

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 217-2003-EQ-00106

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

**LIQUIDATOR'S MOTION TO AMEND ORDER
APPROVING SECOND 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 the Court's Order Approving Second Interim Distribution to Claimants with Allowed Class II Claims dated November 16, 2015 (the "Second Interim Distribution Order"), to provide for payment of any unpaid first interim distributions on recently allowed claims coincident with the second interim distribution. As reasons therefor, the Liquidator states:

1. This motion addresses a potential inconsistency concerning the timing of payment between the first and second interim distributions. As described below, the 10% second interim distribution will be paid to claimants with approved Class II claims as of the end of the month in which a federal waiver is received. At that time, some of the claimants who will receive the second interim distribution may not have received the 15% first interim distribution because the first distribution is being paid on newly allowed claims once every six months. Where the Liquidator is paying the second interim distribution to all claimants with allowed Class II claims, it is appropriate and administratively feasible to pay any unpaid first interim distributions to those claimants at the same time.

2. The Second Interim Distribution Order provides that the Liquidator shall make that distribution 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 provided for in paragraph 7 of the order. Second Interim Distribution Order ¶ 3 (copy attached as Exhibit A). The Liquidator has requested the waiver for the second interim distribution from the United States Department of Justice but does not know when the United States will act on the waiver request. Upon receipt of the waiver, the Liquidator will make the second interim distribution to approved Class II claims as of the end of the month in which the waiver is received.

3. The first interim distribution is now being paid to claimants with approved Class II claims on a six month schedule. The Order Approving Interim Distribution to Claimants with Allowed Class II Claims dated March 13, 2012, as amended July 2, 2012 (“First Interim Distribution Order”) provides that, following the initial round of payments, the interim distribution “shall be made to claimants with subsequently approved Class II claims following each subsequent June 30 and December 31 with respect to claims allowed during the six month period preceding that date.” First Interim Distribution Order ¶ 3 (copy attached as Exhibit B). This allows the Liquidator to address such payments in batches for administrative purposes. The Liquidator paid the first interim distribution to claimants with subsequently approved Class II claims as of December 31, 2014 in January 2015, as of June 30, 2015 in July 2015, and as of December 31, 2015 in January 2016.

4. Depending on when the federal waiver is received, recipients of the second interim distribution could well include claimants with approved Class II claims who have not yet received the first interim distribution. Since the Liquidator will be making second interim distribution payments to claimants with approved Class II claims as of the end of the month in

which the waiver is received, it is appropriate to make first interim distribution payments to any of those claimants who have not yet received the first distribution at the same time.

5. This issue only arises when there is a new interim distribution dependent upon a federal waiver, as both the First and Second Interim Distribution Orders provide for subsequently approved claims to receive distributions at six month intervals. The Liquidator will address it in any future requests for approval of interim distributions.

WHEREFORE, the Liquidator requests that the Court:

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

B. Enter an order in the form submitted herewith adding a paragraph 8 to the Second Interim Distribution Order to provide that claimants with approved Class II claims who are to receive the second interim distribution but have not yet received the first interim distribution shall receive both distributions at the same time; 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,
JOSEPH A. FOSTER,
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January 29, 2016

Certificate of Service

I hereby certify that a copy of the foregoing Motion to Amend Order Approving First Interim Distribution to Claimants with Allowed Class II Claims and the Proposed Order was sent, this 29th day of January, 2016, by first class mail, postage prepaid to all persons on the attached service list.



Eric A. Smith
NH Bar ID No. 16952

THE STATE OF NEW HAMPSHIRE

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Docket No. 217-2003-EQ-00106

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THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 217-2003-EQ-00106

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

[PROPOSED]

**ORDER APPROVING SECOND INTERIM DISTRIBUTION
TO CLAIMANTS WITH ALLOWED CLASS II CLAIMS**

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 second interim distribution to claimants with allowed Class II claims pursuant to RSA 402-C:46, I, and of the supporting Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, it is hereby ORDERED as follows:

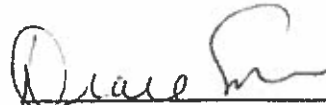
1. The proposed second interim distribution is reasonable, prudent and in accordance with RSA 402-C:46, I.
2. The Liquidator's Motion for Approval of Second Interim Distribution to Claimants with Allowed Class II Claims is GRANTED, and the proposed second interim distribution of ten (10) percent is APPROVED.
3. The second 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 the waiver of federal priority claims provided for in paragraph 7 below is received. The second interim distribution shall be made to claimants with subsequently approved Class II claims following each subsequent June 30 and December 31 with respect to claims allowed during the six month period preceding that date.
4. The portion of guaranty association early access distributions previously made that is equal to the second interim distribution shall no longer be subject to recovery by the Liquidator pursuant to the Early Access Distribution Agreement.
5. In accordance with RSA 402-C:44, the first \$50 of the allowed amount on each claim shall be deducted from the claim (except for claims of insurance guaranty associations).

6. The second interim distribution to a claimant shall be subject to any setoff the Liquidator has against the claimant.

7. The second interim distribution is subject to receipt of a waiver of federal priority claims under 31 U.S.C. § 3713 from the United States in a form acceptable to the Liquidator.

So Ordered.

Dated: 11/14/2015



Presiding Justice

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 INTERIM DISTRIBUTION
TO CLAIMANTS WITH ALLOWED CLASS II CLAIMS

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 an interim distribution to claimants with allowed Class II claims pursuant to RSA 402-C:46, I, and of the supporting Affidavit of Peter A. Bengelsdorf, Special Deputy Liquidator, it is hereby ORDERED as follows:

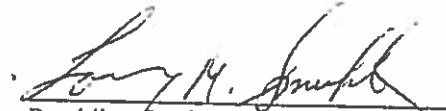
1. The interim distribution is reasonable, prudent and in accordance with RSA 402-C:46, I.
2. The Liquidator's Motion for Approval of Interim Distribution to Claimants with Allowed Class II Claims is GRANTED, and the proposed interim distribution of fifteen (15) percent is APPROVED.
3. The interim distribution shall be made to claimants, or their assignees, with Class II priority claims under RSA 402-C:44 allowed by the Court through December 31, 2011. The interim distribution shall be made to claimants with subsequently approved Class II claims annually after the end of each calendar year with respect to claims allowed during that year.
4. The portion of guaranty association early access distributions previously made that is equal to the interim distribution shall no longer be subject to recovery by the Liquidator pursuant to the Early Access Distribution Agreement.
5. In accordance with RSA 402-C:44, the first \$50 of the allowed amount on each claim shall be deducted from the claim (except for claims of insurance guaranty associations).
6. The Liquidator shall not issue checks for interim distribution amounts of less than \$10 per claimant.

7. The interim distribution to a claimant shall be subject to any setoff the Liquidator has against the claimant.

8. The interim distribution is subject to receipt of a waiver of federal priority claims under 31 U.S.C. § 3713 from the United States in a form acceptable to the Liquidator.

Approved
So Ordered.

Dated: 3/13/12


Presiding Justice

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 AMENDING ORDER APPROVING INTERIM
DISTRIBUTION TO CLAIMANTS WITH ALLOWED CLASS II CLAIMS

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"), to amend the Order Approving Interim Distribution to Claimants with Allowed Class II Claims dated March 13, 2012 (the "Interim Distribution Order"), it is hereby ORDERED as follows:

1. The Liquidator's Motion to Amend Order Approving Interim Distribution to Claimants with Allowed Class II Claims is granted.

2. Paragraph 3 of the Interim Distribution Order is deleted and the following paragraph is inserted in its place:

"3. 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 the waiver of federal priority claims provided for in paragraph 8 below is received. The interim distribution shall be made to claimants with subsequently approved Class II claims following each subsequent June 30 and December 31 with respect to claims allowed during the six month period preceding that date."

3. The Interim Distribution Order otherwise continues in effect.

Approved
So Ordered.

Dated: 7/2/12


Presiding Justice