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APR 19 2010

IN THE CHANCERY COURT OF THE STATE OF TENNESSEE  
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

LESLIE A. NEWMAN, )  
Commissioner of Commerce and Insurance )  
for the State of Tennessee, )

Petitioner, )

v. )

NE  
No. 10-507-III

SMART DATA SOLUTIONS, LLC )  
a Tennessee limited liability company, )  
AMERICAN TRADE ASSOCIATION, )  
INC, an Indiana nonprofit corporation with )  
its principal place of business in Tennessee, )  
AMERICAN TRADE ASSOCIATION, )  
LLC, an Arkansas limited liability company, )  
SERVE AMERICA ASSURANCE, )  
a corporation with an unknown location, )  
BART S. POSEY, Sr. an individual, )  
ANGIE POSEY, an individual, )  
OBED W. KIRKPATRICK, Sr. )  
an individual, )  
LINDA KIRKPATRICK, an individual, )  
RICHARD H. BACHMAN, an individual, )  
WILLIAM M. WORTHY, II, an individual, )  
COLIN YOUELL, an individual, )  
Respondents. )

FILED  
2010 APR 22 AM 11:23

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**ORDER CLARIFYING SEIZURE RESTRICTIONS ON PAYMENTS THAT  
MAY BE ORDERED BY STATES**

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On April 16, 2010, this Court considered the request of the Petitioner for clarification of the scope of continued restrictions on payments during the pendency of the Order of Seizure issued March 23, 2010 in the above-captioned matter, which froze all payments out of accounts of Respondents, including for making claim payments, penalty payments and member refund payments,

unless otherwise ordered by the Court, in light of the Court's expectation, pursuant to the Memorandum and Order of April 14, 2010, that the Court will enter an Order of Liquidation following an additional hearing to determine whether Respondents are insolvent, an additional ground for liquidation. Because the Petitioner has received notices of Cease and Desist Orders and other materials from states other than the State of Tennessee, seeking to impose affirmative payment obligations on Respondents under the seizure order, and other responsibilities that cannot be complied with consistent with the injunctions and limited use of funds currently permitted under the Order of Seizure, or with the procedures that shall be established by law upon the issuance of an Order of Liquidation, the Court ORDERS as follows:

A) The Court's expectation that an Order of Liquidation shall be entered shortly, and that additional procedures and notices by law will be ordered and established at that time to members, claimants and creditors with regard to permissible payments out of the assets available, and the claim process, provides good cause for clarification that Petitioner Leslie A. Newman, Commissioner of Commerce and Insurance, and her agents, are barred from making refunds of premiums, penalty payments, or payments of claims for benefits out of the funds controlled by her under the Order of Seizure. The Petitioner shall communicate with and notify any states the terms of this Order and the Order of Seizure, as amended, as necessary to obtain compliance therewith.

IT IS SO ORDERED.

  
CHANCELLOR

Approved for entry,

ROBERT E. COOPER, JR. (BPR 10934)  
Attorney General and Reporter



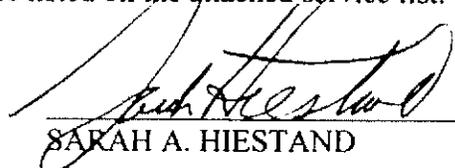
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CERTIFICATE OF SERVICE

I hereby certify this 19<sup>th</sup> day of April, 2010, that the Order Clarifying Seizure Restrictions will be served by U.S. mail, postage prepaid, this date, and/or via email as indicated, to the parties and interested entities listed on the attached service list.

  
SARAH A. HIESTAND

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