

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 03-E-0106

**In the Matter of the Liquidation of
The Home Insurance Company**

**LIQUIDATOR'S MOTION TO AMEND ORDER APPROVING INTERIM
DISTRIBUTION TO CLAIMANTS WITH ALLOWED CLASS II CLAIMS**

Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator ("Liquidator") of The Home Insurance Company ("Home"), hereby moves to amend paragraph 3 of the Court's Order Approving Interim Distribution to Claimants with Allowed Class II Claims dated March 13, 2012 (the "Interim Distribution Order") to provide that the initial interim distribution shall be made to claimants with Class II claims allowed by the Court as of the end of the month in which the United States grants the waiver of federal priority claims and that the interim distribution shall be made to claimants with subsequently allowed Class II claims shall be made following each June 30 and December 31 with respect to claims allowed during the six month period prior to that date. As reasons therefor, the Liquidator states:

1. On February 10, 2012, the Liquidator moved for approval of an interim distribution of 15% to claimants with Class II priority claims under RSA 402-C:44. Liquidator's Motion for Approval of Interim Distribution to Claimants with Allowed Class II Claims dated February 10, 2012 ("Interim Distribution Motion"). The Liquidator sought approval to make the interim distribution to claimants whose claims had been allowed by the Court through December 31, 2011. Id. ¶ 25. The Liquidator proposed to make the interim distribution to claimants with subsequently approved claims annually after the end of each calendar year with

respect to claims allowed during that year. Id. The proposed interim distribution was subject to receipt of an acceptable waiver of federal priority claims from the United States. Id. ¶¶ 28-29.

2. The Court allowed the Interim Distribution Motion and issued the Interim Distribution Order as proposed on March 13, 2012.

3. The Liquidator submitted a request for a waiver of federal priority claims to the United States Department of Justice on April 12, 2012. The United States has acknowledged receipt of the request, and it is under consideration.

4. Since the Court issued the Interim Distribution Order, certain Class II claimants with claims that had not been approved by the Court by December 31, 2011 have requested that their claims be included in the initial interim distribution.

5. Since the originally proposed cutoff date of December 31, 2011 was four months ago and it is uncertain when the waiver will be received and the distribution made, the Liquidator believes it would be appropriate to amend the Interim Distribution Order to allow claimants with Class II claims allowed subsequent to that date to participate in the initial interim distribution.

6. Accordingly, the Liquidator requests that paragraph 3 of the Interim Distribution Order be amended to provide that the interim distribution shall be made to claimants, or their assignees, with Class II priority claims under RSA 402-C:44 allowed by the Court through the end of the month in which a waiver of federal priority claims in a form acceptable to the Liquidator is received.

7. In order to provide for interim distributions to claimants with subsequently allowed Class II claims on a more frequent basis than annually, the Liquidator also requests that paragraph 3 of the Interim Distribution Order be amended to provide that the interim distribution

payments for such claimants be made following each June 30 and December 31 with respect to claims allowed during the six month period preceding that date.

WHEREFORE, the Liquidator requests that the Court:

A. Grant this Motion to Amend Order Approving Interim Distribution to Claimants with Allowed Class II Claims;

B. Enter an order in the form submitted herewith amending paragraph 3 of the Interim Distribution Order to provide for (1) an initial interim distribution to Claimants with Class II claims approved by the Court as of the end of the month in which a waiver of federal priority claims in a form acceptable to the Liquidator is received, and (2) interim distribution payments for claimants with subsequently allowed Class II claims following each June 30 and December 31 with respect to claims allowed during the six month period preceding that date; and

C. Grant such other and further relief as justice may require.

Respectfully submitted,

ROGER A. SEVIGNY, INSURANCE
COMMISSIONER OF THE STATE OF
NEW HAMPSHIRE, SOLELY AS
LIQUIDATOR OF THE HOME
INSURANCE COMPANY,

By his attorneys,
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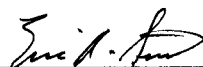


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May 1, 2012

Certificate of Service

I hereby certify that a copy of the foregoing Motion to Amend Order Approving Interim Distribution to Claimants with Allowed Class II Claims and the Proposed Order was sent, this 1st day of May, 2012, by first class mail, postage prepaid to all persons on the attached service list.



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