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**ENDORSED
FILED**
San Francisco County Superior Court

JUL 06 2006

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BY WESLEY RAMIREZ
Deputy Clerk

7 Attorneys for Applicant Insurance Commissioner of
the State of California

8
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SAN FRANCISCO

11 UNLIMITED JURISDICTION

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

13 Applicant,

14 v.

15 **PREMIER ALLIANCE INSURANCE COMPANY,**

16 Respondent.
17

Case No. 958449

**DECLARATION BY ROBERT
FERNANDEZ RE
COMPLIANCE WITH THE
FINAL REPORT AND
ACCOUNT OF LIQUIDATOR**

18 I, ROBERT FERNANDEZ, declare:

19 1. I am an Estate Trust Officer ("ETO") in the California Insurance Commissioner's
20 Conservation & Liquidation Office ("CLO"). If called upon to testify, I could competently testify
21 to the following facts as they are personally known to me, except as to those matters stated on
22 information and belief, and as to those matters, I believe them to be true. The statements contained
23 in this declaration are not all within my personal knowledge, and I am informed that no single
24 officer of the CLO has personal knowledge of all these matters. The statements herein are based on
25 information assembled by authorized employees of the CLO, and I am informed and believe that the
26 statements based upon that information are true.

27 2. My duties include managing and supervising the administration of insurance companies
28 conserved and liquidated by the Insurance Commissioner for the CLO. I have held this position for

1 eleven years. I make this Declaration in my official capacity as an ETO of the CLO and as ETO for
2 the Premier Alliance Insurance Company ("Premier Alliance") in liquidation.

3 3. On November 30, 2005, this Court entered its "Order (1) Settling and Approving
4 Final Report and Account of Liquidator; (2) Approving Final Distribution of Assets; (3) Terminating
5 Proceedings; and 4) Discharging Liquidator" ("Order") with regard to Premier Alliance.

6 4. Pursuant to paragraph 2 of the Order, on December 15, 2005, wire transfers and checks
7 of immediately available funds in the total amount of \$42,709,557 from the Premier Alliance estate
8 were sent by the Liquidator to approved claimants as follows: 1) the California Insurance Guarantee
9 Association; 2) 32 other insurance guarantee associations; 3) approved non -Insurance Guarantee
10 Association claims and; 4) interest on approved claims paid at the legal rate of 10%. All approved
11 claimants received 100% of their claim amounts, plus interest.

12 5. The Liquidator retained \$110,454.84 from the Premier Alliance estate prior to
13 making the payments described in paragraph 4 above for payment of administrative expenses
14 incurred after April 30, 2005 with respect to the Premier Alliance estate as set forth in paragraph 15
15 of the Final Report and Account of Insurance Commissioner, etc. filed in this action on October 28,
16 2005.

17 6. The Order provided that the Commissioner shall be discharged as Liquidator of the
18 Premier Alliance estate upon the filing of a declaration that he distributed the assets in accordance
19 with the terms of the Order. As set forth in paragraphs 1 - 5 above, the Commissioner has
20 transferred all residual assets of the estate and has taken all action necessary pursuant to the terms
21 of the Order, and the estate will be finally closed concurrent with the filing of this declaration.

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

24 Executed this 5 day of July, 2006, at San Francisco, California.

25
26 

27 Robert Fernandez
28 Estate Trust Officer for Premier Alliance

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Insurance Commissioner of the State of California v. Premier Alliance Insurance Company*

San Francisco County Superior Court, Case No.: **958449**

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 July 6, 2006, I served the attached

Declaration by Robert Fernandez Re Compliance with the Final Report and Account of Liquidator

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 July 6, 2006, at San Francisco, California.

Emily Aquino

Declarant


Signature

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