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8 of the State of California*

FILED  
MERCED COUNTY  
2022 MAY 16 PM 4:40  
CLERK OF THE SUPERIOR COURT  
*[Signature]*  
DEPUTY

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF MERCED

12 **INSURANCE COMMISSIONER OF THE  
13 STATE OF CALIFORNIA,**

14 Applicant,

15 v.

16 **MERCED PROPERTY & CASUALTY  
17 COMPANY, a California corporation,**

18 Respondent.

Case No. 18CV-04739

~~PROPOSED~~ ORDER 1) APPROVING  
LIQUIDATOR'S SALE OF MERCED  
REAL PROPERTY TO HOMEN  
PROPERTIES, LLC, 2) RELEASING  
HOMEN FROM LIABILITY AND  
ENJOINING THIRD-PARTY CLAIMS,  
AND 3) RETAINING THE COURT'S  
JURISDICTION TO RESOLVE  
RELATED DISPUTES

Date: May 13, 2022  
Time: 8:15 a.m.  
Dept: 8  
Judge: Hon. Brian McCabe  
Action Filed: November 30, 2018

22  
23 The Application of the Insurance Commissioner of the State of California (Commissioner),  
24 in his capacity as Liquidator of Merced Property & Casualty Company (Merced), for an Order 1)  
25 Approving Liquidator's Sale of Merced Real Property to Homen Properties, LLC, 2) Releasing  
26 Homen From Liability and Enjoining Third-Party Claims, and 3) Retaining the Court's  
27 Jurisdiction to Resolve Related Disputes was heard in Department 8 of the above-entitled court  
28 on May 13, 2022, at 8:15 a.m., the Honorable Brian McCabe presiding. Having read and



1 considered the Application, the Memorandum of Points and Authorities, the Declaration of Scott  
2 Pearce submitted in support thereof, the Exhibits submitted in support thereof and, argument  
3 having been heard and good cause appearing,

4 IT IS HEREBY ORDERED that:

5 1. The Application is granted;

6 2. The Commissioner is authorized to sell the Merced real property, which consists of  
7 1) a home office building located at 971 E. Broadway Ave., Atwater, California, 95301  
8 (APN:004-010-015-000), and 2) an adjacent and contiguous parcel of vacant land (APN:004-010-  
9 014-000) located at 3349 Station Ave., Atwater, California, 95301 (hereafter, collectively referred  
10 to as "the Merced Real Property"), to Homen Properties LLC (Homen) "as-is" for \$1,665,000  
11 cash;

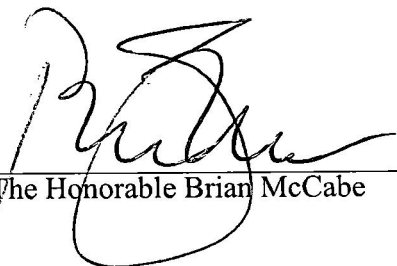
12 3. Homen is released from any and all claims, demands, actions or causes of action of  
13 any policyholder, contract holder, creditor, claimant (including holders of contingent claims), or  
14 stockholders of Merced arising out of or relating in any manner whatsoever to Homen's purchase  
15 of the Merced Real Property;

16 4. Any and all policyholders, contract holders, creditors, claimants (including holders of  
17 contingent claims), or stockholders of Merced are permanently enjoined from asserting any and  
18 all claims, demands, actions or causes of action against the Merced Real Property and/or Homen  
19 arising out of or relating in any manner whatsoever to Homen's purchase of the property;

20 5. The court shall retain exclusive jurisdiction to resolve any and all claims, demands,  
21 actions or causes of action against Homen that arise out of or relate to Homen's purchase of the  
22 Merced Real Property and/or to any pre-closing liability, claim, or lien against the property; and

23 6. The Commissioner is authorized to take any and all action necessary to accomplish  
24 the purposes of this Order.

25  
26 Dated: MAY 16 2022

27  
28  
  
The Honorable Brian McCabe