

1 KAMALA D. HARRIS
Attorney General of California
2 FELIX E. LEATHERWOOD
3 W. DEAN FREEMAN
Supervising Deputy Attorneys General
4 LISA W. CHAO, State Bar No. 198536
Deputy Attorney General
5 300 South Spring Street, Room 1702
6 Los Angeles, California 90013
7 Telephone: (213) 897-2481
8 Facsimile: (213) 897-5775
E-mail: Lisa.Chao@doj.ca.gov

9 MICHAEL R. WEISS, State Bar No. 180946
EPSTEIN TURNER WEISS
10 A Professional Corporation
11 633 W. Fifth Street, Suite 3330
Los Angeles, California 90071
12 Telephone: (213) 861-7487
13 Facsimile: (213) 861-7488
Email: mrw@epsteinturnerweiss.com

14 Attorneys for Applicant
15 Insurance Commissioner of the State of California

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF LOS ANGELES**

18 INSURANCE COMMISSIONER OF THE
19 STATE OF CALIFORNIA,

20 Applicant,

21 v.

22 GOLDEN STATE MUTUAL LIFE
23 INSURANCE COMPANY, a California
corporation,

24 Respondent.

Case No. BS123005
Assigned to Hon. Ann I. Jones, Dept. 86

**NOTICE OF APPLICATION FOR
ORDER AUTHORIZING LIQUIDATOR
TO SELL REAL PROPERTY LOCATED
AT 1225 EAST FIFTH STREET IN
WINSTON-SALEM, NORTH CAROLINA**

[Filed concurrently with Memorandum,
Declarations, Proposed Order, and Proof of
Service]

Date: September 5, 2012
Time: 9:30 a.m.
Dept: 86

1 **TO: (1) THE LOS ANGELES SUPERIOR COURT;**
2 **(2) ALL PERSONS AND ENTITIES KNOWN TO THE LIQUIDATOR TO HAVE**
3 **A SUBSTANTIAL UNSATISFIED CLAIM THAT MAY BE AFFECTED BY**
4 **THE REQUESTED COURT ORDERS; AND**
5 **(3) ALL INTERESTED PARTIES.**

6 **PLEASE TAKE NOTICE** that on September 5, 2012, at 9:30 a.m., or as soon thereafter
7 as the parties may be heard, in Department 86 of the Los Angeles Superior Court for the State of
8 California, County of Los Angeles, located at 111 N. Hill Street, Los Angeles, California 90012
9 (“Court”), Applicant Insurance Commissioner of the State of California, in his capacity as
10 Liquidator (“Liquidator”) of Golden State Mutual Life Insurance Company (“Golden State”), will
11 and hereby does apply to the Court and submit this application for:

12 1. A Court Order authorizing the Liquidator to sell the real property, owned by
13 Golden State, located at 1225 East Fifth Street in Winston-Salem, North Carolina 27101 [Map
14 636854, Block 9998, Lot 129A] (“Property”), to Trade Street Development Corp, a North
15 Carolina corporation (“Trade Street”), pursuant to the terms of a Real Estate Purchase Agreement
16 and its First and Second Amendments between the Liquidator and Trade Street; and

17 2. A Court Order authorizing the Liquidator to take any and all actions necessary to
18 accomplish the purposes of the above requested Order.

19 **Grounds for the Application**

20 This application is made pursuant to Insurance Code § 1037 and the Order of Liquidation
21 for Golden State on the grounds that the sale of the Property to Trade Street is within the
22 Liquidator’s discretion, is geared towards maximizing Golden State’s liquidation estate value and
23 is in the best interests of Golden State’s creditors, because: (1) The sale price of \$325,000 is the
24 reasonable fair market value for the Property; (2) Trade Street is a third party purchaser not
25 related to the Liquidator or to any person involved in Golden State’s liquidation; (3) The Property
26 was used for Golden State’s district office in Winston-Salem and has been listed for sale for
27 nearly two years since September 1, 2010; (4) The sale of the Property stops the further
28 expenditure of Golden State’s limited assets on property maintenance expenses including

1 maintenance, insurance, property taxes and other costs associated with ownership and
2 maintenance of the Property; and (5) The sale is consistent with the Liquidator's duty to marshal
3 and monetize Golden State's remaining assets for distribution to creditors, and is consistent with
4 the Liquidator's authority and discretion under the Court's Order of Liquidation, the Insurance
5 Code and case law.

6 Accordingly, Court approval for the sale of the Property to Dynasty is appropriate.

7 This application is based on this Notice, the Memorandum of Points and Authorities and
8 the declarations of Scott Pearce, Peter C. Kane and Michael R. Weiss, and evidence filed
9 concurrently with this Notice, the pleadings, documents and papers on file in this action, and on
10 such oral and/or documentary evidence and/or arguments which may be presented at the hearing
11 on this application.

12 **Copies of Liquidator's Application and Supporting Evidence and Documents**

13 Copies of the Liquidator's Notice, Memorandum with evidence and Proposed Order
14 supporting this application can be reviewed and downloaded at the Insurance Commissioner's
15 Conservation & Liquidation Office's website at www.caclo.org/GoldenStateMutual. You also
16 can call the Conservation & Liquidation Office's toll-free telephone number 1-877-595-2379,
17 Ext. 5016, for assistance and to request a copy of the application and supporting documents.

18 **Response or Opposition to Application**

19 Any response or opposition to this application shall be filed with the Court and served by
20 mail or e-mail to Golden State's attorney Michael R. Weiss, with supporting evidence, on or
21 before August 22, 2012. The Liquidator shall file any replies, with supporting evidence, on or
22 before August 28, 2012. The address for Golden State's attorney Michael R. Weiss for service is:

23 Michael R. Weiss
24 Epstein Turner Weiss
25 A Professional Corporation
26 633 W. Fifth Street, Suite 3330
27 Los Angeles, California 90071
28 Telephone: (213) 861-7487
Facsimile: (213) 861-7488
Email: mrw@epsteinturnerweiss.com.


No action is required on your part if you do not oppose this Application.

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DATE: July 23, 2012

KAMALA D. HARRIS
Attorney General of California
FELIX E. LEATHERWOOD
W. DEAN FREEMAN
Supervising Deputy Attorneys General
LISA W. CHAO
Deputy Attorney General

EPSTEIN TURNER WEISS
A Professional Corporation

By: 
MICHAEL R. WEISS
Attorneys for Applicant
INSURANCE COMMISSIONER OF THE
STATE OF CALIFORNIA