trust Fund to the Office Holders without further order of this Court, and it is further

ORDERED, the Conservator, his predecessors and successors in office, agents, attorneys and employees, upon distribution of the Trust Fund in accordance with the terms of the Conservation Agreement, are released and discharged from any and all liability arising from their acts and omissions in connection with the Conservation Proceeding; and it is further

ORDERED, that the Conservator is authorized and directed to destroy or otherwise dispose of any and all books, files, records and other property of Highlands without further order of this Court.

FILED

JUN 26 2013

NEW YORK
COUNTY CLERK'S OFFICE

ENTER

CK

J.S.C.

CYNTHIA S. KERN
J.S.C.

Index No. 402246

Year 2011

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

In the Matter of

the Conservation of the Trust Funds of

HIGHLANDS INSURANCE COMPANY (U.K.) LIMITED

ORDER

JOHN PEARSON KELLY

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

Office and Post Office Address, Telephone

New York Liquidation Bureau
110 William Street
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: June 24, 2013
New York, New York


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:

Yours, etc.

JOHN PEARSON KELLY

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

Office and Post Office Address, Telephone

New York Liquidation Bureau
110 William Street
New York, NY 10038
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