

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**

ORDER APPROVING FIFTH 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 fifth 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 fifth early access distribution is reasonable, prudent and in the best interests of the liquidation of Home.
2. The Liquidator's Motion for Approval of Fifth Early Access Distribution to Insurance Guaranty Associations is GRANTED, and the proposed fifth early access distribution based on reported guaranty association payments through September 30, 2008, 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 fifth 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 fifth early access distribution, the Liquidator may deduct the amount of the deposit not previously deducted from the prior early access distributions from the fifth early access distribution to that state's guaranty association.
5. The fifth early access distribution is subject to a distribution cap equal to forty percent of the total incurred costs (paid amounts plus case reserves but not including incurred but not reported reserves) projected by each guaranty association.

6. The Liquidator may withhold the early access amount concerning any individual claim or recovery which is the subject of a request for clarification made by the Liquidator of the guaranty association.

7. The fifth early access distribution is subject to the 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.

8. The receipt of a fifth early access distribution by a guaranty association shall not be deemed to constitute an admission by the guaranty association that allocated loss adjustment expense ("ALAE") is a Class II claim.

So Ordered.

Dated:

Jan. 12, 2009

Carol Ann Conboy
Presiding Justice