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IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE Dav. Co. Chancery Court
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

STATE OF TENNESSEE
ex rel. HODGEN MAINDA,
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)

SA

2020 JUL 15 PM 12:30

FILED

RFB ~~ORDER~~ ORDER GRANTING ANLIR LIQUIDATOR'S MOTION, PURSUANT
TO T.C.A. § 56-9-333, TO TRANSFER UNCLAIMED FUNDS REMAINING AS OF
DECEMBER 3, 2020 TO A "CLOSED ESTATE FUND" MAINTAINED BY THE
COMMISSIONER

Before the Court is the ANLIR Liquidator's Motion, pursuant to T.C.A. § 56-9-333, to Transfer Unclaimed Funds Remaining as of December 3, 2020 to a "Closed Estate Fund" Maintained by the Commissioner (filed on June 18, 2020) ("Instant Motion").

In this Instant Motion, the ANLIR Liquidator, through his Special Deputy Receiver, states that payments of approved claim amounts mailed to various ANLIR claimants have not been deposited by the claimant and/or have been returned as undeliverable.¹ The ANLIR Liquidator, through his Special Deputy Receiver, further states that they have utilized reasonable, good faith efforts to locate the claimants with regard to the unclaimed funds. Despite

¹ 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.

those efforts, an amount of \$154,301.12 in unclaimed funds remains in an ANLIR account at Regions Bank (account #XXXX-9704).

T.C.A. § 56-9-333 addresses disposition of unclaimed funds. The ANLIR Liquidator, on November 18, 2018, moved the Court to approve his holding of the unclaimed funds for a period of two years during which any person or entity could come forward and establish his/her/its claim to the unclaimed funds. The Court, on December 3, 2018, entered its order, made final pursuant to Rule 54.02 Tenn. R. Civ. P., which granted the ANLIR Liquidator's November 18, 2018 motion and held that:

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.

December 3, 2018 Order at pp. 2-3 (#03-293-IV).

The two (2) year period expires December 3, 2020. Under T.C.A § 56-9-333, the ANLIR Liquidator has discretion as to the disposition of the unclaimed funds after expiration of the two (2) year period. He can either distribute the unclaimed funds to approved claimants who have previously received a distribution (if economically feasible) or he can seek permission of this Court for the unclaimed funds to be placed in a closed estate fund under the control of the Commissioner of the Department of Commerce and Insurance ("Commissioner") to be used to defray the costs and expenses of administration of other insolvent insurers which do not have assets to cover those costs and expenses. T.C.A. § 56-9-333(a).

For the reasons set forth in the Instant Motion, the ANLIR Liquidator seeks the Court's approval to transfer the funds, remaining as of December 3, 2020, in the ANLIR unclaimed

funds account (Regions Acct #XXXX-9704) to a closed estate fund controlled by the Commissioner.

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. mailing/e-mailing 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.

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 his Special Deputy Receiver is approved to:

- (1) continue to hold the ANLIR unclaimed funds in Regions Bank Acct No. XXXX-9704 until December 3, 2020;
- (2) to pay from the above-referenced unclaimed funds account the approved amount of any valid “unclaimed funds” claimant that comes forward on or before December 3, 2020; and
- (3) after December 3, 2020, transfer the remaining funds in the above-referenced unclaimed funds account to a closed estate fund controlled by the Commissioner pursuant to T.C.A. § 56-9-333(a).

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 his 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 _____, 2020.



Honorable Russell T. Perkins
Chancellor

Submitted and Approved for Entry:


J. Graham Matherne, BPR #11294
WYATT, TARRANT & COMBS, LLP
333 Commerce Street, Suite 1050
Nashville, TN 37201-1837
615.244.0020
gmatherne@wyattfirm.com

Counsel for the ANLIR Special Deputy Receiver

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 8th day of July, 2020:

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


Counsel to the ANLIR Special Deputy Receiver