

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

CIVIL ACTION NO.: 83-2962

STATE OF FLORIDA, ex rel.,)
The Department of Insurance)
of the State of Florida,)

Relator,)

vs.)

GULF AMERICAN INSURANCE)
COMPANY, a Florida)
corporation authorized to)
transact an insurance)
business,)

Respondent.)



ORDER APPOINTING THE DEPARTMENT OF INSURANCE
AS RECEIVER FOR PURPOSES OF REHABILITATION

THIS CAUSE, coming on this day to be heard on the application of the Department of Insurance of the State of Florida and the Court being fully advised in the premises, finds:

1. Section 631.051, Florida Statutes, authorizes the Department to apply to this Court for an Order directing it to rehaiblitate a domestic insurer.

2. Respondent, Gulf American Insurance Company has consented to the appointment of the Department as Receiver for purposes or rehabilitation.

IT IS THEREFORE ORDERED and ADJUDGED:

The Department of Insurance of the State of Florida is hereby appointed Receiver of Gulf American Insurance Company, a Florida corporation, for purposes of rehabilitation and the said Receiver is authorized and directed to:

1. Conduct the business of Respondent and take all steps, as the Court may direct, toward the removal of the causes and conditions which have made this Order of Rehabilitation necessary.

2. Take immediate possession of all property, assets and estate, and all other property of every kind whatsoever and wheresoever located belonging to or in the possession of Respondent or its

officers, directors, employees or agents, including but not limited to all offices maintained by Respondent, rights of action, books, papers, evidences of debt, bank accounts, certificates of deposit, stocks, bonds, debentures and other securities, mortgages, furniture, fixtures, office supplies and equipment, and all real property of the Respondent wherever situate, and to administer such use of assets as is required in order to comply with the directions contained in this Order and to hold all other assets pending further Order of this Court.

3. Proceed to collect any and all debts economically feasible to collect due and owing Respondent, including but not limited to funds held by agents of Respondent under agency contracts or otherwise.

4. Appoint one or more special agents and employ legal counsel, actuaries, accountants, clerks, consultants and assistants as it deems necessary and to fix and to pay the reasonable compensation and reasonable expenses thereof and all reasonable expenses of taking possession of the insurer and conducting these proceedings out of the funds or assets of the insurer, subject to approval by the Court at the time the Rehabilitator accounts to the Court for such expenditures and compensation.

5. To reimburse employees, from the funds for this receivership, for their actual necessary and reasonable expenses incurred while traveling on the business of this receivership.

6. Commence and maintain all legal actions necessary for the conduct of this rehabilitation proceeding.

7. Not defend legal actions wherein Respondent or the Rehabilitator is a party defendant, commenced either prior to or subsequent to this Order without authorization of this Court.

8. Not send out the notice set forth in Section 631.341 (1)(2), Florida Statutes, unless this Court enters an Order of Liquidation pursuant to the provisions of Section 631.101(2), Florida Statutes.

9. Deposit funds and maintain bank accounts in accordance with Section 631.221, Florida Statutes.

10. Take possession of all of Respondent's securities on deposit with the Treasurer of Florida and liquidate or reinvest as much of the same as may be necessary, in its judgment, to best benefit the estate or to pay expenses as set forth in paragraph 1 above.

11. Apply to this Court for further instructions in the discharge of its duties.

IT IS FURTHER ORDERED and ADJUDGED that:

12. Any officer, director, manager, trustee, attorney, agent, actuary, broker, employee or adjuster of Respondent and any other person who possesses or possessed any executive authority over or who exercises, or exercised, any control over any segment of Respondent's affairs shall fully cooperate with the Rehabilitator pursuant to Section 631.391, Florida Statutes.

13. All persons who have in their possession, custody or control, assets of the Respondent of any kind whatsoever and wherever situate, including but not limited to, monies, books or records, personal or real property, are directed forthwith to deliver upon demand such assets or books and records to the Receiver.

14. Title to all property, real or personal, all contracts, rights of action and all books and records of Respondent, wherever located within or without this state, are vested in the Receiver.

15. All persons, funds, corporations and associations, including but not limited to, the Respondent and its officers, directors, stockholders, agents and employees be, and they are hereby, enjoined and restrained from interfering with the Receiver's possession and control of the property of Respondent or the conduct of these proceedings, the doing or permitting to be done any action which might waste or dispose of the assets of Respondent or allow or suffer the obtaining of judgments, attachments, writs of garnishment or preferences or other liens, or the making of any

levy or execution against a Receiver or Respondent or its assets or any part thereof, during the conduct of this rehabilitation proceeding.

16. All persons, funds, corporations and associations are hereby enjoined and restrained from commencing, maintaining or further prosecuting any action at law or in equity or other proceeding against Respondent or the Receiver.

17. All policies of insurance or similar contracts of coverage issued by the Respondent shall remain in full force and effect until further Order of this Court except where cancelled in the normal course of business or upon the normal expiration date thereof.

18. This Court shall retain jurisdiction of this cause for the purpose of granting such other and further relief as shall be just and equitable.

19. Any financial institution, specifically including the Southeast Bank of Clearwater, Florida, Freedom Savings and Loan, Tampa and Clearwater, Florida and Flagship Bank of Tampa, Florida, that holds funds in accounts under the name of Gulf American Insurance Company are to treat that account as that of the Receiver herein and fully comply and adhere to the injunctive and other provisions set out in this Order until further Order of this Court.

DONE and ORDERED this 4th day of November, 1983

Carroll E. ...

CIRCUIT JUDGE

STATE OF FLORIDA, COUNTY OF LEON
I HEREBY CERTIFY that the above and foregoing
is a true and correct copy of the original
of the Official Records of Leon County, Florida
WITNESS my hand and seal of office this 4th
of November, 1983

PAUL F. HARTSFIELD, Clerk

by *Danielle Hayford*