

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 SETTLEMENT
AGREEMENT WITH ACF INDUSTRIES**

On consideration of (a) the motion of David J. Bettencourt, Insurance Commissioner of the State of New Hampshire, as Liquidator (“Liquidator”) of The Home Insurance Company, for an order approving a Settlement Agreement and Mutual Release (“Settlement Agreement”) between ACF Industries LLC as successor to ACF Industries, Inc. (“ACF Industries”), and the Liquidator, and (b) the supporting Affidavit of Peter A. Bengelsdorf, it is hereby found and ORDERED as follows:

1. The Settlement Agreement is reasonable, prudent, and in the best interests of the liquidation of Home;
2. The Liquidator’s Motion for Approval of Settlement Agreement with ACF Industries is granted, and the Settlement Agreement is approved; and
3. The Liquidator’s recommendation concerning the allowance of the proof of claim filed by ACF Industries is approved and ACF Industries’ claim is allowed as a Class II claim in accordance with RSA 402-C:45 and RSA 402-C:44 in the amount of \$4,347,817.

So Ordered.

Dated: _____

Presiding Justice