



### **III. FINAL FINANCIAL STATEMENTS**

The Balance Sheet attached, as Exhibit A, and the Sources and Uses of Cash Statement, attached as Exhibit B, reflect the financial condition of the receivership estate as of September 30, 2013.

### **IV. EXPENSES**

The Final Distribution Order approved a reserve of \$148,191.82 for the payment of estimated expenses from October 31, 2012 through the termination of the receivership. The actual expenses incurred during this period were \$ 147,270.48. Attached as Exhibit C is the final statement expenses submitted pursuant to § 443.015 of the Code.

### **V. DISTRIBUTION**

The SDR made previous interim distributions to Classes 1 through 4 and paid these claims in full. In accordance with the Final Distribution Order, the SDR made Class 5 distributions totaling \$ 1,145,533.05, representing approximately a 16.8% distribution. No assets were available for distribution to Class 6 or classes of lower priority. A schedule of the final distributions is attached as Exhibit D.

### **VI. UNCLAIMED FUNDS**

Five checks totaling \$1,179.71 were distributed but not claimed. A list of the unclaimed checks is attached as Exhibit E. The SDR has delivered the unclaimed funds to the Commissioner pursuant to §443.304 of the Code.

### **VII. FEDERAL INCOME TAX RETURNS**

The SDR will file a final federal tax return for 2013 prior to its discharge by this Court. No federal income taxes are owed by the receivership estate.

### **VIII. CHARTER**

The SDR requests that this Court dissolve the charter of Millers pursuant to § 443.153 (e) of the Code.

## **IX. ASSIGNMENT**

The Final Distribution Order authorized the SDR to assign any non-cash assets and unknown assets of Millers to the Commissioner. Attached as Exhibit F is a copy of the executed Assignment to the Commissioner.

## **X. RECORDS**

The Distribution Order authorized the SDR to destroy certain records of Millers that were no longer required for the administration of the receivership. The remaining records of Millers will be transferred to the Commissioner, or to the state insurance guaranty associations that have agreed to accept them ("Guaranty Associations"). The SDR requests that this Court authorize the Commissioner and the Guaranty Associations to dispose of any or all records transferred to them at their discretion.

## **XI. TERMINATION AND DISCHARGE**

The SDR requests that this Court issue an Order terminating the receivership estate and discharging the Receiver and the SDR.

## **XII. OFFER OF PROOF**

Attached hereto is a certificate submitted under § 443.017 of the Code, authenticating Exhibits A through F, which are incorporated herein by reference.

WHEREFORE, PREMISES CONSIDERED, the SDR prays that this Court grant this Application and enter an order:

1. Granting the Application in all respects;
2. Approving the transfer of the unclaimed distributions shown on Exhibit E to the Commissioner;
3. Authorizing the Commissioner and the Guaranty Associations to destroy the remaining records of Millers at their discretion;

4. Discharging the Receiver and the SDR;
5. Terminating this proceeding; and,
6. Granting the Receiver and the SDR other relief to which they may be entitled.

Respectfully submitted,

STROUD, MARRERO & WELCH, PLLC  
11824 Jollyville Road, Suite 200  
Austin, Texas 78759  
Telephone: 512/482-9291  
Facsimile: 512/482-9211

Rachel J. Stroud  
State Bar No. 19424700

Steven R. Welch  
State Bar No. 21126600

By: /s/ Rachel J. Stroud  
Attorneys the Special Deputy Receiver

## APPLICANT'S NOTICE OF SUBMISSION

In accordance with the Amended Order of Reference to Master entered by the District Court in this cause, the *Final Accounting and Application to Terminate Receivership* is hereby set for written submission before the Special Master, Tom Collins, on December 2, 2013.

Pursuant to Rule 171 of the Texas Rules of Civil Procedure, the Special Master has required that the following rules be followed:

1. Any objections must be filed with the Travis County District Clerk at least three (3) calendar days before the submission date.
2. A copy of any objection shall be served by such date on:
  - (a) The Master's Docket Clerk, by hand delivery at 333 Guadalupe, Hobby Tower III, 5th Floor, Room 550, Austin, Texas or by mail at MC-305-1D, P.O. Box 149104, Austin, Texas 78714-9104, and by e-mail at [specialmasterclerk@tdi.texas.gov](mailto:specialmasterclerk@tdi.texas.gov).
  - (b) All interested parties, including those listed on the Applicant's Certificate of Service.
3. The objecting party shall coordinate with opposing counsel and the Docket Clerk at (512) 475-1761 to obtain an oral hearing setting for argument on the Application and Objection, and complete and attach an "Objecting Party's Notice of Oral Hearing" to the objection.
4. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not state in writing will not be considered orally.
5. Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.
6. Any Acknowledgment of Notice and Waiver to be filed by a Guaranty Association or other interested party should be filed at least three (3) calendar days before the submission or hearing date.

/s/ Rachel J. Stroud

Rachel Stroud

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on all interested parties in accordance with TEX. INS. CODE § 443.007(d) and the Texas Rules of Civil Procedure this 14<sup>th</sup> day of November, 2013.

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**AFFIDAVIT OF CRAIG A. KOENIG**

STATE OF TEXAS

§  
§  
§

COUNTY OF HAYS

Before me, the undersigned authority, on this day personally appeared before me Craig A. Koenig, who, having been duly sworn by me, on oath stated:

1. "My name is Craig A. Koenig. I am over the age of 18, of sound mind and have never been convicted of a felony. I have personal knowledge of the facts in this Affidavit, and they are true and correct.

2. I am the President of Prime TEMPUS, Inc., the Special Deputy Receiver of The Millers Insurance Company ("Special Deputy Receiver" and "Millers," respectively).

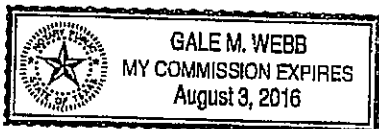
3. Pursuant to TEX. INS. CODE ANN. §443.017 (b), the attached documents are true and correct copies of papers, documents, or records maintained by the Special Deputy Receiver's office in the course of delinquency proceedings against Millers in Cause No. D-1-GV-03-00620, *State of Texas vs. The Millers Insurance Company*, in the 345<sup>th</sup> Judicial District Court of Travis County, Texas."

Further the affiant sayeth not.

S = J

\_\_\_\_\_  
CRAIG A. KOENIG, President, Prime TEMPUS, Inc., Special Deputy Receiver of The Millers Insurance Company

SWORN TO AND SUBSCRIBED BEFORE ME by Craig A. Koenig, as President of Prime TEMPUS, Inc., Special Deputy Receiver of The Millers Insurance Company, on this the 14<sup>th</sup> day of November, 2013.



Gale M. Webb  
Notary Public, State of Texas

EXHIBIT A  
FINAL BALANCE SHEET

R-514

**Millers Insurance Co.  
Statement of Net Assets**

**For the Period Ending  
09/30/13**

Line		09/30/13
<b>Cash</b>		
1	Cash	
	Cash - Unrestricted	0
	APF Funds (Loan proceeds)	
<b>Investments</b>		
2	Short-Term Investments	
3	Bonds	
4	Stocks - Preferred & Common	0
5	Investments in Subsidiaries, Controlled or Affiliated Entities	
6	Mortgage Loans	
7	Real Estate	
8	Policy Loans	
9	Other Invested Assets	
<b>Restricted Assets</b>		
10	Statutory Deposits	
11	Funds held by or deposited with Reinsured Companies	
12	Restricted - Other	
<b>Reinsurance Receivable</b>		
13	Reinsurance Recoverables on Paid Losses & LAE (net of allowance)	
14	Reinsurance Recoverables on Unpaid Losses & LAE (net of allowance)	
15	Reinsurance Recoverables on UEP & Contingent Commissions	
<b>Other Receivables</b>		
16	Salvage & Subrogation Recoveries	
17	Premiums Due from Agents & Policyholders	
18	Receivable from Parents, Subsidiaries & Affiliates	
19	Receivable from Guaranty Associations - Early Access Payments	
20	Other Receivables	0
<b>Other Assets</b>		
21	FF&E	
22	Other Assets	0
	<b>Total Assets</b>	<b>0</b>

**NOTES**

Ref No.

The receivership statement of assets is prepared using a liquidation basis of accounting that differs from generally accepted accounting principles (GAAP). Estimates and assumptions are utilized to report asset amounts. Assets are generally shown at the

## EXHIBIT B

**Millers Insurance Co.  
Sources & Uses of Cash**

**For Period Ending  
Inception Through 9/30/2013**

	<b>Inception thru 9/30/2013</b>
<b>Income</b>	
Premium Receipts	41,417
Agents' Balances Received	367,340
Reinsurance Recoveries	5,790,598
Salvage & Subrogation Recoveries	507,673
Affiliates Recovery	
Settlement/Litigation Recovery	880,718
Other Receipts	937,253
Sale of Real & Personal Property	1,099
Investment Sales/Receipts	11,267,687
Other Asset Receipts	429,935
<b>Total Receipts from Assets/Receivables</b>	<b>20,223,720</b>
Interest & Dividend Receipts, EA Interest	521,658
Cash Deposit Interest	1,060,192
<b>Total Cash Receipts</b>	<b>21,805,570</b>
<b>Disbursements</b>	
SDR Fees & Expenses	994,422
Subcontractor Legal Fees & Expenses	151,487
Subcontractor Other Fees & Expenses	222,146
Non-Subcontractor Fees & Expenses	643,229
Other Expenses	1,345,615
RLO Fees & Expenses	233,496
<b>Total Disbursements for Operations</b>	<b>3,590,395</b>
Loss Claims & LAE Expense Payments	11,841,524
Early Access Payments - GA	
Refunds & Other Distributions	7,094,023
<b>Total Cash Distributions</b>	<b>18,935,547</b>
<b>Total Cash Disbursements &amp; Distributions</b>	<b>22,525,942</b>
APF Loan Proceeds (Repayment)	0
<b>Net Increase(Decrease) in Cash</b>	<b>(720,372)</b>
<b>Cash at Beginning of Period</b>	<b>720,372</b>
<b>Cash at End of Period</b>	<b>0</b>

## EXHIBIT C

**Millers Insurance Co.  
Statement of Expenses**

For October 31, 2012 - September 30, 2013

	<b>Total Oct-Sept 2013</b>
<b>SDR</b>	
Prime Tempus, Inc.	
SDR	3,153.00
Claims Specialist I	168.00
Claims Specialist II	5,871.00
Reinsurance Specialits	356.20
Asst Recovery Specialist II	2,452.95
Estate Accountant I	5,720.00
Administrative Specialist II	437.10
Expenses	806.72
<b>Total SDR Billing</b>	<b>18,964.97</b>
 <b>SDR Subcontractors - Legal</b>	
Brian E. Riewe, PC	
Estate Counsel I	300.00
Estate Paralegal I	75.00
Estate Legal Assistant I	0.00
Estate Administrative Assistant I	2.50
Expenses	8.44
<b>Total Billing</b>	<b>385.94</b>
 Stroud & Welch	
Estate Counsel I	0.00
Estate Counsel II	3,225.00
Estate Counsel	120.00
Estate Paralegal I	1,312.50
Estate Administrative Specialist I	0.00
Report Filing Fee	0.00
Expenses	308.10
<b>Total Billing</b>	<b>4,965.60</b>
 <b>Total Legal Subcontractors</b>	<b>5,351.54</b>
 <b>SDR Subcontractors - Other</b>	
Abaci, Inc.	
Analyst/Programmer/Project Lead	432.60
Analyst/Programmer/Project Lead	0.00
Computing Specialist	0.00
Analyst/Programmer/Project Lead	140.55
Computing Specialist	16.25
Hardware Inventory Specialist	0.00
Expenses	100.00
<b>Total Billing</b>	<b>689.40</b>

EXHIBIT C

Petrosewicz & Company	
Estate Accountant II	1,093.00
Estate Accountant III	824.50
Estate Accountant IV	0.00
Expenses	15.72
	<hr/>
<b>Total Billing</b>	<b>1,933.22</b>
<b>Total Other SDR Subcontractors</b>	<b>2,622.62</b>
<b>Receivership Service Providers</b>	
Internetwerx	1,407.25
Safesite	1,668.30
Subrogation Recovery Expense	1,490.35
Wells Fargo Bank SDR Operating Account	715.45
Texas Treasury	242.24
<b>Total Other</b>	<b>5,523.59</b>
<b>Liquidation Oversight Allocation</b>	
RLO Allocation	1,678.44
Pre-Receivership Rehabilitation Expenses	112,989.32
Special Master's Fees	140.00
<b>Total RLO &amp; SM Expense</b>	<b>114,807.76</b>
<b>Total Expenses</b>	<b>147,270.48</b>

EXHIBIT D  
THE MILLERS INSURANCE COMPANY  
IN RECEIVERSHIP  
CLASS 5 DISTRIBUTION LIST

POC #	Creditor Name	Class	Approved Amount	Initial Distribution	Supplemental Distribution
6	Macro Pro Inc.	5	\$3,011.37	\$497.78	**
10	Allstate Insurance Co.	5	\$2,060.10	\$340.53	**
13	Skinner & Hagopian, LLP	5	\$3,846.89	\$635.89	**
16	Engineering & Fire Investigations	5	\$375.62	\$62.09	**
19	Secura NV	5	\$51,863.94	\$8,573.11	\$143.66
23	Borton, Petrini & Conron, LLP	5	\$1,819.25	\$300.72	**
24	Borton, Petrini & Conron, LLP	5	\$3,257.55	\$538.47	**
27	Borton, Petrini & Conron, LLP	5	\$602.05	\$99.52	**
29	Borton, Petrini & Conron, LLP	5	\$2,507.36	\$414.47	**
30	Borton, Petrini & Conron, LLP	5	\$1,086.40	\$179.58	**
31	Borton, Petrini & Conron, LLP	5	\$343.92	\$56.85	**
32	Borton, Petrini & Conron, LLP	5	\$1,639.41	\$270.99	**
33	Borton, Petrini & Conron, LLP	5	\$501.00	\$82.82	**
39	Borton, Petrini & Conron, LLP	5	\$2,162.00	\$357.38	**
40	Borton, Petrini & Conron, LLP	5	\$1,860.55	\$307.55	**
41	Borton, Petrini & Conron, LLP	5	\$4,192.40	\$693.00	**
42	Borton, Petrini & Conron, LLP	5	\$1,218.30	\$201.38	**
43	Borton, Petrini & Conron, LLP	5	\$1,573.25	\$260.06	**
44	Borton, Petrini & Conron, LLP	5	\$669.50	\$110.67	**
45	Borton, Petrini & Conron, LLP	5	\$586.50	\$96.95	**
46	Borton, Petrini & Conron, LLP	5	\$1,487.55	\$245.89	**
47	Borton, Petrini & Conron, LLP	5	\$440.40	\$72.80	**
48	Borton, Petrini & Conron, LLP	5	\$925.00	\$152.90	**
49	Delcamp & Siegel	5	\$392.00	\$64.80	**
50	Delcamp & Siegel	5	\$729.25	\$120.55	**
51	Delcamp & Siegel	5	\$441.50	\$72.98	**
52	Delcamp & Siegel	5	\$813.50	\$134.47	**
53	Delcamp & Siegel	5	\$1,860.80	\$307.59	**
55	Delcamp & Siegel	5	\$1,870.00	\$309.11	**
59	AIPSO	5	\$27,299.00	\$4,512.52	\$75.62
68	Montgomery & Andrews, PA	5	\$484.24	\$80.04	**
76	Mutual Reinsurance Bureau	5	\$1,002,719.47	\$165,749.53	\$2,777.53
86	J. Wailing & Associates, Inc.	5	\$319.66	\$52.84	**
108	Idaho Surveying & Rating Bureau	5	\$4,640.71	\$767.11	**
121	Catri, Holton, Kessler & Kessler, PA	5	\$4,364.90	\$721.52	**
122	Catri, Holton, Kessler & Kessler, PA	5	\$5,279.22	\$872.66	**
124	Catri, Holton, Kessler & Kessler, PA	5	\$1,626.06	\$268.79	**
125	Catri, Holton, Kessler & Kessler, PA	5	\$802.04	\$132.58	**
126	Catri, Holton, Kessler & Kessler, PA	5	\$843.68	\$139.46	**

EXHIBIT D  
THE MILLERS INSURANCE COMPANY  
IN RECEIVERSHIP  
CLASS 5 DISTRIBUTION LIST

POC #	Creditor Name	Class	Approved Amount	Initial Distribution	Supplemental Distribution
128	Catri, Holton, Kessler & Kessler, PA	5	\$435.28	\$71.95	**
134	Matson, Driscoll & Damico	5	\$4,572.77	\$755.88	**
149	National Insurance Crime Bureau	5	\$9,050.36	\$1,496.02	**
169	Adams & Graham, LLP	5	\$480.34	\$79.40	**
170	Adams & Graham, LLP	5	\$13,174.93	\$2,177.82	**
178	Hatch, Allen & Shepherd, PA	5	\$31,570.04	\$5,218.53	\$87.45
359	Reeves, Chavez, Albers, Anderson & Baca, PA	5	\$3,105.07	\$513.27	**
360	Reeves, Chavez, Albers, Anderson & Baca, PA	5	\$3,443.35	\$569.19	**
372	Esurance	5	\$3,026.92	\$500.35	**
381	Frontier Adjusters, Inc.	5	\$1,015.63	\$167.88	**
398	R Krannert Riddle	5	\$7,586.82	\$1,254.10	**
439	Alameda-Contra Costa Transit District	5	\$20,375.00	\$3,367.99	\$56.44
445	Bolling Walter & Gawthrop	5	\$15,357.24	\$2,538.55	**
506	Lippische Landes-Brandversicherungsanstalt	5	\$2,531.82	\$418.51	**
540	Gerling Allgemeine Versicherungs-AG	5	\$157,441.07	\$26,025.01	\$436.11
566	Paragon Strategic Solutions, Inc.	5	\$79,193.75	\$13,090.73	\$219.37
582	Riley Adjustment Bureau, Inc.	5	\$595.00	\$98.35	**
595	MetLife Auto & Home	5	\$10,992.68	\$1,817.09	**
607	Boornazian, Jensen & Garthe	5	\$19,287.17	\$3,188.17	\$53.43
608	Grain Dealers Mutual Ins. Co.	5	\$344,832.01	\$57,000.73	\$955.18
609	Deutsch Kerrigan & Stiles, LLP	5	\$1,309.00	\$216.38	**
653	Quest Discovery Services	5	\$686.19	\$113.43	**
654	Davis, Brown, Koehn, Shors & Roberts, PC	5	\$7,274.23	\$1,202.43	**
656	Gaines, Wolter & Kinney, PC	5	\$773.44	\$127.85	**
657	Gaines, Wolter & Kinney, PC	5	\$1,378.60	\$227.88	**
661	Acceptance Insurance Co.	5	\$155,009.00	\$25,622.99	\$429.37
695	Mercury Insurance Co.	5	\$2,103.73	\$347.75	**
710	Royston, Rayzor, Vickery & Williams, LLP	5	\$4,278.58	\$707.25	**
712	Royston, Rayzor, Vickery & Williams, LLP	5	\$10,447.22	\$1,726.93	**
713	Royston, Rayzor, Vickery & Williams, LLP	5	\$12,292.92	\$2,032.02	**
714	Royston, Rayzor, Vickery & Williams, LLP	5	\$4,546.37	\$751.51	**
737	Delta Lloyd Schadeverzekering NV	5	\$360.00	\$59.51	**
739	Mauk & Burgoyne	5	\$3,466.11	\$572.95	**
741	Mauk & Burgoyne	5	\$1,713.39	\$283.22	**
742	Mauk & Burgoyne	5	\$315.28	\$52.12	**
743	Mauk & Burgoyne	5	\$2,304.26	\$380.89	**
746	National Assoc of Insurance Commissioners	5	\$1,414.60	\$233.83	**
750	Encompass/Allstate Ins Co	5	\$9,850.00	\$1,628.21	**
786	Metropolitan Property & Casualty Ins Co	5	\$10,119.69	\$1,672.78	**



EXHIBIT D  
THE MILLERS INSURANCE COMPANY  
IN RECEIVERSHIP  
CLASS 5 DISTRIBUTION LIST

POC #	Creditor Name	Class	Approved Amount	Initial Distribution	Supplemental Distribution
794	Koning & Associates	5	\$494.00	\$81.66	**
797	Stephen R. Barry, Esq.	5	\$1,352.00	\$223.49	**
799	Stephen R. Barry, Esq.	5	\$441.00	\$72.90	**
801	Stephen R. Barry, Esq.	5	\$1,540.70	\$254.68	**
802	Stephen R. Barry, Esq.	5	\$351.00	\$58.02	**
803	Stephen R. Barry, Esq.	5	\$378.00	\$62.48	**
804	Stephen R. Barry, Esq.	5	\$544.00	\$89.92	**
805	Stephen R. Barry, Esq.	5	\$468.00	\$77.36	**
835	Richard Lee Hartman	5	\$13,787.08	\$2,279.00	**
840	Richard Lee Hartman	5	\$1,560.95	\$258.03	**
841	Richard Lee Hartman	5	\$5,918.94	\$978.40	**
842	Richard Lee Hartman	5	\$2,875.38	\$475.30	**
846	Stonington Insurance Co	5	\$66,122.31	\$10,930.02	\$183.16
862	Associated Reproduction Services	5	\$1,271.23	\$210.13	**
863	Associated Reproduction Services	5	\$1,008.94	\$166.78	**
864	Associated Reproduction Services	5	\$960.32	\$158.74	**
869	Stonington Insurance Co.	5	\$27,452.48	\$4,537.89	\$76.04
877	Polsinelli Shalton Welte Suelthaus, PC	5	\$333.05	\$55.05	**
889	Allstate Insurance Co.	5	\$1,738.34	\$287.35	**
890	Allstate Insurance Co.	5	\$6,367.88	\$1,052.61	**
891	Allstate Insurance Co.	5	\$367.30	\$60.71	**
936	W. Anthony Park	5	\$1,750.00	\$289.28	**
968	Peifer, Hanson & Mullins, PA	5	\$3,594.21	\$594.12	**
969	Peifer, Hanson & Mullins, PA	5	\$3,568.96	\$589.95	**
970	The Law Offices of Wolf & Wolfe, Ltd.	5	\$425.50	\$70.34	**
973	The Law Offices of Wolf & Wolfe, Ltd.	5	\$381.12	\$63.00	**
974	The Law Offices of Wolf & Wolfe, Ltd.	5	\$609.50	\$100.75	**
976	The Law Offices of Wolf & Wolfe, Ltd.	5	\$337.50	\$55.79	**
978	The Law Offices of Wolf & Wolfe, Ltd.	5	\$425.50	\$70.34	**
980	The Law Offices of Wolf & Wolfe, Ltd.	5	\$2,288.50	\$378.29	**
982	Connecticut Indemnity	5	\$3,191,603.33	\$527,572.03	\$8,840.74
1000	Jeansonne & Remondet, LLC	5	\$418.50	\$69.18	**
1001	Jeansonne & Remondet, LLC	5	\$1,271.64	\$210.20	**
1002	Jeansonne & Remondet, LLC	5	\$392.61	\$64.90	**
1004	Etter, McMahon, Lamberson & Clary, PC	5	\$4,257.40	\$703.75	**
1005	Etter, McMahon, Lamberson & Clary, PC	5	\$1,017.41	\$168.18	**
1019	Davis Rothwell Earle & Xochihua PC	5	\$78,156.28	\$12,919.23	\$216.49
1020	Swiss Re Italia Spa	5	\$1,800.00	\$297.54	**
1021	National Fire Insurance Co of Hartford	5	\$1,292,483.35	\$213,647.50	\$3,580.18

\*\* De Minimis Claim

EXHIBIT D  
 THE MILLERS INSURANCE COMPANY  
 IN RECEIVERSHIP  
 CLASS 5 DISTRIBUTION LIST

POC.#	Creditor Name	Class	Approved Amount	Initial Distribution	Supplemental Distribution
			<b>Total Distributed:</b>	<b>\$1,127,402.27</b>	<b>\$18,130.78</b>

## EXHIBIT E

MILLERS INSURANCE COMPANY, IN RECEIVERSHIP  
UNCASHED DISTRIBUTION CHECKS

Check No.	Date Issue	Claimant Name	Amount of Check
1946	2/8/2013	Delta Lloyd Schadeverzekering	59.51
1947	2/8/2013	Deutsch Kerrigan & Stiles, LLP	216.38
1956	2/8/2013	Idaho Surveying & Rating Burea	767.11
1959	2/8/2013	Koning & Associates	81.66
1970	2/8/2013	Polsinelli Shalton Welte Suel	55.05
		Total	1179.71

Exhibit F

TRANSFER AND ASSIGNMENT OF ALL ASSETS, KNOWN AND UNKNOWN

Date: Sept 19, 2013.

Assignor: Julia Rathgeber, Receiver of The Millers Insurance Company

Assignor's Mailing Address (including county): 333 Guadalupe Street Tower 1, 13th Floor Austin, Travis County, Texas 78701

Assignee: Julia Rathgeber, Commissioner of Insurance Texas Department of Insurance

Assignee's Mailing Address (including county): 333 Guadalupe Street Tower I, 13th Floor Austin, Travis County, Texas 78701

Known Assets

For value received, Assignor transfers and assigns all of her rights and interests, whether past, present, or future, if any, in the assets listed on the attached "Exhibit 1" hereto. Neither Assignor nor Assignor's successors or assign shall have, claim or demand any right or title to any part thereof of the assets as listed on the Exhibit.

Unknown Assets

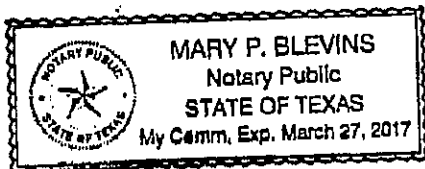
For value received, Assignor transfers her rights, title and interests, if any, in and to all unknown, non-cash assets in The Millers Insurance Company's receivership estate to Assignee, or her successors, to be handled in trust in accordance with Texas Insurance Code § 443.352, and neither Assignor nor Assignor's successors or assigns shall have, claim or demand any right or title to such assets or any part thereof.

Julia Rathgeber, Receiver of The Millers Insurance Company

By: S = 25  
Craig A. Koenig, President of Prime Tempus, Inc., Special Deputy Receiver of The Millers Insurance Company

STATE OF TEXAS §  
  §  
COUNTY OF HAYS §

On this the 19th day of September, 2013, came before me Craig A. Koenig, President of Prime Tempus, Inc., Special Deputy Receiver of The Millers Insurance Company, who, after being duly sworn, stated and acknowledged before me that he has read the above document and that he has signed the above document for the considerations and purposes and in the capacity expressed in the document.



[Signature]  
NOTARY PUBLIC - STATE OF TEXAS

**Exhibit 1**  
**The Millers Insurance Company in Receivership**  
**Schedule of Unliquidated Assets**

1. Assets Assigned to the Texas Commissioner of Insurance :
  - a. Settlement Agreement and proof of claim 239 filed in the bankruptcy styled: *In re INSpire Insurance Solutions, Inc. and INSpire Claims Management, Inc.*, Case No. 02-41228-DML-11 (Jointly Administered), United States Bankruptcy Court, Northern District of Texas, Fort Worth, Texas. (\$105,988.17 remaining balance owed)
  - b. Proceeds from future distributions from the *In re Cendant Corporation Litigation* for claims filed in the names of Millers Mutual Fire Insurance Company (claim no. 82795, original amount \$153,900) and Millers Casualty Insurance Company of Texas (claim no. 82794, original amount \$31,520). The remaining balances owed are \$91,170.43 and \$18,672.46 respectively.
  - c. Annuity issued by Axa Equitable Life Insurance Company or its predecessor for the benefit of former retired employees of The Millers Insurance Company or its predecessor.
  - d. Subrogation Receivables:

Claim #	Adverse	Court/Recovery Contractor	Current Balance
60016	Karl Alan Schultz	Grant County, Washington Grant County Clerk, PO Box 37, Ephrata, WA 98823 Case #85- 1-00156-0	\$11,751.51
MP003433	Tamra Gallian Martins	Josephine County, Oregon Oregon Judicial Dept, Josephine County Circuit Court, 500 NW 6 <sup>th</sup> St, Room 254, Dept. 17, Grants Pass, OR 97526 Case #971780M	\$408.00
0285OR000899	Michael Paritsky	Oregon Judicial Dept, 1163 State Street, Salem, OR 97301 Case #99CR0155	Paid
2001-03-02176	Mark Baylus Burgess	Oconee County, South Carolina South Carolina Dept of Probation, Parole & Pardon Svcs, PO Box 50666, Columbia, SC 29250 Vendor #V01087739	\$55,339.86
517402	Eric O'Quinn	Michael Patterson P.O. Box 780252, San Antonio, TX 78278	\$8,320.00
9771-6062	Jose J. Cabrera	First Financial Asset Mgmt 230 Peachtree St NE #1700, Atlanta, GA 30303	Paid

NA005939	Deliahia Jackson & Shondra Jackson	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$2,272.57
NA003522	Ray Warren	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$19,084.52
NA008248	James E. Samuels	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$3,314.35
NA008928	Gene P. Cordelle	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$9,177.75
NA008018	James L. McCrary	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$2,032.86
NA004188	Fagin	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$10,025.00
NA006467	James Brown	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$3,713.33
NA009638	Betty Ballard	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$622.06
9771-4502	James Brendel	U.S. District Court, Sacramento, CA 2:00CR00584	\$19,544.59
NA008994	Al White	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$3,671.31
Employee embezzlement	Sharon Colbert	US District Court, Northern District of Texas, Attn: Mannie Abdulwahab 1100 Commerce Room 1452, Dallas, TX 75242 214-753-2210 Case #496-CR-154-01	\$84,709.98

- e. Stock: 12,202 Class A shares in the Facility Insurance Holding Corporation. These shares are listed on the estate's balance sheet at a value of \$.05 per share or \$610.10.
- f. Stock: 950 Shares in The LTV Corporation CUSIP No. 501921-10-0.