**IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO**

| | | |
|---|---|---|
| MARY JO HUDSON, Ohio Superintendent of Insurance, in her capacity as Liquidator of Credit General Insurance Company and Credit General Indemnity Company, | : | |
| Plaintiff, | : | |
| v. | : | Case No. 00CVH-11-9867 |
| Credit General Insurance Company, et al. | : | Judge Beverly Y. Pfeiffer |
| Defendants. | : | |

**MOTION FOR APPROVAL OF LIQUIDATOR'S REPORTS OF INDEPENDENT AUDITORS FOR THE YEARS ENDED JUNE 30, 2009 AND 2008**

Mary Jo Hudson, Ohio Superintendent of Insurance, in her capacity as Liquidator of Credit General Indemnity Company ("CGID") and Credit General Insurance Company ("CGIC"), moves this Court for an order approving her Reports of Independent Auditors for the years ended June 30, 2009 and 2008, which are attached as Exhibits A and B and hereby incorporated by reference into this Motion. A Memorandum in Support is attached.

Respectfully submitted,

**RICHARD CORDRAY**
**Attorney General State of Ohio**

By Special Counsel:
KEGLER, BROWN, HILL & RITTER, CO. L.P.A.

By: _____

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*Attorneys for Mary Jo Hudson, in her capacity as Liquidator of Credit General Insurance Company and Credit General Indemnity Company*

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2009 DEC 29 PM 3:31
CLERK OF COURTS CV

## MEMORANDUM IN SUPPORT OF MOTION

Pursuant to R.C. Section 3903.18(A), this Court's December 12, 2000 and January 5, 2001 Orders to liquidate the business of CGID and CGIC, respectively, appointed Plaintiff, Superintendent of Insurance and successors in office as Liquidator, and directed the Liquidator to take possession of the assets of CGID and CGIC and to administer those assets under the general supervision of this Court. As provided in R.C. Section 3903.18(E), the Order also requires the Liquidator to account to this Court at specified intervals. Accordingly, the Liquidator submits accountings to this Court on a semiannual basis for the periods ending June 30th and December 31st of the year (the "Periodic Accountings").

One of the Liquidator's primary responsibilities is the marshaling of assets of the CGID and CGIC liquidation estates, for ultimate distribution to the liquidation estates' policyholders and creditors pursuant to R.C. Chapter 3903, under the supervision of this Court. In the process of marshaling assets, the Liquidator routinely receives and deposits cash and purchases and sells various investment securities. In order to record this activity, the Liquidator built an internal accounting department capable of tracking costs and recoveries and generating basic financial reports. The cash and investment security balances are reported by the Liquidator to this Court in the Periodic Accountings mentioned above.

In July of 1991, the Liquidator determined that it was in the best interests of all of the Ohio liquidation estates to hire an independent auditing firm to perform an annual audit of the Liquidator's internal controls relating to cash receipts and disbursements and the purchase and sale of investment securities in order to ensure the integrity of the Liquidator's accounting system. The Liquidator requested the auditing firm to render an opinion in its audit report as to the propriety of the information presented in the Periodic Accounting, as it was the Liquidator's intention to file the report with this Court to demonstrate the integrity of the Periodic Accountings.

By this Motion, the Liquidator seeks this Court's approval of the Annual Reports of Independent Auditors for the years ended June 30, 2009 and 2008 (the "Reports"), attached hereto as Exhibits A and B.

Schneider Downs has completed its audit of the statements of cash and invested assets of CGID and CGIC as of June 30, 2009 and 2008 and the related statements of cash receipts and cash disbursements for the years ended June 30, 2009 and 2008. Schneider Downs issued the Reports containing its audit findings which opine that the Liquidator's financial statements present fairly, in all material respects, both the cash and invested assets of CGID and CGIC at June 30, 2009 and 2008 and cash receipts and cash disbursements for the years ended June 30, 2009 and 2008.

Respectfully submitted,

**RICHARD CORDRAY**
**Attorney General State of Ohio**

By Special Counsel:
KEGLER, BROWN, HILL & RITTER, CO. L.P.A.

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*Attorneys for Mary Jo Hudson, in her capacity as Liquidator of Credit General Insurance Company and Credit General Indemnity Company*

## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion and Accompanying Memorandum was served via first class ordinary U.S. Mail, postage prepaid, this 14th day of December, 2009 upon all parties below:

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Dallas, TX 75381-9045

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EXHIBIT
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OFFICE OF THE OHIO INSURANCE LIQUIDATOR
CREDIT GENERAL INDEMNITY COMPANY,
IN LIQUIDATION

FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2009 AND 2008

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# INDEPENDENT AUDITORS' REPORT

Lynda G. Loomis
Chief Deputy Liquidator
Office of the Ohio Insurance Liquidator
Credit General Indemnity Company, in Liquidation

We have audited the accompanying statements of cash and invested assets arising from cash transactions of Credit General Indemnity Company, in Liquidation (Estate) as of June 30, 2009 and 2008 and the related statement of cash receipts and cash disbursements for the year ended June 30, 2009. These financial statements are the responsibility of the Estate. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control over financial reporting. Accordingly, we express no such opinion. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

The accompanying statements were prepared to present the financial statements of Credit General Indemnity Company, in Liquidation, pursuant to the accounting practices prescribed or permitted by the Ohio Department of Insurance and Franklin County Court of Common Pleas, described in Note 1, and is not intended to be a complete presentation of the Company's assets and liabilities.

In our opinion, the financial statements referred to above present fairly, in all material respects, the cash and invested assets arising from cash transactions of Credit General Indemnity Company, in Liquidation as of June 30, 2009 and 2008, and the related statement of cash receipts and cash disbursements for the year ended June 30, 2009, on the basis of accounting described in Note 1.

This report is intended solely for the information and use of the Office of the Ohio Insurance Liquidator and the Franklin County Court of Common Pleas and is not intended to be and should not be used by anyone other than these specified parties.

Schneider Downs & Co., Inc.

Columbus, Ohio
November 16, 2009

Schneider Downs & Co., Inc.
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OFFICE OF THE OHIO INSURANCE LIQUIDATOR
CREDIT GENERAL INDEMNITY COMPANY,
IN LIQUIDATION

STATEMENTS OF CASH AND INVESTED ASSETS
JUNE 30, 2009 AND 2008

| | June 30, 2009 | June 30, 2008 |
|---|---|---|
| Cash | $ 65,529 | $ 30,021 |
| Invested Assets | 6,345,233 | 6,533,000 |
| | $ 6,410,762 | $ 6,563,021 |

See notes to financial statements.

OFFICE OF THE OHIO INSURANCE LIQUIDATOR
CREDIT GENERAL INDEMNITY COMPANY,
IN LIQUIDATION

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS
FOR THE YEAR ENDED JUNE 30, 2009

| | |
|---|---|
| Cash at July 1, 2008 | $ 30,021 |
| Cash Receipts: | |
| Investment proceeds from repurchase agreement | 6,533,000 |
| Investment proceeds from money market fund | 75,181 |
| Interest and dividend income (including interest paid on bonds) | 91,199 |
| Premiums collected | 162,762 |
| Reimbursement of paid claims | 4,027 |
| Intercompany reimbursement of expenses from prior period | 215 |
| Proceeds from the sale of assets | 16 |
| Other income | 324 |
| Total Cash Receipts | 6,866,724 |
| Cash Disbursements: | |
| Investment purchases | 33,264 |
| Investment purchases in money market fund | 6,420,414 |
| Salaries, wages and employee benefits | 156,701 |
| Professional fees | 176,410 |
| General and administrative expenses | 43,809 |
| Moving and relocation costs | 70 |
| Warehouse consolidation project expense | 548 |
| Total Cash Disbursements | 6,831,216 |
| Cash at June 30, 2009 | $ 65,529 |

See notes to financial statements.

OFFICE OF THE OHIO INSURANCE LIQUIDATOR
CREDIT GENERAL INDEMNITY COMPANY,
IN LIQUIDATION

NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2009 AND 2008

## NOTE 1 - BACKGROUND AND BASIS OF PRESENTATION

Pursuant to the Ohio Revised Code (Code), the Superintendent of the Ohio Department of Insurance is appointed as Liquidator of domestic insurance companies, which have been determined by the Franklin County Court of Common Pleas, State of Ohio (Court), to be insolvent as specified in the Code.

The Liquidator marshals the assets of the insurance company and liquidates such assets and administers the business affairs of the Company as approved by the Court. The Liquidator is empowered by the Code to employ employees and agents, actuaries, accountants, appraisers, consultants and such other personnel as considered necessary to assist in the liquidation.

Credit General Indemnity Company (Company) was placed in liquidation on December 12, 2000 by the Court and it became Credit General Indemnity Company, in Liquidation (Estate).

As is common with entities placed in fiduciary control, the Liquidator has prepared the accompanying financial statements on the cash-basis of accounting, whereby, the statement of cash and invested assets includes only the cash and invested assets of the Estate, and the statement of cash receipts and cash disbursements reflects only cash transactions; consequently, all other assets and liabilities of the Estate are not included in the statement of cash and invested assets, and uncollected revenues and unpaid expenses are not included in the statement of cash receipts and cash disbursements. Changes in market values and amortization of bond premiums and discounts are reflected in invested assets, however, these amounts are not reflected in the statement of cash receipts and disbursements as they are non-cash transactions. This is a comprehensive basis of accounting other than accounting principles generally accepted in the United States, and accordingly, the statements are not intended to present financial position and results of operations in conformity with accounting principles generally accepted in the United States.

## NOTE 2 - INVESTED ASSETS

Invested assets consist of those assets that are under the complete and direct control of the Liquidator and are being specifically held as investments (see Note 3).

During the fiscal year ending June 30, 2009, the repurchase agreements were transferred to a money market fund. The repurchase agreements were valued at cost, which approximated fair value. The money market funds are recorded at fair value.

At June 30, 2009 and 2008, invested assets and their approximate values consisted of the following:

| | 2009 Carrying Value | 2008 Carrying Value |
|---|---|---|
| Money market funds | $ 6,345,233 | - |
| Repurchase agreements | - | $ 6,533,000 |
| | $ 6,345,233 | $ 6,533,000 |

## NOTE 3 - STATUTORY DEPOSITS AND ESCROW ACCOUNT

In the normal course of writing insurance in various states, the Company was required by state statute to deposit funds with various state insurance departments. When the Estate entered liquidation, the statutory deposits were impounded by the various state insurance departments for the protection of policyholders within their jurisdiction. Since the Liquidator does not have direct control over those assets held by state insurance departments or related entities, and it is uncertain whether all or a portion of such assets will be available to the Liquidator in satisfying the obligations of the liquidation proceedings, they are not considered invested assets by the Liquidator until complete and direct control over them is established. The amount of statutory deposits as of June 30, 2009 and 2008 were $0 and $2,780,047, respectively.

## NOTE 4 - LITIGATION

In liquidating the Estate, the Liquidator may initiate legal action to clarify claims, recover reinsurance proceeds and determine legal responsibilities of the Liquidation. The Liquidator believes that none of these actions will adversely affect the value of cash and invested assets. The determination and priority of claims, and any distribution thereof, is defined pursuant to Ohio Revised Code Section 3903, et seq.

## NOTE 5 - SUBSEQUENT EVENTS

The Estate has adopted Statement of Financial Accounting Standard No. 165, *Subsequent Events* (SFAS 165). This guidance defines subsequent events as events or transactions that occur after the date of the financial statements, but before the financial statements are issued or are available to be issued. The Liquidator has evaluated subsequent events through November 16, 2009, which is the date that the financial statements were available to be issued.

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OFFICE OF THE OHIO INSURANCE LIQUIDATOR
CREDIT GENERAL INSURANCE COMPANY,
IN LIQUIDATION

FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2009 AND 2008

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# INDEPENDENT AUDITORS' REPORT

Lynda G. Loomis
Chief Deputy Liquidator
Office of the Ohio Insurance Liquidator
Credit General Insurance Company, in Liquidation

We have audited the accompanying statements of cash and invested assets arising from cash transactions of Credit General Insurance Company, in Liquidation (Estate) as of June 30, 2009 and 2008 and the related statement of cash receipts and cash disbursements for the year ended June 30, 2009. These financial statements are the responsibility of the Estate. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control over financial reporting. Accordingly, we express no such opinion. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

The accompanying statements were prepared to present the financial statements of Credit General Insurance Company, in Liquidation, pursuant to the accounting practices prescribed or permitted by the Ohio Department of Insurance and Franklin County Court of Common Pleas, described in Note 1, and is not intended to be a complete presentation of the Company's assets and liabilities.

In our opinion, the financial statements referred to above present fairly, in all material respects, the cash and invested assets arising from cash transactions of Credit General Insurance Company, in Liquidation as of June 30, 2009 and 2008, and the related statement of cash receipts and cash disbursements for the year ended June 30, 2009, on the basis of accounting described in Note 1.

This report is intended solely for the information and use of the Office of the Ohio Insurance Liquidator and the Franklin County Court of Common Pleas and is not intended to be and should not be used by anyone other than these specified parties.

Schneider Downs & Co., Inc.

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November 16, 2009

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OFFICE OF THE OHIO INSURANCE LIQUIDATOR
CREDIT GENERAL INSURANCE COMPANY,
IN LIQUIDATION

STATEMENTS OF CASH AND INVESTED ASSETS
JUNE 30, 2009 AND 2008

| | June 30, 2009 | June 30, 2008 |
|---|---|---|
| Cash and Encumbered Assets | $ 3,735,036 | $ 1,696,731 |
| Invested Assets | 46,115,686 | 44,712,163 |
| | $ 49,850,722 | $46,408,894 |

See notes to financial statements.

OFFICE OF THE OHIO INSURANCE LIQUIDATOR
CREDIT GENERAL INSURANCE COMPANY,
IN LIQUIDATION

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS
FOR THE YEAR ENDED JUNE 30, 2009

| | |
|---|---|
| Cash and Encumbered Assets at July 1, 2008 | $ 1,696,731 |
| Cash Receipts: | |
| Investment proceeds | 10,081 |
| Investment proceeds from repurchase agreements | 44,702,000 |
| Investment proceeds from money market funds | 1,501,867 |
| Interest and dividend income (including interest paid on bonds) | 832,446 |
| Collected premium | 452,814 |
| Reinsurance recovery | 2,235,263 |
| Salvage and subrogation recoveries | 105,015 |
| Proceeds from the sale of assets | 486 |
| Recovery from settlement agreements | 3,000,000 |
| Proceeds from directors and officers | 53,000 |
| Proceeds from closed accounts | 14,710 |
| Other income | 34,728 |
| Recoveries under high deductible policies | 1,526,594 |
| Proceeds from closure of PPC Estate - prepaid operating expenses | 76,255 |
| Proceeds from closure of ADIC Estate - prepaid operating expenses | 112,611 |
| Proceeds from closure of Colonial Estate - prepaid operating expenses | 26,892 |
| Transfer of funds from CGIC operating to CGIC cash collateral - (Encumbered Assets) | 1,890,527 |
| Interest and dividend income - CGIC/TTC/CGO - (Encumbered Assets) | 14,693 |
| Total Cash Receipts | 56,589,982 |
| Cash Disbursements: | |
| Investment purchases | 266,160 |
| Investment purchases in money market funds | 47,617,553 |
| Salaries, wages and employee benefits | 1,585,745 |
| Professional fees | 2,501,360 |
| Moving and relocation costs | 7,128 |
| General and administrative expenses | 552,879 |
| Transfer of funds to cash collateral account (includes interest earned) | 1,890,527 |
| Warehouse consolidation | 33,793 |
| Release of ancillary deposits to various states IGA | 100,000 |
| Release of First General Ins. Co. (Metlife) funds held per reinsurance agreement | 10,081 |
| Transfer of net proceeds from closure of ADIC to OGICO | 2,250 |
| Total Cash Disbursements | 54,567,476 |
| Other Receipts: | |
| Net proceeds from ancillary security deposits | 15,799 |
| Cash and Encumbered Assets at June 30, 2009 | $ 3,735,036 |

See notes to financial statements.

OFFICE OF THE OHIO INSURANCE LIQUIDATOR
CREDIT GENERAL INSURANCE COMPANY,
IN LIQUIDATION

NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2009 AND 2008

## NOTE 1 - BACKGROUND AND BASIS OF PRESENTATION

Pursuant to the Ohio Revised Code (Code), the Superintendent of the Ohio Department of Insurance is appointed as Liquidator of domestic insurance companies, which have been determined by the Franklin County Court of Common Pleas, State of Ohio (Court), to be insolvent as specified in the Code.

The Liquidator marshals the assets of the insurance company and liquidates such assets and administers the business affairs of the Company as approved by the Court. The Liquidator is empowered by the Code to employ employees and agents, actuaries, accountants, appraisers, consultants and such other personnel as considered necessary to assist in the liquidation.

Credit General Insurance Company (Company) was placed in liquidation on January 4, 2001, by the Court and it became Credit General Insurance Company, in Liquidation (Estate).

As is common with entities placed in fiduciary control, the Liquidator has prepared the accompanying financial statements on the cash-basis of accounting, whereby, the statement of cash and invested assets includes only the cash and invested assets of the Estate, and the statement of cash receipts and cash disbursements reflects only cash transactions; consequently, all other assets and liabilities of the Estate are not included in the statement of cash and invested assets, and uncollected revenues and unpaid expenses are not included in the statement of cash receipts and cash disbursements. Changes in market values and amortization of bond premiums and discounts are reflected in invested assets, however, these amounts are not reflected in the statement of cash receipts and disbursements as they are non-cash transactions. This is a comprehensive basis of accounting other than accounting principles generally accepted in the United States, and accordingly, the statements are not intended to present financial position and results of operations in conformity with accounting principles generally accepted in the United States.

## NOTE 2 - CASH AND ENCUMBERED ASSETS

Cash includes $3,524,902 and $1,619,682 of encumbered assets held in separate bank accounts as of June 30, 2009 and 2008, respectively. Some portion of these encumbered assets may be due to various third parties, and thus, these are not part of the general assets of the Estate.

## NOTE 3 - INVESTED ASSETS

Invested assets consist of those assets that are under the complete and direct control of the Liquidator and are being specifically held as investments (see Note 4).

During the fiscal year ending June 30, 2009, the repurchase agreements were transferred to a money market fund. The repurchase agreements and short-term investments were valued at cost, which approximated fair value. The money market funds and common stock are recorded at fair value.

NOTE 3 - INVESTED ASSETS (Continued)

At June 30, 2009 and 2008, invested assets and their approximate values consisted of the following:

| | 2009 Carrying Value | 2008 Carrying Value |
|---|---|---|
| Money market funds | $ 46,115,686 | - |
| Repurchase agreements | - | $ 44,702,000 |
| Short-term investments | - | 10,042 |
| Common stock | - | 120 |
| Income note | - | 1 |
| | $ 46,115,686 | $ 44,712,163 |

NOTE 4 - STATUTORY DEPOSITS AND ESCROW ACCOUNT

In the normal course of writing insurance in various states, the Company was required by state statute to deposit funds with various state insurance departments. When the Estate entered liquidation, the statutory deposits were impounded by the various state insurance departments for the protection of policyholders within their jurisdiction. Since the Liquidator does not have direct control over those assets held by state insurance departments or related entities, and it is uncertain whether all or a portion of such assets will be available to the Liquidator in satisfying the obligations of the liquidation proceedings, they are not considered invested assets by the Liquidator until complete and direct control over them is established. The amount of statutory deposits as of June 30, 2009 and 2008 were $5,073,358 and $7,206,730, respectively.

NOTE 5 - LITIGATION

In liquidating the Estate, the Liquidator may initiate legal action to clarify claims, recover reinsurance proceeds and determine legal responsibilities of the Liquidation. The Liquidator believes that none of these actions will adversely affect the value of cash and invested assets. The determination and priority of claims, and any distribution thereof, is defined pursuant to Ohio Revised Code Section 3903, et seq.

NOTE 6 - SUBSEQUENT EVENTS

The Estate has adopted Statement of Financial Accounting Standard No. 165, *Subsequent Events* (SFAS 165). This guidance defines subsequent events as events or transactions that occur after the date of the financial statements, but before the financial statements are issued or are available to be issued. The Liquidator has evaluated subsequent events through November 16, 2009, which is the date that the financial statements were available to be issued.

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