

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

In Re: The Receivership of
Sensible Home Warranty, LLC,
a Nevada corporation.

CASE NO.: 2015-CA-0273

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MOTION TO ESTABLISH POLICY CANCELLATION DATE

COMES NOW, the Florida Department of Financial Services as Ancillary Receiver for Sensible Home Warranty, LLC, (hereinafter “Department” or “Ancillary Receiver”), by and through its undersigned counsel, hereby files this Motion to Establish Policy Cancellation Date, and as grounds therefore states as follows:

1. Sensible Home Warranty, LLC (“Sensible”) was a foreign insurer domiciled in Nevada to transact the business of insurance in the State of Florida.
2. On September 24, 2014, the State of Nevada Commissioner of Insurance issued an Order Setting Liquidation Procedures (“Nevada Order”).
3. On February 19, 2015, this Court entered an Order Appointing the Florida Department of Financial Services as Ancillary Receiver and Notice of Automatic Stay (“Ancillary Order”).
4. Pursuant to the Ancillary Order, the Ancillary Receiver is directed to apply to this Court for further instructions in the discharge of its duties as deemed necessary.
5. Together, sections 631.131, .161, and .171, Florida Statutes, direct the Ancillary Receiver to notice claimants and adjudicate claims as to amount and priority in an ancillary receivership with due regard to the rights and powers of the domiciliary receiver.
6. The Domiciliary Receiver (Nevada) is not sufficiently funded to provide notice to Florida claimants or to adjudicate their claims. As a result, the Nevada Division of Insurance authorized

the Ancillary Receiver to administer the ancillary/Florida estate consistent with procedures benefitting Florida's claimants.

7. Typically, the date of policy cancellation in an ancillary estate corresponds with the Liquidation Order of the Domiciliary Receiver.

8. In this circumstance, canceling Florida policies using the Domiciliary Receiver's date of liquidation, is inconsistent with the purpose of Chapter 631, Florida Statutes, specifically, section 631.252, as it would cancel policies before the Ancillary Receivership was approved by this Court and before Florida claimants received notice of same. In an effort to provide an equitable result for Florida claimants with losses that occurred prior to the appointment of the Ancillary Receiver, the Ancillary Receiver proposes to cancel Florida policies effective as of the date of the Ancillary Order, February 19, 2015.

9. This procedure does not affect the rights of any claimants in the domiciliary estate.

10. Pursuant to section 631.021, Florida Statutes, the Circuit Court is authorized to make all necessary or proper orders to carry out the purposes of Chapter 631. The Ancillary Receiver believes that this action is in the best interests of this estate.

WHEREFORE, the Ancillary Receivership respectfully requests this Court enter an Order:

A. GRANTING the Motion to Establish Policy Cancellation Date.

B. Cancelling the policies of Florida's Sensible Home Warranty, LLC, policyholders as of February 19, 2015, the date of the Ancillary Order.

RESPECTFULLY SUBMITTED on this day 22nd of October, 2015.

/s/Robert V. Elias

ROBERT V. ELIAS

Chief Attorney

Florida Bar No.: 530107

Florida Department of Financial Services

Division of Rehabilitation and Liquidation

2020 Capital Circle, S.E., Suite 310

Tallahassee, FL 32301

Telephone: (850) 413-4408

Facsimile: (850) 413-3990

Bob.Elias@myfloridacfo.com