

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**

[PROPOSED]

ORDER APPROVING NINTH EARLY ACCESS DISTRIBUTION

On consideration of the motion of Roger A. Sevigny, Insurance Commissioner of the State of New Hampshire, as Liquidator (“Liquidator”) of The Home Insurance Company (“Home”), for approval of a ninth early access distribution to insurance guaranty associations pursuant to RSA 402-C:29, III and the Early Access Distribution Plan approved on October 22, 2003, and of the supporting Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, it is hereby ORDERED as follows:

1. The proposed ninth early access distribution is reasonable, prudent and in the best interests of the liquidation of Home;
2. The Liquidator’s Motion for Approval of Ninth Early Access Distribution to Insurance Guaranty Associations is GRANTED, and the proposed ninth early access distribution based on reported guaranty association payments through September 30, 2012, less recoveries and prior early access distribution amounts, all as set forth on Exhibit A to the Bengelsdorf Affidavit, is APPROVED.
3. To be eligible to receive the ninth early access distribution, a guaranty association must have executed an Early Access Distribution Agreement in the form approved as part of the Early Access Distribution Plan.

4. In the event that Home made a deposit in a state and that deposit has not been returned to the Liquidator before the date of the ninth early access distribution, the Liquidator may deduct the amount of the deposit from the ninth early access distribution to that state's guaranty association as well as any other unpaid or unreturned funds. The Liquidator may also subtract deductible reimbursements, amounts to which he ascribes Class I or Class V priority, and amounts concerning any payment, expense, or recovery that has been questioned and/or is the subject of a request for review.

5. The ninth early access distribution is subject to a distribution cap equal to forty percent of the total incurred costs (paid amounts, case reserves, and any amounts subject to requests for redetermination but not including reserves for incurred but not reported loss or for claims subject to "net worth provisions") projected by each guaranty association.

6. The receipt of a ninth early access distribution by a guaranty association shall not be deemed to constitute an admission by the guaranty association as to the proper priority classification of any claim.

So Ordered.

Dated: _____

Presiding Justice