

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

PRESENT: LOUIS B. YORK
J.S.C.
Justice

670

PART 2

Re: Midland Property & Casualty Ins. Co.
v.

INDEX NO. 0 41782/90

MOTION DATE _____

MOTION SEQ. NO. 2

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

MOTION IS DECIDED IN ACCORDANCE WITH ACCOMPANYING MEMORANDUM DECISION

RECEIVED
MAR 12 2013
IAS MOTION SUPPORT OFFICE
NYS SUPREME COURT-CIVIL

FILED

MAR 12 2013

NEW YORK COUNTY CLERK'S OFFICE

Dated: 3/6/13

L. York
LOUIS B. YORK J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE

SUBMIT ORDER/ JUDG.

SETTLE ORDER/ JUDG.

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

At IAS Part 2 of the Supreme Court of the State of New York, County of New York, at the Courthouse, 71 Thomas Street, in the County, City and State of New York, on the 6 day of March, 2013.

P R E S E N T:

HON. LEWIS B. YORK, J.S.C.

-----X

In the Matter of

the Liquidation of

MIDLAND PROPERTY & CASUALTY
INSURANCE COMPANY.

-----X

Index No.: 41782/90

FILED

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NEW YORK
COUNTY CLERK'S OFFICE

ORDER

Mary Jo Marchisello, Assistant Special Deputy Superintendent (“Assistant Special Deputy”) and agent of the Superintendent of Financial Services of the State of New York as liquidator (“Liquidator”) of Midland Property & Casualty Insurance Company (“MIDPAC”), having moved this Court for an order: (i) approving the Liquidator’s report (“Report”) on the status and request to close MIDPAC’s liquidation proceeding (“Liquidation Proceeding”) and the financial transactions delineated therein; (ii) authorizing the continued payment of administrative costs and expenses, including such costs and expenses pertaining to the closing of the Liquidation Proceeding; (iii) authorizing the continued distribution of MIDPAC’s assets, to the extent assets are available after payment of administrative costs and expenses, to Midland Insurance Company in Liquidation (“Midland”), as the parent company of MIDPAC; (iv) terminating and closing the Liquidation Proceeding; (v) authorizing the Liquidator, without further application to this Court, to continue to receive and disburse assets to Midland, as the parent company of MIDPAC, after the termination of the Liquidation Proceeding and to pay all administrative costs and expenses incurred in connection with any such distributions;

(vi) 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 and omissions in connection with the Liquidation Proceeding; (vii) 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 MIDPAC without further order of this Court; and (viii) providing for such other and further relief as this Court may deem just and proper;

NOW, upon reading the Verified Petition, dated December 20, 2012, due proof of service thereof upon all parties interested in MIDPAC, 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 Report and financial transactions delineated therein are approved; and it is further

ORDERED, that the Liquidator is granted the authority to pay administrative costs and expenses, including such costs and expenses pertaining to the closing of the Liquidation Proceeding; and it is further

ORDERED, that the Liquidator is granted the continued authority to distribute MIDPAC's assets, to the extent assets are available after payment of administrative costs and expenses, to Midland Insurance Company in Liquidation ("Midland"), as the parent company of MIDPAC; and it is further

ORDERED, that the Liquidator is authorized to continue to receive and disburse assets to Midland after the termination of the Liquidation Proceeding, without further application to this

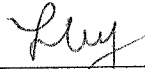
Court, and continue to pay all administrative costs and expenses in connection with any such distributions; and it is further

ORDERED, that the Liquidator, his successors in office and their agents 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 MIDPAC without further order of this Court; and it is further

ORDERED, that the Liquidation Proceeding is terminated and closed.

ENTER



J.S.C.

LOUIS B. YORK
J.S.C.

FILED

MAR 12 2013

NEW YORK
COUNTY CLERK'S OFFICE

Index No. 41782

Year 1990

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

In the Matter of

the Liquidation of

MIDLAND PROPERTY & CASUALTY INSURANCE COMPANY.

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) 341-6755
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: March 6, 2013
New York, New York



Melissa A. Dell'Orto

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
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