

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

**MARY TAYLOR, Ohio Superintendent of
Insurance, in her capacity as Liquidator of
Acceleration National Insurance Company,**

Plaintiff,

Case No. 00-CV-010534

v.

Judge Julie M. Lynch

Acceleration National Insurance Company,

Defendant.

**ORDER GRANTING LIQUIDATOR'S MOTION FOR APPROVAL OF THE
LIQUIDATOR'S CALCULATION AND PAYMENT OF THE THIRD EARLY ACCESS
PAYMENTS TO THE GUARANTY ASSOCIATIONS AND THE LIQUIDATOR'S
FINAL REPORT OF NON-GUARANTY ASSOCIATION CLASS 2 POLICYHOLDER
LEVEL CLAIMS AND SECOND INTERIM DISTRIBUTION TO NON-GUARANTY
ASSOCIATION CLASS 2 CLAIMANTS**

This matter came before the Court upon the Liquidator's Motion for Approval of the Liquidator's Calculation and Payment of the Third Early Access Payments to the Guaranty Associations and the Liquidator's Final Report of Non-Guaranty Association Class 2 Policyholder Level Claims and Second Interim Distribution to Non-Guaranty Association Class 2 Claimants ("the Motion").

In the Motion, the Liquidator first seeks approval pursuant to R.C. 3903.34 and the Plan for Disbursement of ANIC Assets to Guaranty Associations ("the Plan") of her calculation and then payment of Third Early Access Payments of certain percentages of the Class 1 and Class 2 claims of the thirty-five (35) guaranty associations participating in this case. The thirty-five (35) guaranty associations participating in this case are: Alabama, Arizona, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South

Dakota, Tennessee, Texas, Utah, Vermont, Virginia and Washington ("the Guaranty Associations"). Upon consideration of the Motion and Exhibit A to the Motion, it appears to the Court that the Liquidator has properly calculated (a) the total amounts of First, Second and third Early Access Payments and (b) the amounts that each participating Guaranty Association should receive as a Second Early Access Payment.

In the Motion, the Liquidator also seeks approval of the Liquidator's Final Report of Non-Guaranty Association Class 2 Policyholder Level Claims attached as Exhibit E to the Motion, including approval of the Liquidator's determination of the class and value of each of the claims set forth in that Final Report. The Liquidator further seeks authority to make a Second Interim Distribution to Non-Guaranty Association Class 2 Claimants whose claims are identified in Exhibit E to the Motion in an amount equal to thirty-five (35%) percent of each of the allowed Class 2 claims.

Notice of the Motion was given to the Guaranty Funds, the United States of America and through posting on the Liquidator's website. No objection to the Motion was presented.

Upon consideration of the Liquidator's Motion, Memorandum in Support and Exhibits, the Court finds that good grounds exist for the Motion and that the Motion is well-taken, and, it is hereby ORDERED, ADJUDGED and DECREED as follows:

(a) The Liquidator's Motion for Approval of the Liquidator's Calculation and Payment of the Third Early Access Payments to the Guaranty Associations and the Liquidator's Final Report of Non-Guaranty Association Class 2 Policyholder Level Claims and Second Interim Distribution to Non-Guaranty Association Class 2 Claimants is APPROVED and GRANTED in its entirety.

(b) The Liquidator's Report of Guaranty Associations' Class 1 Administrative Expense Claims and Class 2 Policyholder Level Claims and Third Early Access Payment to Guaranty Associations attached as Exhibits A, B, C and D to the Motion is hereby approved. The calculation of the amounts and allocation of the First, Second and Third Early Access Payments, as

set forth in Exhibits A through D to the Motion, are hereby approved. Further, the Liquidator's calculation of the amount of payment each Guaranty Association should receive, as set forth in Exhibits A through D to the Motion, is hereby approved.

(c) The Liquidator's Final Report of Non- Guaranty Association Class 2 Policyholder Level Claims attached as Exhibit E to the Motion, including the determinations of the amounts and the class of each claim as set forth therein, is hereby approved. The Liquidator is not required to file additional reports under R.C. 3903.43 of the claims set forth in the Liquidator's Final Report of Non-IGA Class 2 Claims attached as Exhibit E to the Motion. Further, the Liquidator's calculation of the amount each claimant set forth in Exhibit E to the Motion should receive now as a Second Interim Distribution, as set forth in Exhibit E to the Motion, is hereby approved.

(d) The Liquidator is hereby authorized to make the Third Early Access Payments in the amounts as specifically set forth in Exhibits A through D to the Motion to each respective Guaranty Association that has signed and returned the Agreement between the Liquidator and the Guaranty Associations, as provided in the Plan and R.C. 3903.34(B)(4).

(e) The Liquidator is authorized to make a Second Interim Distribution to allowed Class 2 claimants identified on Exhibit E to the Motion in the amounts reflected in Exhibit E to the Motion.

It is so ORDERED.

Judge Julie M. Lynch

Approved:

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Attorney General of Ohio

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Franklin County Court of Common Pleas

Date: 12-05-2011

Case Title: OHIO STATE DEPARTMENT INSURANCE SUPERINTENDE -VS-
ACCELERATION NATIONAL INSURANCE COMPANY

Case Number: 00CV010534

Type: ORDER

It Is So Ordered.


The image shows a handwritten signature in black ink that reads "Julie M. Lynch". The signature is written in a cursive style. To the right of the signature is a circular blue ink stamp. The stamp contains the text "COMMON PLEAS COURT" at the top, "FRANKLIN COUNTY, OHIO" around the middle, and "ALL THINGS ARE POSSIBLE" at the bottom.

/s/ Judge Julie M. Lynch