

BEFORE THE COURT-APPOINTED REFEREE  
IN RE THE HOME INSURANCE COMPANY IN LIQUIDATION  
DISPUTED CLAIMS DOCKET

In Re Liquidator Number: HICIL-33  
Proof of Claim Number: INSU703263-01  
Claimant Name: Gregory Levy, as administrator  
of the Estate Of Harold Levy  
Claimant Number: Class II  
Policy or Contract Number: 2001/10231  
Insured or Reinsured Name: Sears, Roebuck & Co., et al.  
Date of Loss: 06/10/01

FURTHER ORDER

Gregory Levy. Claimant disputes the denial of a proof of claim, INSU703263-01. Counsel for the Liquidator, Thomas Kober, indicates that the Liquidator's denial of the Levy claim was appropriate because of a September 21, 2006, State of New York Supreme Court Order, in the case of Harold Levy v. Sears Roebuck and Company and Pegnato and Pegnato Roof Management Inc.(State of New York Supreme Court County of Erie, Index No. 2001-10231). That Order dismissed the then pending Levy litigation "on the merits", based upon a failure to "effectuate a proper and necessary substitution upon the death" of Harold Levy.

During an April 25, 2008 telephone conference with the Claimant and the attorney for the Liquidator, Thomas Kober, the Claimant indicated that he was, indeed, an administrator of the estate of Harold Levy and requested an opportunity to provide copies of documents to support his position. Subsequent to that telephone conference, Gregory Levy submitted a copy of a durable general power of attorney executed by Harold Levy on June 4, 2002, together with a copy of a Surrogate's Court Erie County, New York Affidavit In Relation To Settlement of Estate Under Article XIII SCPA, voluntary administration, dated February 4, 2004. No further copies of documents relating to voluntary administration have been made available to the Referee.

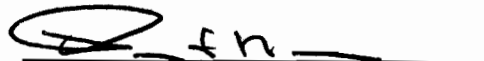
In reviewing this matter, the Referee finds the Erie County document of more significance, as it appears that Gregory Levy and Lisa Brown, as co-executors of the will of Harold Levy, had commenced voluntary

administration. It is noteworthy, however, that the voluntary administration form does not indicate decedent's interest in the then pending lawsuit against Sears Roebuck and Pegnato Roof Management Inc.

At this time, and because of the undisturbed New York Supreme Court Order, the Referee must conclude that the Liquidator's denial of the Levy claim, is proper. Notwithstanding that conclusion, the Referee provides Gregory Levy a sixty (60) day opportunity from the date of this Ruling to address the outstanding Order.

So ordered.

June 30, 2008  
Date:

  
Referee, Paula T. Rogers