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8 *Attorneys for Applicant*
California Insurance Commissioner
9 *as Liquidator of Alistar Insurance Company*

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE CITY AND COUNTY OF SAN FRANCISCO

13 **THE INSURANCE COMMISSIONER OF THE**
14 **STATE OF CALIFORNIA,**

15 Applicant,

16 v.

17 **ALISTAR INSURANCE COMPANY,**

18 Respondent

Case No. CGC-05-446011

**AMENDED DECLARATION OF BOB
FERNANDEZ CONFIRMING
DISTRIBUTION OF ASSETS
PURSUANT TO COURT ORDER AND
CLOSING THE ESTATE OF ALISTAR
INSURANCE COMPANY**

Trial Date: N/A
Action Filed: April 22, 2002

21 I, Bob Fernandez, hereby declare under penalty of perjury of the laws of the State of
22 California as follows:

23 1. I am over eighteen years, and I am competent to be a witness.

24 2. I am an Estate Trust Officer ("ETO") in the California Insurance Commissioner's
25 Conservation & Liquidation Office ("CLO"). I have been an ETO at the CLO since March 20,
26 1995. I have been the ETO for Alistar Insurance Company ("Alistar") since April 11, 2002. I
27 make this declaration in my official capacity as an ETO for the CLO.

**ENDORSED
FILED**
Superior Court of California
County of San Francisco
MAR 23 2012
CLERK OF THE COURT
BY: GARGOLYN BALISTHEHI
Deputy Clerk

1 3. I am responsible for the management of financially impaired or insolvent insurance
2 companies (referred to as “estates”) from the time of conservation or liquidation until the court
3 has discharged the Insurance Commissioner of his or her duties as Conservator or Liquidator. I
4 serve as a fiduciary, and in this capacity, I lead and direct a support team consisting of individuals
5 who work in the areas of Accounting, Claims, Reinsurance, Legal, Finance, Information
6 Technology, Human Resources, and Administration. Once the California Insurance
7 Commissioner identifies an insurance company as financially impaired or at risk of mismanaging
8 its assets, he files an application with the court for conservation or liquidation of the company.
9 As an ETO, I receive input and advice from other insurance professionals, including attorneys
10 from the California Department of Insurance, the California Attorney General’s Office, and
11 private law firms.

12 4. The statements contained in this declaration are not all within my personal knowledge,
13 and I am informed that no single officer of the CLO has personal knowledge of all of these
14 matters. The statements in this declaration are based upon information assembled by authorized
15 employees of the CLO, and I am informed and believe that the statements based upon that
16 information are true. As to those matters that are within my own personal knowledge, the
17 statements are true. If called upon as a witness, I would testify as set forth herein.

18 5. On October 17, 2011, this Court entered the Order Approving Application of the
19 Insurance Commissioner, as Liquidator of Alistar Insurance Company, For Final Distribution of
20 Assets (hereinafter “Order”).

21 6. Paragraph 7 of said Order provides that the estate of Alistar Insurance Company shall be
22 closed and the Commissioner discharged as Liquidator upon the filing of a declaration that the
23 Commissioner has distributed assets in accordance with this Court’s Order approving final
24 distribution.

25 7. In accordance with the Court’s Order, the Commissioner distributed a total of
26 \$18,826,623.74.


27 8. On **March 19, 2012**, in accordance with Insurance Code section 12937, the Insurance
28 Commissioner escheated **\$4,834.12** to the California Department of Insurance.

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9. Pursuant to this Court's Order, the Commissioner retained \$293,808.00 for payment of administrative expenses incurred by the Commissioner for administrative and closing costs.

10. The Commissioner has taken all necessary steps pursuant to the terms of this Court's Order, and will close the estate concurrent with the filing of this declaration.

I declare under penalty of perjury that the foregoing is true and correct, except as to matters stated on information and belief and, as to those matters, I believe them to be true. Executed this 20 day of March, 2012, at San Francisco, California



BOB FERNANDEZ
Estate Trust Officer
Conservation & Liquidation Office

DECLARATION OF SERVICE BY U.S. MAIL

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

Case No.: San Francisco County Superior Court No. CGC-05-446011

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 or older and not a party to this matter; my business address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On March 22, 2012, I served the attached **AMENDED DECLARATION OF BOB FERNANDEZ CONFIRMING DISTRIBUTION OF ASSETS PURSUANT TO COURT ORDER AND CLOSING THE ESTATE OF ALISTAR INSURANCE COMPANY** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Sacramento, California, addressed as follows:

C. Guerry Collins, Esq.
Locke, Lord, Bissell & Liddell, LLP
300 South Grand Avenue, 8th Floor
Los Angeles, CA 90071

William E. Dopkins III, Esq.
Dopkins & Rolfe
815 University Avenue
Sacramento, CA 95825

Rommel Adao, ETA
Department of Insurance
Conservation & Liquidation Bureau
425 Market Street
San Francisco, CA 94105

Courtesy Copy – via email only

Laszlo Komjathy
Department of Insurance
Legal Division, Policy Approval Bureau
45 Fremont Street, 24th Floor
San Francisco, CA 94105

Courtesy Copy – via email only

Bob Fernandez, ETO
Department of Insurance
Conservation & Liquidation Bureau
425 Market Street
San Francisco, CA 94105

Courtesy Copy – via email only

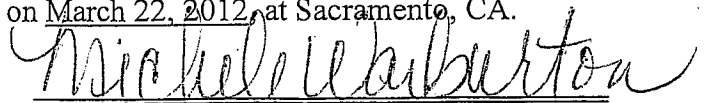
Jeffrey E. McMurry, CPCU, ARe
Department of Insurance
Conservation & Liquidation Bureau
425 Market Street, 23rd Floor
San Francisco, CA 94105

Courtesy Copy – via email only

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 March 22, 2012, at Sacramento, CA.

Michele Warburton

Declarant


Signature