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FILED-Big Bear Division
SAN BERNARDINO COUNTY
Superior Court

AUG 25 2000

By Deputy

8 Attorneys for Applicant Insurance Commissioner of the State of California

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF SAN BERNARDINO**

11
12 INSURANCE COMMISSIONER OF THE
13 STATE OF CALIFORNIA,

Applicant,

14 vs.

15
16 UNIVERSAL TITLE COMPANY,

17 Respondent.

CASE NO. BB CHS 00239

**ORDERS: (1) APPOINTING
LIQUIDATOR AND
RESTRAINING ORDERS AND
(2) TO FOREGO CLAIMS
PROCEDURE**

[Ins. Code Sections 1016, 1020 and
1021]

Date: August 25, 2000
Time: 1:00 p.m.
Place: H-1

18
19
20 The Applicant's Verified Application For Orders: (1) Appointing Liquidator And
21 Restraining Orders And (2) to Forego Claims Procedure came on regularly for hearing on
22 August 25, 2000 in Department H-1 of the above entitled court the Honorable Sylvia Husing
23 Judge presiding. Applicant was represented by Bill Lockyer, Attorney General of the State of
24 California by Mark P. Richelson, Deputy Attorney General. There were no other appearances.

25 The Court after reviewing the Applicant's Verified Application For Orders: (1)
26 Appointing Liquidator And (2) to Forego Claims Procedure the records and pleadings on file
herein, argument having been served and good cause appearing finds that it would be futile for
28 the Applicant to continue as conservator and **ORDERS THAT:**

1 1. Applicant's status as Conservator is terminated and he is appointed him Liquidator
2 of Respondent, as set forth in section 1016 of the Insurance Code, and directing him as
3 Liquidator to liquidate and wind up the business of Respondent and to act in all ways and
4 exercise all powers necessary for the purpose of carrying out such order;

5 2. Title is vesting in Applicant, as Liquidator of Respondent, to all of the records,
6 property and assets of Respondent then in the possession of Applicant as Conservator, as well as
7 any records, property and assets of Respondent discovered or obtained hereafter wheresoever
8 such assets may be situated;

9 3. The Applicant, as Liquidator of Respondent, is directed to honor as expenses of
10 administration all expenses heretofore incurred by the Conservator and presently unpaid;

11 4. All rights and liabilities of claimants, creditors, and all other persons interested in
12 the assets of Respondent, including the State of California, be fixed as of the date of entry of the
13 order herein prayed for;

14 5. Respondent, its officers, directors, agents and employees and all other persons are
15 enjoined from transacting the business of Respondent and from disposing of any of its California
16 assets or property or any other assets or property of Respondent wheresoever situated;

17 6. All persons are enjoined from interfering with the possession, title and rights of
18 Applicant, as Liquidator, in and to the assets of Respondent, and from interfering with the
19 conduct of the liquidation and the winding up of the business of Respondent;

20 7. All persons are enjoined from waste of assets of Respondent;

21 8. All persons are enjoined from instituting or prosecuting or maintaining any action
22 or proceeding at law or suit in equity, including but not limited to matters in arbitration, against
23 Respondent or Applicant as Liquidator of Respondent, and from attaching or executing upon, or
24 taking, any legal action against the property held by Respondent without the consent of this
25 Court obtained after reasonable notice to said Liquidator;

26 9. All persons are enjoined from obtaining preferences, judgments, attachments or
27 other license, or from making any levy against Respondent or its assets without the consent of
28 this Court obtained after reasonable notice to said Liquidator;

1 10. All former or present officers, directors, agents and employees of Respondent, and
2 all other persons are ordered to deliver all books, records, equipment and other assets of
3 Respondent wheresoever situated to Liquidator;

4 11. All funds and accounts in the name of Respondent, or Applicant as Conservator,
5 in various banks or any other institutions wheresoever situated are vested in Applicant as
6 Liquidator and subject to withdrawal at his direction only;

7 13. The Applicant as Liquidator is authorized to initiate such equitable or legal actions
8 or proceedings in this or other states as may appear to him necessary to carry out his functions as
9 Liquidator;

10 13. Applicant as Liquidator is authorized to appoint and employ estate managers,
11 special deputies, clerks and assistants and to give each of them such power and authority as he
12 deems necessary and Applicant is authorized to compensate them from the assets of Respondent,
13 or from such other non-conservatorship funds as are lawfully available, which as to him shall be
14 determined to be appropriate;

15 14. Applicant, as Liquidator, is authorized to invest Respondent's assets as he deems to
16 be in the best interests of this liquidator estate, and to pay for his costs in bringing and
17 maintaining this and other actions necessary to carry out his functions as Liquidator of
18 Respondent from the assets of Respondent, and if there are insufficient assets, is authorized to
19 pay for his costs out of the Insurance Fund, pursuant to Insurance Code § 1035; and,

20 15. The Applicant as Liquidator is authorized to decline to continue this insolvency
21 proceeding, to provide notice of its termination as allowed by Insurance Code §1021(c)(2) and to
22 waive the requirement that the Applicant proceed in accordance with the claim procedure set
23 forth in Insurance Code §1021 et seq., thereby absolving the Insurance Commissioner from any
24 liability that might be incurred thereby.

25 Dated: Aug. 25, 2000

26 
SYLVIA HUSING
JUDGE OF THE SUPERIOR COURT

SYLVIA HUSING

27 16. The liquidator is ordered
to provide 30 days notice
to all parties of his intent to
abandon assets subject to ~~30 days~~ any
parties right to object requests hearings
3

28 within said 30 days

DECLARATION OF SERVICE

Case Name: INSURANCE COMMISSIONER v. UNIVERSAL TITLE COMPANY

Case No.: BB CHS 00239

I declare:

I am employed in the County of Los Angeles, California. I am 18 years of age or older and not a party to the within entitled cause; my business address is 300 South Spring Street, 5th Floor, Los Angeles, California 90013. My facsimile telephone number is (213) 897-5775.

On August 2, 2000, I served the attached

**(PROPOSED) ORDERS: (1) APPOINTING LIQUIDATOR
AND RESTRAINING ORDERS AND (2) TO FOREGO
CLAIMS PROCEDURES**

by transmitting a true copy by facsimile machine at the following facsimile machine telephone number:

(SEE ATTACHED SERVICE LIST)

In addition, I placed a true copy thereof in the internal mail collection system at the Office of the Attorney General, 300 South Spring Street, 5th Floor, Los Angeles, California 90013, for deposit in the United States Postal Service that same day in the ordinary course of business, in a sealed envelope, postage fully postpaid, addressed as follows:

(SEE ATTACHED SERVICE LIST)

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on August 2, 2000, at Los Angeles, California.

ROSITA V. EDUARDO


Signature

INSURANCE COMMISSIONER v. UNIVERSAL TITLE COMPANY

San Bernardino Superior Court Case No. BB CHS 00239

03351130LA2000CV0206

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*Courtesy Copy

**Service by mail only