

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

In Re: The Receivership of
GREAT OAKS CASUALTY
INSURANCE COMPANY

CASE NO. 1991-CA-4746

**RECEIVER'S MOTION FOR APPROVAL OF THE
THIRD INTERIM CLAIMS REPORT AND RECOMMENDATION ON CLAIMS**

THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES, as Receiver of Great Oaks Casualty Insurance Company (hereinafter "Receiver"), moves this Honorable Court for an entry of an Order approving the Receiver's Third Interim Claims Report and Recommendation on Claims and in support of its motion states:

1. Great Oaks Casualty Insurance Company (hereinafter "Great Oaks"), was a Florida corporation previously authorized to transact insurance business in the State of Florida. On December 9, 1991, this Court adjudicated Great Oaks insolvent and entered the Order Appointing the Florida Department of Insurance as Receiver (of Great Oaks) for the Purposes of Liquidation, Injunction, and Notice of Automatic Stay (the "Order"). On January 7, 2003, the Florida Department of Insurance became a part of the Florida Department of Financial Services.

2. This Court has jurisdiction over the Great Oaks Receivership and is "authorized to make all necessary or proper orders to carry out the purposes of" the Florida Insurers Rehabilitation and Liquidation Act. Section 631.021(1), Florida Statutes.

3. On September 29, 1992, this Court entered an Order approving the Receiver's Final Report and Recommendations on Distribution of Class 2 Employee Claims, attached as Exhibit "A".

4. On September 15, 1999, this Court entered an Order Approving the Receiver's First Interim Special Report and Recommendation on Claims as to Alan Fiske, attached as Exhibit "B".

5. The Receiver has completed its evaluation of all claims, other than those adjudicated in the September 29, 1992 Order and the September 15, 1999 Order, that were filed with the Receiver pursuant to Section 631.181, Florida Statutes. Attached and by reference made a part hereof, is the Receiver's Third Interim Claims Report dated July 21, 2005 (hereinafter the "Report"). The Report is attached in electronic form as a CD-R marked as Exhibit "C".

6. The Report is broken down into two parts:

Part A -- For Non Guaranty Association Claimants

Part B -- For Guaranty Association

7. The total amount of the claims in Part A of the Report is \$44,203,483.64. The total amount recommended by the Receiver in Part A of the Report is \$1,617,102.50. For the Court's convenience, a paper copy of the summary totals from Part A of the report is attached as Exhibit "D".

8. The total amount of the claim in Part B of the Report is \$13,073,723.26. The total amount recommended by the Receiver in Part B of the Report is \$13,048,046.72. For the Court's convenience, a paper copy of the summary totals from Part B of the report is attached as Exhibit "E".

9. Under Section 631.181, Florida Statutes, claimants are entitled to notice of the Receiver's recommendation on their claims and the deadline for filing an objection. A sample copy of the "Notice to Claimants" is attached as Exhibit "F". Pursuant to 631.182, Florida Statutes, the Receiver requests that its Third Interim Claims Report and Recommendations on

Claims, contained therein, be approved, unless an objection is filed within the deadline approved by the Court.

10. The Receiver has a procedure for dealing with late filed objections. For any objection filed after the deadline, the Receiver will send a letter to the claimant advising them that their objection was not filed in compliance with Florida Statutes and this Court's Order and will not be handled as a filed objection. A copy of this letter will be filed with the Court.

WHEREFORE, the Receiver respectfully requests this Court enter an Order:

A. Authorizing and directing the Receiver to provide notice to each claimant, as herewith reported to the Court, of the Receiver's recommendation regarding their claim, by United States Mail to the last known address of such person, as shown in the Receiver's files.

B. Directing all persons who have filed claims, as herewith reported to the Court, to file any objection they might have to the receiver's Report with the Clerk of this Court on or before 11:59 p.m. on October 7, 2005, and file a copy of said objection with the Receiver at the following address:

The Florida Department of Financial Services
as Receiver for Great Oaks Casualty Insurance Company
P.O. Box 110
Tallahassee, Florida 32302-0110

C. Requiring any persons filing objections to submit documentation to support their claim and that the Court will not consider any information or documentation submitted after the objection is filed.

D. Approving the Receiver's Third Interim Claims Report and Recommendation on claims for which no objections are filed.

E. Approving the Receiver's procedure for addressing late filed objections.

SUBMITTED on this 16th day of August, 2005.

By: 
STEVEN G. BRANGACCIO,
SENIOR ATTORNEY
Florida Bar Number: 0071773
Florida Department of Financial Services
As Receiver of Great Oaks Casualty
Insurance Company
Post Office Box 110
Tallahassee, Florida 32302-0110
phone: (850) 413-4445
fax: (850) 488-1510

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

CASE NO: 91-4746

In Re: The Receivership of
Great Oaks Casualty Insurance
Company, a Florida corporation.



ORDER APPROVING FINAL REPORT AND
RECOMMENDATIONS ON DISTRIBUTION OF CLASS 2 EMPLOYEE CLAIMS
TO MAXIMUM OF 2,000.00 PER EMPLOYEE

THIS CAUSE came on for hearing on the Motion by the Florida Department of Insurance as Receiver for Great Oaks Casualty Insurance Company for an Order authorizing the distribution of receivership assets on Class 2 employee claims to a maximum of \$2,000.00 per employee as provided by Section 631.271 (1) (b), Florida Statutes (1989). The Court having reviewed the pleadings of record, having heard presentation of counsel, and being otherwise fully informed in the premises, it is

ORDERED and ADJUDGED as follows:

1. The Receiver is authorized and directed to furnish a Notice of Receiver's recommendation on the claims to each of those claimants listed in the Receiver's Recommendations, said notice to be sent by regular U.S. Mail to the last known addresses of such persons, as shown in the Receiver's files.

2. The claims of those claimants whose claims are reported to the Court in the Receiver's Recommendations, attached to the Receiver's Motion as Exhibit "A", are hereby APPROVED in the amount recommended unless an objection is filed by the affected claimant in writing on or before October 31, 1992. Objections shall be filed with the Clerk of this Court, Leon County Courthouse, Tallahassee, Florida 32301, and a copy shall be provided to the Receiver its Tallahassee address:

EXHIBIT "A"

Department of Insurance
Receivership of Great Oaks Casualty
Insurance Company
Post Office Box 110
Tallahassee, Florida 32302

3. Objections shall clearly state the name, address, and claim identification number of the person filing the objection.

4. Objections shall clearly state the factual and legal reason(s) supporting the objection and claim.

5. Any persons filing objections are required to submit with the objection documentation to support their claim.

6. This Court will not consider any information or documentation, submitted after the objection is filed, in opposition to the Receiver's evaluation of the claim.

7. All objections not otherwise resolved shall be set for hearing at a later date and the objectors so notified.

8. A copy of this Order shall be hand delivered or mailed to each claimant listed in the Receiver's Recommendations and shall constitute notice of the filing of the Receiver's report and recommendations on such claims and the time within objections must be filed.


9. The Receiver is hereby authorized and directed to make a maximum distribution of estate assets of \$2,000.00 per employee, on allowed Class 2 claims pursuant to Section 631.271 (1) (b), Florida Statutes (1989).

10. The Receiver is authorized and directed to make such distribution to those employee claimants discussed above provided that:

a). the claimant does not file an objection to the Receiver's evaluation within the deadline established by this Court; OR

b) the claimant submits to the Receiver a written, signed statement that the claimant accepts the Receiver's evaluation of his/her claim as it relates to the Class 2 priority.

DONE and ORDERED in the Chambers at the Leon County Courthouse,
Tallahassee, Leon County, Florida, this 29th day of September, 1992.


F. E. STEINMEYER III
CIRCUIT COURT JUDGE

STATE OF FLORIDA, COUNTY OF LEON
I HEREBY CERTIFY that the above and foregoing
is a true and correct copy of an instrument recorded
in the official records of Leon County, Florida.
WITNESS my hand and seal of office this 30 day
of September, 19 92

PAUL F. HARTSFIELD
Clerk of Circuit Court
by B. A. A. D.C.

EXHIBIT "A"

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

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IN RE: THE RECEIVERSHIP OF GREAT
OAKS CASUALTY INSURANCE
COMPANY, a Florida corporation,

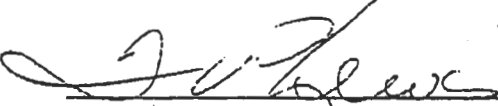
CASE NO: 91-4746

**APPROVAL OF RECEIVER'S FIRST INTERIM SPECIAL REPORT
AND RECOMMENDATION ON CLAIMS AS TO
ALAN FISKE, d/b/a FISKE AND COMPANY**

This matter came before me for a hearing based on the objection of Claimant Fiske to the Receiver's Report and Recommendation. The Receiver recommends that I deny the various claims in their entirety. Having reviewed the record accumulated by the Department pursuant to Section 631.181(2), *Florida Statutes*¹, I find that the Receiver's Recommendation to deny the claim is supported by substantial evidence and, accordingly, it is therefore

ORDERED AND ADJUDGED that the Receiver's First Interim Special Report and Recommendation on Claims as pertains to all claims of Claimant Alan Fiske, d/b/a Fiske and Company, is accepted and the Receiver is authorized to deny all such claims in their entirety.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 15th day of September, 1999.



TERRY P. LEWIS, Circuit Judge

¹The Claimant objects to my consideration of this record on several grounds, including lack of authentication, which were not raised or argued at the hearing and are thus untimely.

DIVISION OF FINANCIAL SERVICES - DIVISION OF REHABILITATION AND LIQUIDATION
 GREAT OAKS CASUALTY INSURANCE COMPANY
 THIRD INTERIM CLAIMS REPORT
 PART A - FOR NON GUARANTY ASSOCIATION CLAIMANTS

SUMMARY TOTALS

TOTAL AMOUNT CLAIMED BY NON GUARANTY ASSOCIATION CLAIMANTS \$44,203,483.64
 TOTAL AMOUNT RECOMMENDED TO NON GUARANTY ASSOCIATION CLAIMANTS \$1,617,102.50
 TOTAL NUMBER 10,909

COUNT OF CLASS 1 CLAIMS: 0 COUNT OF CLASS 6 CLAIMS: 654
 AMOUNT CLAIMED FOR CLASS 1 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$0.00 AMOUNT CLAIMED FOR CLASS 6 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$1,079,440.10
 AMOUNT RECD FOR CLASS 1 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS: AMOUNT RECD FOR CLASS 6 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS: \$463,961.47

COUNT OF CLASS 2 CLAIMS: 1,943 COUNT OF CLASS 7 CLAIMS: 3
 AMOUNT CLAIMED FOR CLASS 2 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$21,507,677.58 AMOUNT CLAIMED FOR CLASS 7 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$86,796.45
 AMOUNT RECD FOR CLASS 2 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS: \$289,694.04 AMOUNT RECD FOR CLASS 7 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS: \$72,990.44

COUNT OF CLASS 3 CLAIMS: 6,704 COUNT OF CLASS 8 CLAIMS: 1,598
 AMOUNT CLAIMED FOR CLASS 3 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$3,830,298.84 AMOUNT CLAIMED FOR CLASS 8 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$17,691,781.59
 AMOUNT RECD FOR CLASS 3 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS: \$536,481.23 AMOUNT RECD FOR CLASS 8 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS: \$251,882.32

COUNT OF CLASS 4 CLAIMS: 0
 AMOUNT CLAIMED FOR CLASS 4 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$0.00 AMOUNT CLAIMED FOR CLASS 9 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$0.00
 AMOUNT RECD FOR CLASS 4 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS: AMOUNT RECD FOR CLASS 9 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS:

COUNT OF CLASS 5 CLAIMS: 7
 AMOUNT CLAIMED FOR CLASS 5 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$5,289.08 AMOUNT CLAIMED FOR CLASS 10 CLAIMS BY NON GUARANTY ASSOCIATION CLAIMANTS: \$0.00
 AMOUNT RECD FOR CLASS 5 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS: \$93.00 AMOUNT RECD FOR CLASS 10 CLAIMS TO NON GUARANTY ASSOCIATION CLAIMANTS:

Note: If status is unevaluated, then dollar amounts have been suppressed

FLORIDA DEPARTMENT OF FINANCIAL SERVICES-DIVISION OF REHABILITATION AND LIQUIDATION
 GREAT OAKS CASUALTY INSURANCE COMPANY
 THIRD INTERIM CLAIMS REPORT
 PART B - FOR GUARANTY ASSOCIATION

SUMMARY TOTALS

TOTAL AMOUNT CLAIMED BY GUARANTY ASSOCIATION \$13,073,723.26
 TOTAL AMOUNT RECOMMENDED TO GUARANTY ASSOCIATION \$13,048,046.72
 TOTAL NUMBER 5

COUNT OF CLASS 1 CLAIMS : 3
 AMOUNT CLAIMED FOR CLASS 1 CLAIMS BY GUARANTY ASSOCIATION: \$1,546,901.06
 AMOUNT RECOMMENDED FOR CLASS 1 CLAIMS TO GUARANTY ASSOCIATION : \$1,546,901.06

COUNT OF CLASS 2 CLAIMS : 1
 AMOUNT CLAIMED FOR CLASS 2 CLAIMS BY GUARANTY ASSOCIATION: \$10,335,132.85
 AMOUNT RECOMMENDED FOR CLASS 2 CLAIMS TO GUARANTY ASSOCIATION: \$10,318,047.31

COUNT OF CLASS 3 CLAIMS : 1
 AMOUNT CLAIMED FOR CLASS 3 CLAIMS BY GUARANTY ASSOCIATION: \$1,191,689.35
 AMOUNT RECOMMENDED FOR CLASS 3 CLAIMS TO GUARANTY ASSOCIATION: \$1,183,098.35

Note: If status is unevaluated, then dollar amounts have been suppressed



FLORIDA DEPARTMENT OF FINANCIAL SERVICES
RECEIVER
GREAT OAKS CASUALTY INSURANCE CO.
August 22, 2005

NANCY CHARRON
23 EMERALD DR
KEY WEST FL 33040-5636

INSURED:

ID NUMBER: 401 129706-1

POLICY NUMBER: UNKNOWN
CLAIM NUMBER:
AMOUNT CLAIMED: 112.40
AMOUNT GUARANTY PAID: .00
AMOUNT RECOMMENDED CLAIMANT: 100.00
CLASS: CLASS 8

THIS IS NOT A BILL **NOTICE TO CLAIMANTS** *THIS IS NOT A BILL*

RE: GREAT OAKS CASUALTY INSURANCE CO.

Civil Action: 91-4746
2nd Judicial Circuit Court
Leon County, Florida

OBJECTION FILING DEADLINE: October 07, 2005

THIS IS NOT A BILL. The purpose of this Notice to Claimants is to inform you of the Receiver's final recommendations to the Circuit Court concerning the classifications and amounts on a claim filed by you. A copy of the court order is enclosed.

The Receiver has evaluated Class 1 through Class 8 claims submitted in the estate of GREAT OAKS CASUALTY INSURANCE COMPANY and is recommending the amount on the line reading "Amount Recommended Claimant." Florida Statute 631.271, "Priority of claims", defines the classification of claims. (See F.S. 631.271 on reverse side of this form.)

Below is a brief description of the class of claims being reported to the Court:

- Class 1 Costs & expenses of the Receiver and state guaranty funds
- Class 2 Loss claims covered by the policy
- Class 3 Refund of unearned premium on non-assessable policies
- Class 4 Claims of the Federal Government
- Class 5 Claims of employees
- Class 6 Claims of Great Oaks Casualty Insurance Company creditors
- Class 7 Claims of any state or local government
- Class 8 Claims filed late
- Class 9 Surplus or contribution notes & refunds on assessable policies
- Class 10 Claims of shareholders or other owners

If you agree with the amount recommended and the class/priority, no further action on your part is necessary. If you object to the recommended amount or to the assigned class of your claim, YOU MUST FILE YOUR OBJECTION WITH BOTH THE RECEIVER AND THE CLERK OF COURT, SECOND JUDICIAL CIRCUIT, LEON COUNTY COURT HOUSE, 301 S. MONROE STREET, TALLAHASSEE, FLORIDA 32301.

YOUR OBJECTION MUST BE POSTMARKED BY THE DEADLINE GIVEN ABOVE. IT IS SUGGESTED THAT YOU SEND YOUR OBJECTION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

The objection procedure is:

1. State in detail all legal and factual reasons for your objection. At the top of your statement, include the following information: "Civil Action Number 91-4746, your filed claim ID number, your correct name, address and telephone number.
2. Attach a copy of this notice and any documentation to support your objection. By order of the Court, all documentation must be filed with your objection.
3. Mail original to the Clerk of Court, a copy to the Receiver, and keep a copy for yourself.
4. If your objection cannot be resolved, a hearing will be scheduled before the Circuit Court, Leon County, Florida.

FLORIDA DEPARTMENT OF FINANCIAL SERVICES, RECEIVER
GREAT OAKS CASUALTY INSURANCE COMPANY
P.O. BOX 110
TALLAHASSEE, FLORIDA 32302-0110
Website: www.floridainsurancereceiver.org
Telephone: (800) 882-3054, (850) 413-3179, Facsimile: (850) 922-9115

EXHIBIT "F"

**FLORIDA DEPARTMENT OF FINANCIAL SERVICES
RECEIVER
GREAT OAKS CASUALTY INSURANCE COMPANY**

NOTE: Any distribution will be made on a pro-rata basis. If a distribution is made, you may not receive the full amount recommended for your claim. Depending on the assets available for distribution, you and other claimants in your classification may only receive a percentage of the amount recommended on your claim. (i.e. 25% equals 25 cents on the dollar.)

IF a distribution is made, the payee(s) name(s) on the claim check will be the same as the name(s) appearing on the front of this form. If the information on this form is incorrect, or becomes incorrect in the future, it is your responsibility to notify the Receiver and document any changes.

FLORIDA STATUTE 631.271 Priority of claims.

631.271 Priority of claims.—

(1) The priority of distribution of claims from the insurer's estate shall be in accordance with the order in which each class of claims is set forth in this subsection. Every claim in each class shall be paid in full or adequate funds shall be retained for such payment before the members of the next class may receive any payment. No subclasses may be established within any class. The order of distribution of claims shall be:

(a) Class 1.—

1. All of the receiver's costs and expenses of administration.

2. All of the expenses of a guaranty association or foreign guaranty association in handling claims.

(b) Class 2.—All claims under policies for losses incurred, including third-party claims, all claims against the insurer for liability for bodily injury or for injury to or destruction of tangible property which claims are not under policies, and all claims of a guaranty association or foreign guaranty association. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values, shall be treated as loss claims. That portion of any loss, indemnification for which is provided by other benefits or advantages recovered by the claimant, may not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities. No payment by an employer to her or his employee may be treated as a gratuity.

(c) Class 3.—Claims under nonassessable policies for unearned premiums or premium refunds.

(d) Class 4.—Claims of the Federal Government.

(e) Class 5.—Debts due to employees for services performed, to the extent that the debts do not exceed \$2,000 for each employee and represent payment for services performed within 6 months before the filing of the petition for liquidation. Officers and directors are not entitled to the benefit of this priority. This priority is in lieu of any other similar priority that is authorized by law as to wages or compensation of employees.

(f) Class 6.—Claims of GREAT OAKS CASUALTY INSURANCE COMPANY creditors.

(g) Class 7.—Claims of any state or local government. Claims, including those of any state or local government for a penalty or forfeiture, shall be allowed in this class, but only to the extent of the pecuniary loss sustained from the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of such claims shall be postponed to the class of claims under paragraph (j).

(h) Class 8.—Claims filed after the time specified in F.S. 631.181(3), except when ordered otherwise by the court to prevent manifest injustice, or any claims other than claims under paragraph (i) or under paragraph (j).

(i) Class 9.—Surplus or contribution notes, or similar obligations, and premium refunds on assessable policies. Payments to members of domestic mutual insurance companies shall be limited in accordance with law.

(j) Class 10.—The claims of shareholders or other owners.

(2) In a liquidation proceeding involving one or more reciprocal states, the order of distribution of the domiciliary state shall control as to all claims of residents of this and reciprocal states. All claims of residents of reciprocal states shall be given equal priority of payment from GREAT OAKS CASUALTY INSURANCE COMPANY assets regardless of where such assets are located.

**FLORIDA DEPARTMENT OF FINANCIAL SERVICES, RECEIVER
GREAT OAKS CASUALTY INSURANCE COMPANY**

P.O. BOX 110

TALLAHASSEE, FLORIDA 32302-0110

Website: www.floridainsurancereceiver.org

Telephone: (800) 882-3054, (850) 413-3179, Facsimile: (850) 922-9115

CD in Envelope

Great Oaks Casualty Insurance Co.

1991-CA-004746

**Receiver's Motion for Approval of
Third Interim Claims Report, et al.**

EXHIBIT "C"