

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

Ann H. Womer Benjamin,
Superintendent, Ohio Department
of Insurance, in her Capacity as
Liquidator of The Estate of
Proliance Insurance Company

Plaintiff,

v.

Proliance Insurance Co.,

Defendant.

JUDGE JULIE LYNCH

CASE NO. 00CVH12 11391

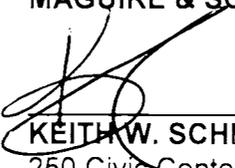
**MOTION AND ACCOMPANYING MEMORANDUM OF THE LIQUIDATOR FOR
APPROVAL OF THE CALCULATION AND PAYMENT OF THE SECOND EARLY
ACCESS PAYMENT OF THE GUARANTY FUNDS**

Ann J. Womer Benjamin, Superintendent, in her capacity as the Court appointed
Liquidator (the "Liquidator") of Proliance Insurance Co. ("Proliance"), hereby applies to
the Court for approval of the calculation and payment of the second early access
payment to the guaranty funds. A Memorandum in Support of the Motion is attached.

Respectfully submitted,

**JIM PETRO
ATTORNEY GENERAL OF OHIO**

**By Special Counsel:
MAGUIRE & SCHNEIDER, LLP**



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***Attorney for Ann Benjamin Womer,
Superintendent, Ohio Department of Insurance,
in her Capacity as Liquidator of The Estate of
Proliance Insurance Company***

FILED
IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO
JUL 15 2010
CLERK'S OFFICE

MEMORANDUM IN SUPPORT

This Court entered its Order of Liquidation and Appointment for Proliance on April 24, 2001. Under Ohio Revised Code (“ORC”) § 3903.34(A), the liquidator was required to make an application to the Court within one hundred twenty days of the final determination of the insolvency of Proliance for approval of a proposal to distribute assets to guaranty associations, which have obligations as a result of the Proliance insolvency. In this instance, there is one guaranty association with obligations in this case – The Ohio Insurance Guaranty (the “Guaranty Association”). The payments to be made to the Guaranty Association pursuant to the plan required by ORC § 3903.34(A) are commonly called “early access payments”.

On August 23, 2001, the Liquidator filed her application for Approval of the Plan for Disbursement of Proliance Assets to Guaranty Associations pursuant to ORC § 3903.34 (the “application”). Attached as Exhibit A to the Application was the proposed plan for Disbursement of Proliance Assets to Guaranty Associations pursuant to ORC § 3903.34 (the “Plan”).

On October 3, 2001, this Court entered its Entry and Order granting Liquidator’s Application for Approval of the Plan for Disbursement of Proliance Assets to Guaranty Associations pursuant to ORC § 3903.34 (the “Order”). The order approved the Plan and provided that payment would be made only to the Guaranty Association after it has executed and returned the Agreement to the Liquidator.

The Liquidator has now made her second calculation of the current amount that should be paid pursuant to the Plan. Attached hereto as Exhibit A is that calculation. It provides for the total amount of Two Hundred Twenty Nine Thousand One Hundred Nine Dollars (\$229,109.00) to be distributed to the Guaranty Associations.

The second early access payment has been calculated as required by the Plan and by the statute. There are sufficient assets available to make the payment. Pursuant

to the calculations, the Liquidator will retain sufficient monies to satisfy projected administrative obligations and other liabilities.

Therefore, the Liquidator respectfully requests that the Court approve the calculation of the second early access payment and the payment to the Guaranty Associations as listed in Exhibit A attached hereto.

WHEREFORE, THE LIQUIDATOR PRAYS that the Court grant this Motion, approve the calculation of the second Early Access Payment in Exhibit A attached hereto, approve the payment of the second Early Access Payment as set forth herein and for such other and further relief as the Court deems proper and just.

Respectfully submitted,

JIM PETRO
ATTORNEY GENERAL OF OHIO

By Special Counsel:
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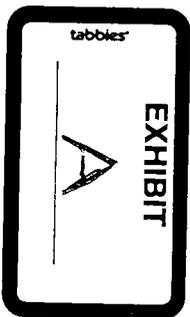
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***Attorney for Ann Benjamin Womer,
Superintendent, Ohio Department of Insurance,
in her Capacity as Liquidator of The Estate of
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Proliance Insurance Company Early Access Calculation

<u>Plan Paragraph</u>	<u>Description</u>		
A.	Total Available Liquid Assets	\$650,480	
B.	Future Administrative Expenses of Liquidator	\$225,000	
C.	Reserves for Secured Claims	\$0	
D.	Reserves for Employee Claims	\$0	
E.	Liquid Assets Available for Class 2 Claims (A-B-C-D)	\$425,480	
F.	Total Estimated Guaranty Association Claims	\$659,049	
G.	Total Estimated Non-Guaranty Association Class 2 Claims	\$214,305	
H.	Total Estimated Class 2 Claims (F+G)	\$873,354	
	Total Claims and LAE Paid by Guaranty Associations to Date	\$433,218	
I.	Percentage Paid to Date by Guaranty Associations of potential Total Class 2 Claims (F/H)	75.46181%	
J.	Amount Paid to Guaranty Associations on Prior Distributions	\$374,788	
K.	Cumulative Amount to be Paid to Guaranty Associations [(E+J) x I]	\$603,897	
L.	Current Amount to be Distributed to Guaranty Associations (K-J)	\$229,109	



Formula used to determine individual association's share			
O.	UEP Paid to Date	\$0	
P.	Claims Paid to Date	Varies	
Q.	LAE Paid to Date	Varies	
R.	Total Paid to Date by Individual Association	\$0	
S.	Percentage Paid by Individual Association of Total Paid by All Associations (R/J)	0.000000%	
T.	Total to be Paid to Date to Individual Association (M x S)	\$0	
U.	Amount Paid to Individual Associations on Prior Distributions	\$0	
V.	Amount Paid to Individual Associations from Deposits	Varies	
W.	Current Early Access Payment to Individual Association	T+U+V	
Disbursement per individual association		EA to IGA	Deposits, Etc. Used
W.	Ohio	\$229,109	\$0
	TOTAL	\$229,109	\$0

Ohio IGA	Statutory Deposits, Subrogation, etc received	\$0.00
O.	UEP Paid to Date	\$0
P.	Claims Paid to Date	\$234,307
Q.	LAE Paid to Date	\$198,911
R.	Total Paid to Date by Individual Association	\$433,218
S.	Percentage Paid by Individual Association of Total Paid by All Associations	100.00000%
T.	Total to be Paid to Date to Individual Association (M x S)	\$603,897
U.	Amount Paid to Individual Associations on Prior Distributions	\$374,788
V.	Amount Paid to Individual Associations from Deposits	\$0
W.	Current Early Access Payment to Individual Association	\$229,109
	Admin. Paid	\$225,831
	Admin. Reserve	\$0
	Total estimated Admin.	\$225,831
	UEP Reserve	\$0
	Loss Reserve	\$0
	LAE Reserve	\$0
	Liquidator Allowances & Reserves *	\$214,305
	Total Reserves	\$214,305
* Liquidator Allowances & Reserves		
	Allowed Loss	\$59,722
	Allowed LAE	\$19,487
	Allowed UEP	\$0
	Reserved Loss	\$129,559
	Reserved LAE	\$5,537
	Reserved UEP	\$0
		\$214,305