

JAN 14 2013

At 5:00 p.m.
Amalia Rodriguez-Mendoza, Clerk

NO. D-1-GV-03-00620

STATE OF TEXAS

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IN THE DISTRICT COURT OF

VS.

TRAVIS COUNTY, TEXAS

THE MILLERS INSURANCE COMPANY

345TH JUDICIAL DISTRICT

**ORDER APPROVING FINAL REPORT AND
APPLICATION TO MAKE FINAL DISTRIBUTION**

On this day came on to be heard the *Final Report and Application to Make Final Distribution* (“Application”) filed by Prime Tempus, Inc., Special Deputy Receiver of The Millers Insurance Company (the “SDR” and “Millers”, respectively). The SDR appeared by and through its counsel. Having considered the Application, the Court finds as follows:

1. This Court has jurisdiction over the subject matter of this application under TEX. INS. CODE Chapter 443;
2. The Amended Order of Reference to Master (“Order of Reference”) entered by this Court on November 3, 2005, provides that applications filed pursuant to TEX. INS. CODE § 443.352 are referred to the Special Master appointed in this proceeding;
3. The Application was submitted to the Special Master in accordance with the Order of Reference;
4. Notice of the Application was provided in accordance with TEX. INS. CODE §443.007 (d) and the Order of Reference, and the Distribution Notice, Exhibit J, constitutes adequate notice and no objections to the Application were filed;
5. The Special Master has issued a recommendation that the Application should be granted pursuant to Rule 171 of the Texas Rules of Civil Procedure; and
6. The recommendation of the Special Master should be confirmed, and the Application should be GRANTED in all respects based upon the admitted Affidavit of Craig

Koenig and the exhibits attached thereto.

It is therefore ORDERED, ADJUDGED and DECREED that:

1. All exhibits filed with the Final Report and Application to Make Final Distribution are admitted into evidence;
2. The Final Report and Application to Make Final Distribution is accepted and approved in all respects;
3. The corporate entity and charter are dissolved upon the discharge of the Receiver;
4. The Statement of Expenses previously filed in this proceeding pursuant to article 21.28, §12 (b) of the Code have been approved, and the estimated expenses through the closing of the receivership, contained in Exhibit H, are approved pursuant to § 443.015 of the Code;
5. The prior payments of the expenses on Exhibit G to the Application are approved and the SDR is granted authority to adjust the books and records of the estate to reflect these changes.
6. The Final Claims Report, attached as Exhibit F, is approved, and the SDR is authorized to distribute the cash assets of the receivership, as described therein. Further, the SDR is authorized to withhold any distributions of \$50.00 or less;
7. The SDR is authorized to transfer to the Commissioner any residual funds remaining after all distributions are made;
8. The SDR is authorized to deliver all unclaimed funds to the Commissioner, and any distribution to a claimant, whose notice is returned as undeliverable, shall be deemed as unclaimed;
9. The SDR is authorized to transfer and assign the unliquidated assets to the Commissioner;

10. Title to the receivership records in the possession of, and maintained by, third parties is transferred to those parties and those parties are authorized to retain or dispose of such records at their discretion

11. The SDR is authorized to transfer to the Guaranty Association claims records for which they agree to accept responsibility, and those Guaranty Associations are authorized to retain or dispose of such records at their discretion;

12. The SDR is authorized to dispose of the physical records listed in Exhibit L and deliver any remaining physical records that are not transferred to a Guaranty Association to the Commissioner, and authorizing the Commissioner to maintain or dispose of such records at her discretion;

13. The SDR is authorized to file all required tax returns;

14. The SDR is authorized to destroy the computer equipment and software owned by the Estate; and

15. Granting such further relief to which the SDR may be entitled.

SIGNED this 14TH day of JANUARY, ~~2012~~²⁰¹³.



JUDGE PRESIDING
TIM SUCK

PROPER NOTICE GIVEN
ACKNOWLEDGMENT OF NOTICE AND WAIVER
OF OBJECTION PRESENTED
SUBMITTED
RECOMMENDED
SIGNED ON 10th DAY OF Jan. 2013


TOM COLLINS, RECEIVERSHIP SPECIAL MASTER