

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 CLAIM AMENDMENT DEADLINE

On consideration of the motion of John R. Elias, Insurance Commissioner of the State of New Hampshire, as Liquidator (“Liquidator”) of The Home Insurance Company (“Home”), requesting an order approving a claim amendment deadline for the final submission of amendments to proofs of claim and proofs of claim in the Home liquidation, notice of the motion and the deadline for filing of objections having been given as directed in the order of notice, [and no objections having been timely filed/and after consideration of timely filed objections], the Court hereby ORDERS as follows:

1. Establishment of the requested claim amendment deadline is fair and reasonable and in the best interest of the Home liquidation and Home’s creditors as it will facilitate the resolution of claims and advance the distribution of the estate’s assets and the closure of this proceeding without unnecessary administrative expense. It represents a reasonable balance between the expeditious completion of the liquidation and the protection of unliquidated and undetermined claims, including third party claims, in accordance with RSA 402-C:46.
2. The Liquidator’s Motion for Approval of Claim Amendment Deadline is granted.
3. The date 150 days from the date of this Order, or if such date is a Saturday, Sunday or holiday, the next business day, is hereby established as the Claim Amendment Deadline for the final submission of amendments (including supplements or any other

enlargements) to proofs of claim and new proofs of claim in the Home liquidation. Amendments to previously filed proofs of claim and any new proofs of claim must be filed by an amendment or completed proof of claim form that is received by the Liquidator on or before the Claim Amendment Deadline or that is mailed to the Liquidator by U.S. mail and bears a legible postmark showing mailing by U.S. mail on or before the Claim Amendment Deadline. Any amendments to previously filed proofs of claim or new proofs of claim received by the Liquidator after the Claim Amendment Deadline (unless mailed on or before the Claim Amendment Deadline as specified above) shall not be considered. Amendments to proofs of claim and proofs of claim shall be sent to:

The Home Insurance Company, in Liquidation
61 Broadway, Sixth Floor
New York, NY 10006

4. The June 13, 2004 Claim Filing Deadline established by the June 13, 2003 Order of Liquidation pursuant to RSA 402-C:26 and :37 continues to apply. The Liquidator shall determine whether claims received after the Claim Filing Deadline but on or before the Claim Amendment Deadline are excused or unexcused late-filed claims pursuant to RSA 402-C:37, II and III. The Liquidator shall review and determine all claims filed on or before the Claim Amendment Deadline. Subject to the provisions of this Order, which shall control, the procedures of the Restated And Revised Order Establishing Procedures Regarding Claims Filed With The Home Insurance Company In Liquidation dated January 19, 2005 (“Claims Procedures Order”) shall continue to apply to the determination of claims in the Home liquidation.

5. Claims against Home not filed with the Liquidator on or before the Claim Amendment Deadline by amendment to a previously filed proof of claim form or by a new proof of claim form as provided in paragraph 3 above are barred from any distribution of the assets of

the Home estate. Post-Claim Amendment Claims and Potential Claims (as defined below) are deemed to prejudice the orderly administration of the liquidation within RSA 402-C:37 and are barred from any distribution of the assets of the Home estate:

a. Post-Claim Amendment Deadline Claims. A “Post-Claim Amendment Deadline Claim” is any amendment (including supplement or any other enlargement) to any previously filed proof of claim or any new proof of claim that is filed after the Claim Amendment Deadline. Post-Claim Amendment Deadline Claims are deemed to prejudice the orderly administration of the liquidation and shall not be considered, regardless of whether good cause – including but not limited to any reason constituting “good cause” under RSA 402-C:37, II – exists for filing after the Claim Amendment Deadline, and regardless of whether a right to reopen, refile, or supplement a claim was previously reserved. The Liquidator shall reject all Post-Claim Amendment Deadline Claims without consideration of their merits.

b. Potential Claims. A “Potential Claim” is any claim intended to be covered by a proof of claim or an amendment to a previously filed proof of claim where a specific claim has not been asserted by a specific claimant against a specific person on or before the Claim Amendment Deadline. These are sometimes referred to as “incurred but not reported” claims. Examples of Potential Claims are set forth in the Liquidator’s motion for approval of claim amendment deadline. Potential Claims are deemed to prejudice the orderly administration of the liquidation and shall not be considered, effective as of the Claim Amendment Deadline. The Liquidator shall reject all Potential Claims, effective as of the Claim Amendment Deadline, without consideration of their merits.

6. Claimants with open proofs of claim seeking coverage under a Home policy or reinsurance contract for Potential Claims must amend their proofs of claim by identifying and providing the particulars of all claims for which coverage is sought. Claims that have not been identified (as a specific claim by a specific claimant against a specific person) on or before the Claim Amendment Deadline shall be barred because, if later identified, they will be Post-Claim Amendment Deadline Claims in accordance with paragraph 5 above.

7. Amendments to proofs of claim must include available supporting information regarding the claims. The Liquidator may request claimants to provide additional information or evidence in support of their proofs of claim and amendments as provided in RSA 402-C:38, II. The Liquidator may consider a claimant's failure to timely provide requested supplementary information as ground to deny a claim, subject to review as provided in the Claims Procedures Order.

8. Claimants issued notices of determination as to Class V priority only, deferring determination as to amount, must amend their proofs of claim on or before the Claim Amendment Deadline and include an explanation of why their proofs of claim should be determined as to amount. In the absence of an amendment, the previous notices of determination shall be considered final determinations, and the Liquidator need not make any further determinations on those proofs of claim.

9. The establishment of the Claim Amendment Deadline does not affect claim determinations, including settlements, previously approved by the Court or made or entered by the Liquidator and not yet approved by the Court as of the Claim Amendment Deadline.

10. The establishment of the Claim Amendment Deadline does not permit the refiling or rearguing of proofs of claim previously determined by the Liquidator. Duplicative

amendments or proofs of claim shall not be submitted. If a proof of claim or amendment duplicates or reasserts a previously determined claim, the Liquidator shall reject the proof of claim or amendment without consideration of its merits.

11. The Claim Amendment Deadline applies to all claims except (a) administration costs within RSA 402-C:44, I, and (b) claims of the United States Government.

12. Within 30 days from receipt of this Order, the Liquidator shall mail notice of the Claim Amendment Deadline in the form attached to this Order by first class mail, postage prepaid, using the latest mailing address provided to the Liquidator by the claimant, to all claimants who have open proofs of claim in the Home liquidation. Open proofs of claim means those on which (a) there has been no determination, (b) there has been only a partial determination or determinations, (c) there has been a determination that has not yet been approved by the Court, (d) there has been a determination as to priority but deferral as to amount, or (e) there has been a determination that provided that the claimant could submit further claims. Where the claimant is represented by counsel, notice shall also be mailed to counsel at the latest address provided to the Liquidator. Notice to claimants or counsel with addresses outside the United States shall be sent by air mail, postage prepaid.

13. The Liquidation Clerk shall promptly post this Order and the notice attached to this Order in the Merrimack County Superior Court Files and the Key Documents Relating to the Liquidations sections of the Home Liquidation Clerk website (www.hicilclerk.org).

SO ORDERED

Dated: _____

Presiding Justice

**The Home Insurance Company, in Liquidation
61 Broadway, Sixth Floor
New York, NY 10006**

POC No(s): _____

**NOTICE OF CLAIM AMENDMENT DEADLINE
FOR THE HOME INSURANCE COMPANY, IN LIQUIDATION**

To Persons who have open proofs of claim in the liquidation of The Home Insurance Company (“Home”) and other persons:

Home is in liquidation proceedings before the Merrimack County Superior Court of the State of New Hampshire (the “Court”), In the Matter of the Liquidation of The Home Insurance Company, Docket No. 217-2003-EQ-00106. John R. Elias, Insurance Commissioner of the State of New Hampshire, is the Liquidator of Home (“Liquidator”).

The Court has established _____ [INSERT BUSINESS DATE 150 DAYS FROM DATE OF COURT’S ORDER OR NEXT BUSINESS DAY] as the Claim Amendment Deadline for the final amendment of proofs of claim or submission of proofs of claim in the Home liquidation. Claims against Home must be received by the Liquidator or postmarked by U.S. mail on or before the Claim Amendment Deadline at the address set forth above or they will be barred from sharing in any distribution of assets from the Home estate. “Post Claim Amendment Claims” and “Potential Claims” as defined the Order Approving Claim Amendment Deadline dated _____ are barred and will not be considered. The Order Approving Claim Amendment Deadline is available in the “Key Documents Relating To The Liquidations” section of the Home Liquidation Clerk website, www.hicilclerk.org, at _____ [INSERT LINK].

If you have an open proof of claim in the Home liquidation, you have until _____ [INSERT SAME DATE] to amend your proof of claim to supplement or update your claim. If you add a claim, you must include an explanation of why the claim was not filed by the June 13, 2004 claim filing deadline with your amendment. **If your open proof of claim seeks coverage under a Home policy or reinsurance contract for Potential Claims, you must amend your proof of claim to make it specific by identifying and providing the particulars of all claims for which coverage is sought.**

Any new proofs of claim in the Home liquidation must be filed on or before _____ [INSERT SAME DATE]. The proof of claim form and instructions may be obtained by downloading them from the “Key Documents Relating To The Liquidations” section of the website for the liquidation, www.hicilclerk.org, by calling 1-800-347-0014 during regular business hours (Monday-Friday 8-5 ET), or by writing to the address above. You must include an explanation of why your proof of claim was not filed by the June 13, 2004 claim filing deadline with your proof of claim.

If you have been issued a notice of determination as to Class V priority only, deferring determination as to amount, you have until _____ [INSERT SAME DATE] to amend your proof of claim and include an explanation of why your proof of claim should be determined as to amount. In the absence of an amendment, the previous notices of determination shall be considered final determinations, and the Liquidator need not make any further determination on your proof of claim.

Your submission must include available supporting information regarding your claim.

Amendments and proofs of claim must be received by the Liquidator or legibly postmarked by U.S. mail on or before the _____ [INSERT SAME DATE] Claim Amendment Deadline. Amendments and proofs of claim received or postmarked after the Claim Amendment Deadline will not be considered.

**John R. Elias, New Hampshire Insurance Commissioner,
as Liquidator of The Home Insurance Company**