

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

In Re: The Receivership of
Gulf American Insurance Company, Inc.,

CASE NO.: 83-2962

a Florida corporation.

**THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES MOTION TO MAINTAIN
CASE ON ACTIVE DOCKET PENDING REVISED FINAL ACCOUNTING,
DISTRIBUTION, AND FINAL DISCHARGE REPORT**

THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES, DIVISION OF REHABILITATION AND LIQUIDATION, (hereinafter "The Department") moves this Court, pursuant to Chapter 631, Part I, Florida Statutes, to keep this matter on the open docket after January 31, 2019, pending submission and approval of the revised Final Accounting, Distribution Report. In support of this motion, the Department would show the following:

Department's Interaction with the Guaranty Associations

1. The Department refers the Court to its initial motion filed on January 4, 2019, concerning the history and background on the Gulf American Insurance Company, Inc. ("Gulf American") Estate.
2. On December 18, 2018, the Department advised the pertinent Guaranty Associations that an additional asset had been found in this closed Estate. *See* Exhibit 1, email from Mitch Williams to Guaranty Associations dated December 18, 2018.
3. The Guaranty Associations were established by the various states as a safety net to lessen the impact to policyholders, insureds and third-party claimants when an insurance company covering their loss was adjudicated insolvent and liquidated.

4. On January 8, 2019, the Department advised the Guaranty Associations that it had filed the motion to re-open the Gulf American Estate, retrieve the exhibit, and distribute the assets to the statutory creditors. It also advised the Associations of the court's order. *See* Exhibit 2, email from Mitch Williams to the Guaranty Associations dated January 8, 2019.
5. On January 17, 2019, the Georgia Insolvency Pool ["the Pool"] notified the Department that they had a claim on the statutory deposit retrieved by the Department for Gulf American. The Pool requested the Department ensure that its claim was paid out of the statutory deposit on file with their domiciliary state. *See* Exhibit 3, email from Frank Knighton to Mitch Williams dated January 17, 2019.
6. The Department requested the Pool provide any documentation it had to support its claim to the retrieved assets of Gulf American. *See* Exhibit 4, email from Mitch Williams to Frank Knighton dated January 17, 2019.
7. The Pool provided documents via secured transmission on January 18, 2019.

Evidence Supporting The Pool's Claim

8. The Pool provided various documents that dated from their initial proof of claim dated April 25, 1984 to their most recent efforts with the Georgia Department of Insurance to retrieve and collect the statutory deposit dated August 13, 2011. *See* composite Exhibit 5.
9. Due to the age of the Gulf American Estate and the prior discharge order permitting the destruction of obsolete records, the Department had retained very limited records. It did not have, for instance, the correspondence between the Department and the Pool

from 1991 to 1995, which discussed the statutory deposit, and the Department's treatment of such in its final discharge accounting.

10. Since the Department had been discharged, it was not a party to the Pool's activities from 1995 to 2011 attempting to collect the statutory deposit from the state of Georgia.

Requested Relief

11. Considering the Court's current order discharging the Gulf American Estate on January 31, 2019, the Department would respectfully request that the court keep this Estate open for another 30 days so that the Department may revise the discharge accounting to taking into account the new information provided by the Pool.

WHEREFORE, PREMISES CONSIDERED, the Florida Department of Financial Services, as Receiver for Gulf American Insurance Company, Inc., respectfully requests the court maintain this case on its active docket for another thirty [30] days in order for a revised Final Distribution Accounting to be prepared and approved by the court, and for such other and further relief, at law and in equity, to which it is entitled.

SUBMITTED this 25th day of January 2019.

/signed/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this Motion was electronically filed with the Clerk of Courts by using the ECF system and electronically noticed this 25th day of January 2019.

/s/ Miriam O. Victorian
Miriam O. Victorian