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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.

16 Consolidated with Case Numbers

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

) Case No. C 572 724

) AMENDED

) NOTICE OF MOTION AND MOTION TO
) APPROVE INTERIM DISTRIBUTION;
) DECLARATIONS OF MOHSEN SULTAN
) AND BRIAN PAGRAGAN;
) MEMORANDUM OF POINTS AND
) AUTHORITIES

) Hon. J. Stephen Czuleger

) Department : 50

) Action filed: October 31, 1985

) Hearing date: April 4, 2003

) Time: 8:30 a.m.

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20 TO ALL POLICYHOLDERS CREDITORS, INSURANCES GUARANTY ASSOCIATIONS,
21 AND OTHER PERSONS AND ENTITES INTERESTED IN MISSION INSURANCE COMPANY
22 MISSION NATIONAL INSURANCE COMPANY, ENTERPRISE INSURANCE COMPANY,
23 THE MISSION INSURANCE COMPANY TRUST, MISSION NATIONAL INSURANCE
24 COMPANY TRUST AND ENTERPRISE INSURANCE COMPANY TRUST (collectively the
25 "Mission trusts"), OR THEIR ASSETS:
26

27 PLEASE TAKE NOTICE THAT:
28


1 The Insurance Commissioner hereby amends his Notice of Motion and Motion as follows:
2 On April 4, 2003, at the hour of 8:30 a.m. or as soon thereafter as the matter may be heard, the Insurance
3 Commissioner, in his capacity as Trustee of the Mission Insurance Company Trust, the Mission National
4 Insurance Company Trust, and the Enterprise Insurance Company Trust, shall apply to the Superior
5 Court for the County of Los Angeles, Department 50, for an order approving a Proposed Fourth Interim
6 Distribution to holders of approved claims under California Insurance Code Section 1033(a)(1) and
7 1033(a)(2). This notice is amended because no early access distribution to guaranty associations is
8 sought. The motion shall be supported by the Declaration of Mohsen Sultan and Brian Pagragan, as well
9 as the Memorandum of Points and Authorities filed with the Court with this motion.

10 1. The Fourth Interim Distribution to policyholders and other class 2 claimants shall be as
11 follows: 67 % of their approved claims from the Mission Insurance Company Trust, 75.7% of their
12 approved claims from the Mission National Insurance Company Trust and 49.4% of their approved
13 claims from the Enterprise Insurance Company Trust.

14 The Commissioner will ask the Court to grant the authority to enter into such agreements, set
15 a "record date" by which claims must be approved in order to share in the distribution, execute such
16 documents, and make such disbursements as are necessary to effectuate this distribution of assets as set
17 forth herein.

18 WHEREFORE, ON PREMISES CONSIDERED, the Insurance Commissioner requests that the
19 proposal set forth herein be approved, and all other just and equitable relief.

20 Wisener*Nunnally, LLP

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24 Robert H. Nunnally, Jr.

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26 Date: March 6, 2003

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