David M. Freeman, Esq. (NJ Bar #041771988) MAZIE SLATER KATZ & FREEMAN, LLC

FILED

AUG 21 2015

103 Eisenhower Parkway

Roseland, New Jersey 07068 (973) 228-9898

Attorneys for Kenneth E. Kobylowski Commissioner of Banking and Insurance of the State of New Jersey in his capacity as Liquidator of the Estate of Consumer First Insurance Company

SUPERIOR COURT OF NJ MERCER VICINAGE CIVIL DIVISION

In the Matter of:

THE LIQUIDATION OF CONSUMER FIRST INSURANCE COMPANY

SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION - MERCER COUNTY GENERAL EQUITY PART

DOCKET NO. MER-C-17-09

CIVIL ACTION

ORDER

This matter having been opened to the Court upon the motion of Mazie Slater Katz & Freeman, LLC, attorneys for the Commissioner of Banking and Insurance of the State of New Jersey, in his capacity as Liquidator (the "Liquidator") of the Estate (the "Estate") of Consumer First Insurance Company ("Consumer First") for an Order granting permission to make a final distribution of Consumer First's assets and for other relief relating to the termination of the liquidation of the Estate, and the Court having considered the Certification of Deputy Liquidator Kenneth A. Watson submitted in support of this motion, any opposing papers and the argument of counsel and for good cause shown;

ORDERED that:

The proposed final distribution payout schedule for Consumer First attached 1. hereto as Exhibit "D" is hereby approved.

- 2. The Liquidator shall establish a reserve in the amount of \$100,000 for the Estate's future administrative fees and expenses which will be incurred to complete the remainder of the liquidation of Consumer First.
- 3. The Liquidator shall distribute the sum of \$2,341,600 to the New Jersey Property-Liability Guaranty Association ("NJPLIGA") as set forth in Exhibit "D" representing 100% of its overhead expenses.
- 4. The Liquidator shall distribute the sum of \$3,995,425 to the NJPLIGA as set forth in Exhibit "D", hereto representing 22.9% of its total approved claims and claims handling expenses.
- 5. The Liquidator shall distribute a total of \$275,675 to the respective non-guaranty association claimants as set forth on Exhibit "D" representing 22.9% of their claims.
- 6. Any surplus remaining in the Estate (after satisfaction of the administrative fees and expenses in making the distributions set forth in paragraphs two, three and four above) shall be paid to the respective claimants on a pro rata basis if practical.
- 7. Payment by the Liquidator shall be complete upon the mailing of the Estate's check to the claimant at the claimant's last known address. If a payment is returned and, after reasonable inquiry, the whereabouts of any claimants are unknown, a cumulative total of such amounts will be remitted to the New Jersey Unclaimed Property Trust Fund and shall constitute complete payment to all such claimants.
- 8. The Liquidator is hereby authorized to transfer any unclaimed payments to the New Jersey Unclaimed Property Trust Fund. The trustees of the New Jersey Unclaimed Property Trust Fund shall escheat all abandoned funds and other abandoned assets of the

808714808

Estate, pursuant to the provisions of the New Jersey Uniform Unclaimed Property Act, N.J.S.A. 46:30B-1, et. seq.

- 9. If and in the event that the Liquidator receives additional assets of the Estate after the date of the final distribution of the Estate's assets as provided for herein, the Liquidator shall, distribute such assets on a pro rata basis to the respective claimants, after the payment of any associated administrative expenses of the Estate. The Liquidator may establish a de minimis level of recovery to ensure that the administrative costs associated with distribution are minimized while distributions to claimants are maximized. If the Liquidator determines that the distribution of such assets would be uneconomical and otherwise impractical, the Liquidator shall escheat such assets to the New Jersey Unclaimed Property Trust Fund, after adjustments for any associated administrative expenses of the Estate.
- 10. Upon entry of this Order, the Liquidator is hereby authorized to destroy all of the Estate's policy and claims files, as well as the Estate's human resources, accounting and data processing records, except for such records as the Estate may require to effect the distribution of assets approved by this Order and prepare the final accounting to be filed with this Court.
- 11. Upon compliance with this Order, and the filing with this Court of a final accounting showing performance of same, the Liquidator, the Deputy Liquidator and their agents, attorneys, employees and other representatives are discharged and released from any and all further liability arising out of the liquidation of Consumer, and this liquidation proceeding will be terminated without need of any further Court Order.
- 12. The New Jersey Commissioner of Banking and Insurance, or any successor in office as Commissioner as Liquidator, may take any and all additional actions he/she deems

advisable for the administration and termination of the Consumer First Estate without need for further applications before this or any other Court.

12. A copy of this Order shall be served upon all interested parties within <u>10</u> days of the date hereof. The Department of Banking and Insurance of the State of New Jersey shall also post a copy of this Order on the following website:

http://wwwstate.nj.us/dobi/division\_insurance/finesoly.htm

HON. PAUL INNES, P.J.Ch.

H:DAM/CLOSED FILES/CONSUMER FIRST/ORDER - FINAL DISTRIBUTION 6-5-15.DOCX.DOC