

1 KAMALA D. HARRIS
 Attorney General of California
 2 FELIX E. LEATHERWOOD
 3 W. DEAN FREEMAN
 Supervising Deputy Attorneys General
 4 ELISA B. WOLFE-DONATO, State Bar No. 120357
 Deputy Attorney General
 5 300 South Spring Street, Room 1702
 6 Los Angeles, California 90013-1256
 Telephone: (213) 897-0633
 7 Facsimile: (213) 897-5775
 8 E-mail: Elisa.Wolfe@doj.ca.gov

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

19 INSURANCE COMMISSIONER OF THE
 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 4801 ALMEDA ROAD IN HOUSTON,
 TEXAS**

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

Date: April 6, 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 April 6, 2012, at 9:30 a.m., or as soon thereafter as the
7 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 4801 Almeda in Houston, Texas 77004 [APN: 0610940000034, 35, 36]
14 (“Property”), to Dynasty Investments, Inc., a Texas Corporation (“Dynasty”), pursuant to the
15 terms of a Real Estate Purchase Agreement and First Amendment between the Liquidator and
16 Dynasty; 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 Dynasty is within the Liquidator’s
22 discretion, is geared towards maximizing Golden State’s liquidation estate value and is in the best
23 interests of Golden State’s creditors, because: (1) The sale price of \$495,000 is the reasonable fair
24 market value for the Property; (2) Dynasty is a third party purchaser not related to the Liquidator
25 or to any person involved in Golden State’s liquidation; (3) The Property was used for Golden
26 State’s district office in Houston and has been listed for sale for the last two years since October
27 1, 2010; (4) The sale of the Property stops the further expenditure of Golden State’s limited assets
28 on property maintenance expenses including maintenance, insurance, property taxes and other

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

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

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

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

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

17 **Response or Opposition to Application**

18 Any response or opposition to this application shall be filed with the Court and served by
19 mail or e-mail to Golden State's attorney Michael R. Weiss, with supporting evidence, on or
20 before March 26, 2012. The Liquidator shall file any replies, with supporting evidence, on or
21 before March 30, 2012. The address for Golden State's attorney Michael R. Weiss for service is:

22 Michael R. Weiss
23 Epstein Turner Weiss
24 A Professional Corporation
25 633 W. Fifth Street, Suite 3330
26 Los Angeles, California 90071
27 Telephone: (213) 861-7487
28 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: February 29, 2012

KAMALA D. HARRIS
Attorney General of California
FELIX E. LEATHERWOOD
W. DEAN FREEMAN
Supervising Deputy Attorneys General
ELISA B. WOLFE-DONATO
Deputy Attorney General

EPSTEIN TURNER WEISS
A Professional Corporation

By: 

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