

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

FILED  
COMMON PLEAS COURT  
92 OCT 27 AM 10:36  
FRANKLIN COUNTY, OHIO  
THOMAS J. ENRIGHT  
CLERK OF COURTS

GEORGE FABE, :  
Superintendent State of Ohio :  
Department of Insurance as :  
Liquidator of The Oil & Gas :  
Insurance Company, :

Plaintiff, :

v. : Case No. 90CVH05-3409

THE OIL & GAS INSURANCE : Judge McGrath  
COMPANY, :

Defendant, :

**JOURNAL ENTRY**

This matter came on for hearing on the 27th day of October, 1992, on the Liquidator's Motion for a Finding of Merger, wherein the Liquidator set forth the factual circumstances surrounding the merger transactions between The Oil & Gas Insurance Company ("OGICO") and both The Burt Syndicate, Inc. ("Burt") and The First New York Syndicate Corporation ("FNY"). Upon consideration of the Liquidator's Motion for a Finding of Merger, the Memorandum in Support, and all Exhibits attached thereto, it is hereby

ORDERED, ADJUDGED AND DECREED that this Court finds that a de facto merger occurred between both OGICO and Burt, and OGICO and FNY. In accordance with these findings, and the provisions of Ohio Revised Code Chapter 3903, the Liquidator is authorized to:

- (1) take such steps as are, in his discretion, reasonably available to consummate the mergers between OGICO and Burt, and OGICO and FNY;
- (2) pursuant to Chapter 3903 of the Ohio Revised Code, liquidate Burt and FNY as part of the OGICO liquidation, and thereby treat assets owned by

Burt and FNY as assets of the OGICO estate, and liabilities owed by Burt and FNY as liabilities of the OGICO estate; and

- (3) extend the deadline for submitting proofs of claim for creditors and claimants of Burt and FNY until December 31, 1993 ("Bar Date");
- (4) notify such creditors and claimants of the liquidation and Bar Date in accordance with Chapter 3903 of the Ohio Revised Code.

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Judge McGrath

APPROVED:

Respectfully submitted,

LEE I. FISHER  
ATTORNEY GENERAL STATE OF OHIO

BY: EMENS, KEGLER, BROWN,  
HILL & RITTER

A Legal Professional Association

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