

**MERCED PROPERTY AND CASUALTY COMPANY**

In Liquidation (the "Company")  
PO Box 26894  
San Francisco, CA 94126-6894

**PROOF OF CLAIM**

Superior Court of the State of California  
County of Merced  
Case No. 18CV-04739

PLEASE READ ALL INSTRUCTIONS ON THE BACK OF THIS FORM CAREFULLY BEFORE COMPLETING FORM

**DEADLINE FOR FILING PROOF OF CLAIM IS June 30, 2019**

**Proof of Claim Number: xxxxxx**

*Part 1 Person or Entity Making Claim (Claimant)*

BARCODE POC # Claimant Name Address 1 Address 2 City, State ZIP	Claimant Telephone
	Claimant E-Mail
	SSN or Federal Tax ID No.

Are you represented by an attorney? Yes or No , circle one  
 If yes, state your attorney's name, address and telephone number \_\_\_\_\_  
 \_\_\_\_\_

*Part 2 Claim Information*

Type of Claim	Amount of Claim	Describe your claim: _____ Attach all supporting documentation to this form.
<input type="checkbox"/> Policy related <input type="checkbox"/> General Creditor <input type="checkbox"/> Other	\$ _____ \$ _____ \$ _____	

a. Have you received any payments on the claim for which you are filing this Proof of Claim from any source? \_\_\_\_ If yes, specify the total amount received \$ \_\_\_\_\_ and identify all sources: \_\_\_\_\_  
 \_\_\_\_\_

b. Is this a secured claim? If yes, identify all security for this claim: \_\_\_\_\_  
 \_\_\_\_\_

c. Is this claim the subject of legal action? \_\_\_\_ If yes, list court and case number: \_\_\_\_\_  
 List all parties and their attorneys: \_\_\_\_\_

d. Is this claim contingent or unliquidated? If yes, explain: \_\_\_\_\_

The undersigned subscribes and affirms as true under the penalties of perjury as follows: that he or she has read the foregoing Proof of Claim and knows the contents thereof; that this claim against the Company is justly owing to the Claimant; that the matters set forth and in any accompanying statements and supporting documents are true and correct; that no payment of or on account of the aforesaid claim has been received except as above stated; and that there are no set offs or counterclaims thereto except as above stated.

Claimant Signature \_\_\_\_\_ Date Signed \_\_\_\_\_

Print Name \_\_\_\_\_

Title or Official Capacity (if any) \_\_\_\_\_

**Return your completed form to:**

**Merced Property and Casualty Company in Liquidation  
 Proof of Claim  
 Conservation and Liquidation Office  
 P O Box 26894  
 San Francisco, CA 94126-6894**

# Proof of Claim Instructions



1. The Proof of Claim must be typed or legibly printed in ink.
2. The Proof of Claim must have all items completed and questions answered. If an item is not applicable, please write "N/A" in that section. Your Proof of Claim will be returned to you if any items are left blank. Please review the entire form for completion prior to mailing.
3. If you need additional space to fully answer any question, please do so on a separate sheet of paper and attach to your Proof of Claim.
4. You must attach to the Proof of Claim documents or evidence supporting your claim. **FAILURE TO PROVIDE SUFFICIENT DOCUMENTS OR EVIDENCE SUPPORTING YOUR CLAIM IS GROUNDS FOR DENIAL.**
5. You have an ongoing duty to supplement your Proof of Claim with supporting documentation as additional information is received. This requirement includes notice of any change of address.
6. The Proof of Claim must be signed by the Claimant who is named in Part 1, or by a representative of the Claimant who has knowledge of the matters set forth in the Proof of Claim and in any accompanying statement and supporting documents.
7. All Proofs of Claim must be postmarked no later than June 30, 2019. The Liquidator is not responsible for undelivered mail.
8. The Liquidator suggests you keep a copy of the completed Proof of Claim for your records.
9. A copy of the Proof of Claim form should be attached to all future correspondence, related to your Proof of Claim.

## GENERAL INFORMATION

After all claims have been approved or rejected, the Liquidator will seek Court approval to begin making distributions to the approved claimants from the assets of the Company.

If you have any questions about the Proof of Claim procedure, you may call (415) 676-5016 or e-mail to: [MercedPOC@caclo.org](mailto:MercedPOC@caclo.org)

Please visit our website at [www.caclo.org](http://www.caclo.org) for additional information. Look in the 'Companies' section for Merced Property and Casualty Insurance Company.

## IMPORTANT NOTICE

*If you have a change of address after filing your Proof of Claim you must provide us with your new address in order to receive any payment that might be due.*

## **Frequently Asked Questions**

### **Merced Property and Casualty Company (MERCED) Proof of Claim**

**Q. What is a liquidation proceeding?**

A. Liquidation is similar to bankruptcy. When an insurance company is insolvent, the California Insurance Code authorizes the Insurance Commissioner of the state of California to ask the Superior Court (the "Court") for an Order appointing the Insurance Commissioner as the Liquidator and instructing him/her to liquidate the insurance company. The Liquidation Order directs the Liquidator, to (i) take or maintain possession of the property of the insurer, (ii) conduct the insurer's business, and (iii) take such steps to liquidate (wind-up the affairs of) the business of the insurer as the Court shall direct.

**Q. What is a Proof of Claim Process?**

A. A Proof of Claim process determines creditors who may have a monetary claim against the assets of Merced. The legal obligations of the company are determined through this process.

**Q. Why was I sent a Proof of Claim form?**

A. The records of Merced indicate that you had a relationship with the company. Thus, you are a potential creditor and we are required to notify you of your right to file a claim if you so choose.

**Q. Must I complete and file the Proof of Claim form?**

A. Only if you believe you have or may have a monetary claim against Merced for obligations that were incurred prior to the Liquidation date of December 2, 2018. All liabilities of the liquidated company are fixed as of that date. If you do not file a claim by the bar date of June 30, 2019, you will not be eligible to participate in any potential future distribution of Merced Property and Casualty assets.

**Q. If I am a claimant with an open claim under a Merced insurance policy, must I file a Proof of Claim?**

A. No. If you had an open claim at the time of liquidation, the Liquidation Order deems your proof of claim automatically filed with the Liquidator and you need not complete the form.

**Q. If I am a claimant under a Merced insurance policy, what happens to my claim?**

A. As a general rule, your claim is transferred to a Guarantee Fund for further claims administration and payment as appropriate. In some infrequent situations there may not be Guarantee Fund coverage for your claim or a portion of your claim. Responsibility for handling for such non-covered claims generally reverts to the policyholder.

**Q. If I am a policyholder of Merced, do I need to file a Proof of Claim?**

A. The Liquidation order specifies that all open policy claims as of the date of liquidation are considered timely filed, and you need not file a Proof of Claim to insure that an existing claim will continue to be handled by a Guarantee Association. However, if you receive notice that a claim against your policy is not covered for any reason, it is safer to file a Contingent and Undetermined claim. Also if you believe you may have new claims in the future, we strongly encourage you to file a Contingent and Undetermined claim. Finally, if you believe that you have a claim for any other money you must file a Proof of Claim for it to be considered.

**Q. What is a Guarantee Association and what does it do?**

A. Most Merced policy claims qualify for coverage from the California Insurance Guarantee Association (CIGA). CIGA was created by state law to provide protection to policyholders and claimants in the event of a member insurer's liquidation. The state law which created CIGA has limitations and other eligibility requirements, including certain limitations on the amount of coverage available and the types of claims covered. The Liquidator cannot make a determination concerning the amount of CIGA coverage available to a policyholder or claimant. That determination will be made by CIGA consistent with their state laws.

**Q. Will my claim(s) be paid in full by CIGA?**

A. CIGA has maximum benefit limits. These limits are established by state statute. If you have a claim handled by CIGA, CIGA will advise you of any limits which may affect your claim. You may visit CIGA's website at [www.caiga.org](http://www.caiga.org). If your claim exceeds the CIGA statutory limit you will submit the remainder of your claim with the Liquidator. The remainder of your claim will be subject to approval by the Liquidator through the Proof of Claim process. If the Liquidator approves the remainder of your claim, payment will be made only after the Liquidation Court approves a distribution to approved Proof of Claim holders. All approved claimants in the policy related claim class will receive a pro-rata share of the assets available for distribution.

**Q. What happens to my general creditor ("non-policy related") claim against Merced?**

A. As a result of the entry of the Liquidation Order, Merced is not able to pay all its debts at this time. Over time the Liquidator will liquidate the assets of Merced and evaluate all the claims against Merced. Once the Liquidator evaluates all claims, the Liquidator will make recommendations to the Court. Once the process of liquidating Merced's assets and determining Merced's liabilities is complete, the remaining available assets will be distributed to classes of claimants with approved proofs of claim in the priority order established in the California Insurance Code Section 1033.

**Q. What happens if I have or want to bring, a lawsuit against Merced?**

A. No action at law or equity or in arbitration shall be brought against Merced or the Liquidator, whether in California or elsewhere, nor shall any such existing actions be maintained or further presented after entry of the Liquidation Order. The Liquidator may intervene in any action against Merced in order to protect Merced's assets.

**Q. May I contact the Liquidator to obtain advice?**

A. The Liquidator will try to be as helpful as possible to assist you to perfect your claim against the company, but the Liquidator cannot give you legal advice. You may want to contact your attorney if you need such advise.

**Q. Where can I find additional information regarding Merced and/or the Liquidation Proceeding?**

A. Additional information regarding the Merced receivership will be posted at:

[www.caclo.org/Merced](http://www.caclo.org/Merced)

For assistance please call (415) 676-5016 or email [MercedPOC@caclo.org](mailto:MercedPOC@caclo.org)

**NOTICE TO ALL POLICYHOLDERS, CLAIMANTS, CREDITORS, CERTIFICATE OF CONTRIBUTION HOLDERS, SHAREHOLDERS, AND ALL OTHER PERSONS OR ENTITIES INTERESTED IN MERCED PROPERTY & CASUALTY COMPANY**

NOTICE IS HEREBY GIVEN that on December 3, 2018, the Superior Court of the City and County of Merced, California entered an Order Appointing Liquidator, in the case entitled *Insurance Commissioner of the State of California v. Merced Property and Casualty Company*, Case No. 18CV-04739 ("Liquidation Order"). The effective date of the liquidation order is December 3, 2018. Pursuant to the Liquidation Order, the California Insurance Commissioner has been appointed as the statutory Liquidator of Merced Property and Casualty Company ("Merced"). The Liquidation Order authorizes and empowers the Commissioner, through his Conservation & Liquidation Office, to liquidate Merced and its assets for the benefit of Merced's policyholders, claimants, creditors, certificate of contribution holders and shareholder, as provided in Sections 1010 through 1062 of the Insurance Code of the State of California.

A copy of the Liquidation Order can be found on the Conservation & Liquidation Office website at: [www.caclo.org](http://www.caclo.org). A set of questions and answers concerning the liquidation of Merced can be found on the same website.

Merced was found to be statutorily insolvent. This finding of insolvency triggers the California Insurance Guarantee Association (CIGA) to begin paying covered claims to Merced's claimants up to statutory limits. Claims contact information for CIGA is:

**California Insurance Guarantee Association**  
**P.O. Box 29066**  
**Glendale, CA 91209-9066**  
**818-844-4300 (office) 818-291-1863 (fax)**  
**[assistance@caiga.org](mailto:assistance@caiga.org)**

**If you are a Merced Property & Casualty Company policyholder:**

- All Merced insurance policies are required by law to be cancelled effective 30 days from the date of the liquidation.
- You should contact your agent or broker to place your coverage with another insurer **immediately**.
- If you have difficulty in procuring replacement coverage in the normal market, you possibly may obtain basic fire insurance coverages through the California FAIR Plan Association. Insurance through the Association is available only in certain areas of the state. For more information or assistance in obtaining basic property insurance through the FAIR Plan, please contact your agent or broker or the Fair Plan at (800)339-4099 or [www.cfpnet.com](http://www.cfpnet.com).
- CIGA is responsible to pay the unearned premium that is due to insureds for coverage that extends beyond the cancellation date.
- If you have a pending claim or if you have an insured loss that occurs prior to the cancellation date, you need to contact the California Insurance Guarantee Association at the same address, phone number and email listed above.

Additional information about Merced can be found on the Company's website at: [www.mercedpcins.com](http://www.mercedpcins.com) or contact Merced at (209) 358-6421 or (800) 348-6747.

Date: December 3, 2018

DAVE JONES

Insurance Commissioner of the  
State of California as Liquidator of  
Merced Property and Casualty Company

By:

\_\_\_\_\_  
David E. Wilson  
Special Deputy Insurance Commissioner