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10/28/14  
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SUPREME COURT OF THE STATE OF NEW YORK—NEW YORK COUNTY

PRESENT: DONNA M. MILLS  
*Justice*

PART 58

*In the Matter of the Liquidation of  
HOME MUTUAL INSURANCE COMPANY OF  
BINGHAMTON, NEW YORK,*

Index No. 403105/97

Petitioner,

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

MOTION SEQ. No. 18

MOTION CAL No. \_\_\_\_\_

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion \_\_\_\_\_.

PAPERS NUMBERED

Notice of Motion/Order to Show Cause-Affidavits- Exhibits.... \_\_\_\_\_

Answering Affidavits- Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

CROSS-MOTION: \_\_\_\_\_ YES  NO

Upon the foregoing papers, it is ordered that this motion is

DECIDED IN ACCORDANCE WITH ATTACHED ORDER

RECEIVED  
OCT 28 2014  
GENERAL CLERK'S OFFICE  
SUPREME COURT - COUNTY

FILED  
OCT 28 2014  
COUNTY CLERKS OFFICE  
NEW YORK

Dated: 10-27-14

*Donna M. Mills*  
J.S.C.  
DONNA M. MILLS, J.S.C.

Check one:  FINAL DISPOSITION

\_\_\_\_\_ NON-FINAL DISPOSITION

**FILED**

OCT 28 2014

COUNTY CLERKS OFFICE  
NEW YORK

At IAS Part 58 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 111 Centre Street, in the County, City and State of New York, on the 23<sup>rd</sup> day of October, 2014.

P R E S E N T:

HON. DONNA MILLS, J.S.C.

-----X

In the Matter of

Index No.: 403105/97

the Liquidation of

**ORDER**

HOME MUTUAL INSURANCE COMPANY  
OF BINGHAMTON, NEW YORK.

-----X

Mary Jo Marchisello, Assistant Special Deputy Superintendent and agent of the Superintendent of Financial Services of the State of New York as liquidator ("Liquidator") of Home Mutual Insurance Company of Binghamton, New York ("Home Mutual"), having moved this Court for an order: (i) approving the Liquidator's report ("Closing Report") on the status of and request to close the Home Mutual liquidation proceeding ("Liquidation Proceeding") and the financial transactions delineated in such Closing Report; (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, after the termination of the Liquidation Proceeding, to receive and disburse assets, pursuant to Insurance Law Article 74, to those creditors of Home Mutual with allowed claims who are eligible to share in a *pro-rata* distribution, and to pay administrative expenses incurred in connection with the collection and disbursement of such assets; (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 Home Mutual 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 August 27, 2014, due proof of service thereof upon all parties interested in Home Mutual, 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 the Liquidation Proceeding and financial transactions delineated in such Closing Report are approved; and it is further

ORDERED, that the Liquidator is granted the continued authority to pay 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, after the termination of the Liquidation Proceeding, to receive and disburse assets, pursuant to Insurance Law Article 74, to those creditors of Home Mutual with allowed claims who are eligible to share in a *pro-rata* distribution and to pay administrative expenses incurred in connection with the collection and disbursement of such assets; 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, in his discretion, is authorized and directed to destroy or otherwise dispose of any and all of the books, files, records and other property of Home Mutual without further order of this Court.

ENTER

DATED:

10-27-14

  
\_\_\_\_\_  
J.S.C.

**DONNA M. MILLS, J.S.C.**

**FILED**

OCT 28 2014  
COUNTY CLERKS OFFICE  
NEW YORK

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

In the Matter of  
the Liquidation of

HOME MUTUAL INSURANCE COMPANY OF BINGHAMTON, NEW YORK.

ORDER

**JOHN PEARSON KELLY**

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

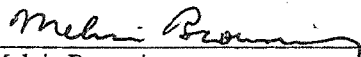
*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street  
New York, NY 10038  
(212) 341-6523  
Fax (212) 233-0461

**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: 2014  
New York, New York

  
Melvin Browning

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  
for settlement to the HON.

of which the within is a true copy will be presented  
one of the judges of the within named court, at  
20      at

Dated:

, on

Yours, etc.

**JOHN PEARSON KELLY**

Attorney for 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  
New York, NY 10038  
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