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JUN 14 2004

LOS ANGELES SUPERIOR COURT

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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES**

9 JOHN GARAMENDI, Insurance
10 Commissioner of the State of California,

11 Applicant,

12 vs.

13 MISSION INSURANCE COMPANY, a
14 California corporation,

15 Respondent.

Case No. C 572 724

~~PROPOSED~~ ORDER TO AUTHORIZE
THE CLOSING OF THE ANCILLARY
LIQUIDATION AS TO HOLLAND
AMERICA INSURANCE COMPANY

Hon. J. Stephen Czuleger
Department : 50
Action filed: October 31, 1985
Hearing date: May 28, 2004
Time: 8:30 a.m.

16 Consolidated with Case Numbers

17 C 576 324; C 576 416;
18 C 576 323; C 576 325; C 629709

1 On the 28th day of May, 2004, the Court heard and considered the motion filed by the Insurance
2 Commissioner which seeks an order which
3 a. authorizes the closure of the ancillary liquidation of Holland- America Insurance Company;
4 b. discharges the Insurance Commissioner as ancillary liquidator, and
5 c. enjoins all future claims against the ancillary liquidator, while directing all further questions and
6 concerns be directed to the Missouri Insurance Director as trustee of Holland-America Insurance
7 Company.

8 Notice was given to the service list of the hearing on the motion. No opposition was filed to
9 the motion. The Court GRANTS the Motion, and rules that:

- 10 a. The Insurance Commissioner may close the ancillary receivership for Holland-America Insurance
11 Company.
- 12 b. The Insurance Commissioner may take such steps as he deems appropriate, pursuant to law, to
13 accomplish the closing, including expenditure of the funds in the budget for the closing attached to
14 the Motion.
- 15 c. The Insurance Commissioner is authorized to transmit any funds after payment or reserve of
16 expenditures necessary to closing to the Missouri domiciliary receiver of Holland-America
17 Insurance Company.
- 18 d. The Insurance Commissioner shall file a declaration as to the disbursement of such funds with the
19 Court within sixty days of this Order.
- 20 e. Upon the filing of the Declaration, the Insurance Commissioner shall be DISCHARGED as
21 ancillary liquidator, and no claims shall lie against him in his official or personal capacity as
22 ancillary liquidator of Holland-America Insurance Company.
- 23 f. This Court issues a permanent injunction pursuant to Insurance Code Section 1020 against any
24 party bringing suit in California against Holland-America Insurance Company, the Insurance
25 Commissioner as to Holland-America Insurance Company and instead directs that any claim, if any,
26 should be directed to the Missouri court handling the domiciliary receivership of Holland-America
27 Insurance Company.

28 This Order is intended to, subject only to the filing of the Declaration specified herein, wind

1 up and dispose of all issues regarding the closing of the ancillary estate of Holland-America
2 Insurance Company.

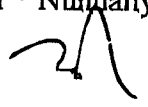
3 Signed this 4 day of June, 2004.

4
5 J. STEPHEN CZULEGER

6 Judge of the Superior Court

7
8 Approved:

9 Wisener * Nunnally * Gold, L.L.P.

10 

11 Robert Nunnally, Jr.

12 Attorneys for the Insurance Commissioner

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PROOF OF SERVICE: By Mail
(Code Civ. Proc., §§ 1013, 2015.5)

STATE OF TEXAS, COUNTY OF DALLAS.

I am employed in the County of Dallas, State of Texas. I am over the age of 18 and not a party to the within action; my business address is 625 West Centerville Road, Suite 110, Street, Garland, Texas 75041

On this date, I served the foregoing documents described [PROPOSED] Order To Authorize The Closing Of The Ancillary Liquidation As To Holland-America Insurance Company by placing a copy thereof enclosed in sealed envelopes addressed as follows:

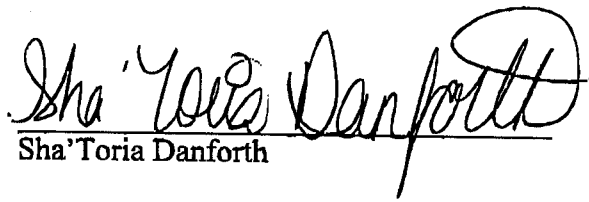
See Attached Exhibit "A"

I am readily familiar with my employer's practices of collection and processing correspondence for mailing with the United States Postal Service and the above-referenced correspondence will be deposited with the United States Postal Service on the same date as stated above, following ordinary course of business.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed by the office of a member of the bar of this court at whose direction the service was made.

Executed on June 1, 2004, at Garland, Texas


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