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

NOV 27 2018

Davidson County Chancery Court

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

Petitioner,

v.

DOCTORS INSURANCE RECIPROCAL
(RRG), a Tennessee Domiciled Insurance
Company,

Respondent.

RF
No. 03-294-(IV)

FILED
2018 DEC -3 PM 1:55
CLERK OF COURT
DAVIDSON CO. CHANCERY CT
SCA
DC&M

ET AL
**ORDER GRANTING DIR 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 DIR 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 DIR 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.¹ The DIR Liquidator, through her Special Deputy Receiver, has utilized reasonable, good faith efforts to locate the claimants with regard to

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

the unclaimed funds. Despite those efforts, an amount of \$568,667.57 in unclaimed funds remains in a DIR account at Regions Bank (account #XXXXX-8318).

T.C.A. § 56-9-333 addresses disposition of unclaimed funds. That statute allows the DIR 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 DIR 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 DIR liquidation proceedings, the Court GRANTS the instant Motion.

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

- (1) to hold the DIR unclaimed funds in Regions Bank Acct No. XXXX-8318 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 DIR liquidation proceeding but that reliance upon the certainty of the relief granted herein is needed for the DIR 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.

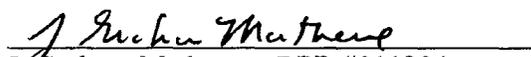
The DIR Liquidator, by and through her Special Deputy Receiver, is instructed to post a copy of this Order, as soon as practicable after entry, upon the Tennessee Department of Commerce and Insurance website (<https://www.tn.gov/commerce/insurance/company-resources/insurance-company-actions.html>).

It is so ORDERED this the _____ day of _____, 2018.



Honorable Russell T. Perkins
Chancellor

Submitted and Approved for Entry,


Graham Matherne, BPR #011294
WYATT, TARRANT & COMBS, LLP
333 Commerce Street, Suite 1400
Nashville, TN 37201
615.244.0020

*Counsel to the Special Deputy Receiver of Doctors 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 27th 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 27th day of November, 2018.



J. Graham Matherne