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**ENDORSED
FILED**
San Francisco County Superior Court

NOV 15 2005

GORDON PARK-LI, Clerk
BY: WESLEY RAMIREZ
Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN FRANCISCO

12 **INSURANCE COMMISSIONER OF THE STATE
OF CALIFORNIA,**

13 Applicant,

14 v.

15 **FIRST CALIFORNIA PROPERTY AND
16 CASUALTY INSURANCE COMPANY, a
California Corporation,**

17 Respondent.

CASE NO. 301529

**DECLARATION OF
COMPLIANCE BY ROBERT
FERNANDEZ**

19 I, Robert Fernandez, declare as follows:

20
21 1. I am an Estate Trust Officer ("ETO") in the Insurance Commissioner's Conservation &
22 Liquidation Office ("CLO"). My duties include managing and supervising for the CLO the
23 administration of insurance companies conserved and liquidated by the California Insurance
24 Commissioner. I have held this position since March 20, 1995. I make this declaration in my
25 official capacity as an ETO of the CLO.

26 2. I am the ETO for First California Property and Casualty Insurance Company ("First
27 California").

28 3. If called upon to testify, I could competently testify to the following facts as they are

1 personally known to me, except as to those matters stated on information and belief, and as to
2 those matters, I believe them to be true. The statements contained herein are based upon
3 information that has been assembled by authorized employees of the CLO from the official
4 records maintained by the CLO under my supervision. I am informed and believe that the
5 statements based upon those records are true. As to those matters that are within my own
6 personal knowledge, the statements are true.

7 4. On April 12, 2005, this Court granted the Insurance Commissioner's VERIFIED
8 APPLICATION FOR ORDERS: 1) APPROVING FINAL DISTRIBUTION OF ASSETS; 2)
9 SETTLING AND APPROVING FINAL REPORT AND ACCOUNT OF CONSERVATOR
10 AND LIQUIDATOR FROM SEPTEMBER 6, 1989 TO OCTOBER 31, 2004; 3)
11 DISCHARGING THE INSURANCE COMMISSIONER AS LIQUIDATOR; AND 4)
12 TERMINATING THESE PROCEEDING, and issued its Order thereon. ("Order").

13 5. Pursuant to the Court's Order, the CLO made a pro-rata distribution of the assets of
14 First California to class 5 claimants by mailing 93 checks to approved claimants and sending one
15 electronic wire of funds to claimant California Insurance Guaranty Association.

16 6. As of October 31, 2005, there were 51 checks either returned or which remained
17 uncashed. The total of the 51 checks is \$18,339.80, which the CLO is in the process now of
18 escheating to the California State Controller pursuant to the Court's Order.

19 7. The Commissioner will retain the records of First California currently in his possession
20 for three years from the date of filing of this Declaration of Compliance.

21 8. The Commissioner has complied with the provisions of the April 12, 2005 Order of
22 this Court. As provided by paragraphs 4 and 5 of the Order, upon the filing of this Declaration of
23 Compliance, the Commissioner will be discharged as Liquidator, having no liability, acting in
24 any capacity, to any person arising, occurring or relating to his activities prior to, or during, his
25 conservation and liquidation of First California. This liquidation proceeding will be terminated,
26 and the liquidation estate closed.

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct.

Executed at San Francisco, California on November 10, 2005.



Robert Fernandez

DOC - Robert Fernandez.wpd

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Insurance Commissioner of the State of California v. First California Property and Casualty Insurance Company*

No.: 301529

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age and older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

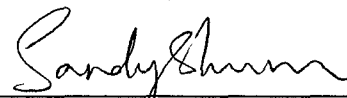
On November 15, 2005, I served the attached **DECLARATION OF COMPLIANCE BY ROBERT FERNANDEZ** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 15, 2005, at San Francisco, California.

Sandy Shum

Declarant



Signature

Service List

Case Name: *Insurance Commissioner of the State of California v. First California Property and Casualty Insurance Company*

No.: 301529

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