

**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 RETURN OF EXCESS COLLATERAL**

On consideration of the motion of Christopher R. Nicolopoulos, Insurance Commissioner of the State of New Hampshire, as Liquidator (“Liquidator”) of The Home Insurance Company (“Home”), for an order approving the return of excess collateral and the supporting Affidavit of Peter A. Bengelsdorf, it is hereby found and ORDERED as follows:

1. The Liquidator’s Motion for Approval of Return of Excess Collateral is granted;
2. The Liquidator shall return collateral funds held as security for policyholders’ or reinsurers’ obligations to Home under deductible reimbursement, retrospective premium, or captive reinsurance agreements when the Liquidator concludes that all obligations of the policyholder or reinsurer to Home secured by the collateral have been satisfied and does not anticipate having any further claims against the policyholder or reinsurer that are secured by the collateral; provided, however, that as a condition to return of this “excess” collateral the policyholder must first provide the Liquidator with a satisfactory release of all claims under the Home policies and the contracts involved in the deductible reimbursement, retrospective premium or captive reinsurance arrangements;
3. The Liquidator shall terminate, release or return letters of credit, bonds, trust accounts, or other items held as security for policyholders’ or reinsurers’ obligations to Home under deductible reimbursement, retrospective premium, or captive reinsurance agreements when the Liquidator concludes that all obligations of the policyholder or reinsurer to Home secured by the collateral have been satisfied and does not anticipate having any further claims against the policyholder or reinsurer secured by the collateral; provided, however, that as a condition to return of this “excess” collateral the policyholder must first provide the Liquidator with a satisfactory release of all claims under the Home policies and the contracts involved in the deductible reimbursement, retrospective premium or captive reinsurance arrangements.
4. When the Liquidator determines that a return of collateral is appropriate as described above, the Liquidator shall notify the policyholder that posted the collateral by mail

and by email (if an email address is available) at the last known address reflected in the Home liquidation records. If the policyholder does not respond, the Liquidator shall conduct a reasonable internet search for a current address and again attempt contact by mail and, if an email address is available, by email. If the policyholder cannot be located through this process, the Liquidator shall turn over unclaimed excess collateral funds to the New Hampshire State Treasurer in accordance with RSA 402-C:47, I, before the liquidation closes.

So Ordered.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Presiding Justice