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Dav. Co. Chancery Court

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

STATE OF TENNESSEE  
ex rel. JULIE MIX McPEAK,  
COMMISSIONER OF COMMERCE  
AND INSURANCE FOR THE STATE OF  
TENNESSEE,

Petitioner,

v.

AMERICAN NATIONAL LAWYERS  
INSURANCE RECIPROCAL (RRG), a  
Tennessee Domiciled Insurance Company,

Respondent.

NF  
No. 03-293-(IV)

FILED  
2018 DEC -3 PM 1:55  
CLERK OF MASTER  
DAVIDSON CO. CHANCERY CT  
S/A  
DCKM

~~REY PROPOSED~~ ORDER GRANTING ANLIR LIQUIDATOR'S MOTION, PURSUANT  
TO T.C.A. § 56-9-333, TO HOLD UNCLAIMED FUNDS SUBJECT TO DISTRIBUTION  
FOR A PERIOD OF TWO (2) YEARS

Before the Court is the ANLIR Liquidator's Motion, Pursuant to T.C.A. § 56-9-333, to Hold Unclaimed Funds Subject to Distribution for a Period of Two (2) Years (filed on November 8, 2018).

In her Motion, the ANLIR Liquidator, through her Special Deputy Receiver, stated that payments of approved claim amounts mailed to various claimants have not been deposited by the claimant and/or have been returned as undeliverable.<sup>1</sup> The ANLIR Liquidator, through her Special Deputy Receiver, has utilized reasonable, good faith efforts to locate the claimants with

<sup>1</sup> The Court notes that the claim form used in the ANLIR liquidation process places upon the claimant submitting the claim the responsibility of notifying the Special Deputy Receiver of changes in address/contact information.

regard to the unclaimed funds. Despite those efforts, an amount of \$156,544.12 in unclaimed funds remains in an ANLIR account at Regions Bank (account #XXXXXX-9704).

T.C.A. § 56-9-333 addresses disposition of unclaimed funds. That statute allows the ANLIR Liquidator to move the Court for an order authorizing her, through her Special Deputy Receiver, to hold the unclaimed funds for a period of two (2) years, and to the extent that unclaimed funds remain at the end of that two (2) year period, to take further action, in her discretion, to address the remaining unclaimed funds. The instant Motion makes that request.

The Court finds that reasonable efforts to locate the various “unclaimed funds” claimants have been made and that the notice provided of the instant Motion (i.e. notice to the Tennessee Attorney General’s Office and the posting of the instant Motion on the Tennessee Department of Commerce and Insurance website) is adequate. The Court notes that no objections or responses to the instant Motion have been filed.

The Court further finds that it is in the discretion of ANLIR Liquidator, under T.C.A. § 56-9-333, to move the Court for authority to hold the unclaimed funds, subject to distribution to the “unclaimed funds” claimants, for a period of two (2) years and, thereafter, to address final disposition of any remaining unclaimed funds as allowed under that statute.

Accordingly, upon consideration of the instant Motion and the record before it relating to the ANLIR liquidation proceedings, the Court GRANTS the instant Motion.

The ANLIR Liquidator, by and through her Special Deputy Receiver, is hereby authorized:

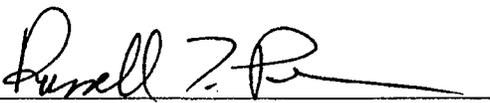
- (1) to hold the ANLIR unclaimed funds in Regions Bank Acct No. XXXX-9704 for a period of two (2) years,

- (2) to pay from the above-referenced unclaimed funds the approved amount of any valid "unclaimed funds" claimant that comes forward in that two (2) year period, and
- (3) to further address, at the end of that two (2) year period, remaining unclaimed funds as allowed under T.C.A. § 56-9-333.

Finally, the Court finds that the relief granted in this Order does not address all matters at issue in the ANLIR liquidation proceeding but that reliance upon the certainty of the relief granted herein is needed for the ANLIR liquidation proceeding to progress to closure. The Court finds that there is no just reason for delay and the Clerk and Master is instructed to enter this Order as a final order regarding the matters addressed herein. Rule 54.02, Tenn. R. Civ. P.

The ANLIR Liquidator, by and through her Special Deputy Receiver, is instructed to post a copy of this Order, as soon as practicable after entry, upon the Tennessee Department of Commerce and Insurance website (<https://www.tn.gov/commerce/insurance/company-resources/insurance-company-actions.html>).

It is so ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

  
Honorable Russell T. Perkins  
Chancellor

Submitted and Approved for Entry,

Robert S. Brandt (by Graham Mathews of permission)  
Robert S. Brandt, BPR #02321  
TRAUGER & TUKE  
The Southern Turf Building  
222 Fourth Avenue North  
Nashville, TN 37219  
615.256.8585

*Special Deputy Receiver of American National  
Lawyers Insurance Reciprocal (RRG) in Liquidation*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been delivered by e-mail transmission and U.S. Mail, First Class postage prepaid, to the following on this 27<sup>th</sup> day of November, 2018:

Sarah A. Hiestand, Senior Counsel  
Office of the Attorney General  
State of Tennessee  
Post Office Box 20207  
Nashville, TN 37202-0207  
Sarah.Hiestand@ag.tn.gov

I further certify that a copy of this Motion was posted on the Tennessee Department of Commerce and Insurance website (<https://www.tn.gov/commerce/insurance/company-resources/insurance-company-actions.html>) on this the 27<sup>th</sup> day of November, 2018.

Robert S. Brandt (by Catherine McPhee of person)  
Robert S. Brandt, ANLIR Special Deputy Receiver