

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

GEORGE FABE,  
Superintendent of Insurance,  
State of Ohio, as Liquidator of the Oil  
& Gas Insurance Company,

Plaintiff,

vs.

THE OIL & GAS INSURANCE  
COMPANY,

Defendant.

Case No. 90CVH-05-3409

Judge McGrath

**JOURNAL ENTRY AND ORDER**

This matter came on before the Court upon the Motions of Harold T. Duryee, Liquidator of The Oil & Gas Insurance Company ("OGICO") for an Order to Establish an Absolute Final Bar Date and Foreclose All Future Claims, as defined herein and set forth in the Motion, effective December 31, 1997 and for an Order approving the Notice of Establishment of an Absolute Final Bar Date and Foreclosure of Future Claims (the "Notice") attached hereto as Exhibit A, and authorizing the Liquidator to send the Notice to all claimants who filed Proof of Claim forms in the OGICO Liquidation, including all insurance guaranty associations, as listed on Exhibit B (the "Claimants"), as well as the federal government/U.S. Dept. of Justice, of the Motion for an Order to Establish an Absolute Final Bar Date and Foreclose All Future Claims.

Upon consideration of the Liquidator's Motions and Memoranda in Support (the "Motions"), and after Hearing, this Court hereby finds that a "Future Claim" is any unknown claim (1) yet to be asserted which would be purported to be covered by any

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Proof of Claim, including but not limited to any "Blanket Proof of Claim", as defined in the Motions, which was timely filed with the Liquidator by August 31, 1991, but which was filed without any knowledge of or documentation to support a future claim; (2) which, if asserted, would be asserted under policies of insurance or bonds issued by OGICO; and (3) which is not reported to the Liquidator by December 31, 1997. Future Claims are unknown not only to the Liquidator, but also the claimant who has filed a Proof of Claim, and are incapable of being reported to the Liquidator.

The Court also finds that the requested relief is required to aid in the efficient, and effective administration of the liquidation of OGICO for the purpose of fully identifying all claims and moving toward closure of this estate. Therefore, it is hereby:

ORDERED, ADJUDGED, AND DECREED that all Future Claims, as defined herein, are forever barred and foreclosed if not reported in writing to the Liquidator on or before December 31, 1997.

It is also ORDERED, ADJUDGED, AND DECREED that the Notice attached hereto as Exhibit A is approved and that said Notice shall be mailed by regular, first-class mail and certified mail to the last known address reflected in the Liquidator's records to all Claimants, as listed on Exhibit B of the Motion for an Order to Establish an Absolute Bar Date and Foreclose All Future Claims; and

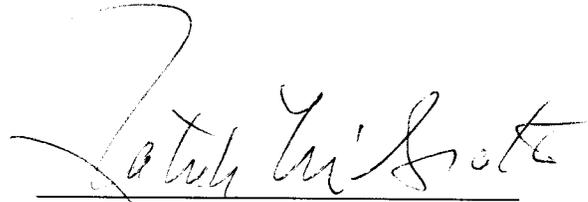
It is also ORDERED, ADJUDGED AN DECREED that if the certified mail and regular mail Notice is returned as "undeliverable," the Liquidator shall then only take one additional step to locate a correct address by checking the telephone directory of the city of the claimant's last known address and then no further effort by the Liquidator to locate a correct address shall be required; and

It is also ORDERED, ADJUDGED AND DECREED that the mailing of the Notice to all Claimants by regular, first-class mail and certified mail to the last known address reflected on the Liquidator's records constitutes sufficient notice to such Claimants for purposes of applying the bar date for filing and foreclosure of Future Claims; and

It is further ORDERED, ADJUGED AND DECREED that the Liquidator is under no duty to discover any new address of the Claimant in the event that such a certified mail and regular mail Notice is returned as "undeliverable," except as provided above; and

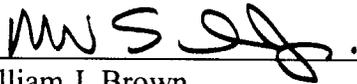
It is also further ORDERED, ADJUDGED and DECREED that the Liquidator has no further duty to notify or locate any Claimant if the certified mail Notice is returned "unclaimed."

Date: 10/3/96

  
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Judge McGrath

APPROVED:

BETTY MONTGOMERY  
Attorney General

By:  \_\_\_\_\_

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