

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

KEN ROSS, COMMISSIONER OF THE OFFICE
OF FINANCIAL AND INSURANCE
REGULATION,

Petitioner,

No. 10-397-CR

v

HON. WILLIAM E. COLLETTE

AMERICAN COMMUNITY MUTUAL
INSURANCE COMPANY,

Respondent.

Christopher L. Kerr (P57131)
Allison M. Dietz (P73612)
Assistant Attorneys General
Attorneys for Petitioner
Corporate Oversight Division
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FILED
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CLERK OF THE 30TH
JUDICIAL CIRCUIT COURT
INGHAM COUNTY

**EX PARTE ORDER APPROVING LUCY R. BENHAM PLLC'S
COMPENSATION AS OUTSIDE REAL ESTATE LEGAL COUNSEL**

At a session of said Court
held in the Circuit Courtrooms
for the County of Ingham,
State of Michigan, on the
2nd day of December, 2010.

PRESENT: HONORABLE WILLIAM E. COLLETTE, CIRCUIT COURT JUDGE

WHEREAS, Ken Ross, the Commissioner of the Office of Financial and Insurance
Regulation and duly appointed Rehabilitator of American Community Mutual Insurance

Company, (the "Rehabilitator") has filed an Ex Parte Petition for Approval of Lucy R. Benham PLLC's Compensation as Outside Real Estate Legal Counsel (the "Ex Parte Petition"); and

WHEREAS, MCL 500.8114(1) authorizes the Rehabilitator to employ such assistants as he considers necessary, whose compensation shall be fixed by the Rehabilitator with the approval of the Court; and

WHEREAS, the Rehabilitator has determined that the employment of Lucy R. Benham PLLC ("Benham") as outside real estate legal counsel is both necessary and appropriate for the effective and efficient administration of this Rehabilitation proceeding and will assist in providing the maximum protection to creditors, policyholders, and the public;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Court APPROVES the compensation to be paid to Benham, as fixed by the Rehabilitator pursuant to the terms set forth in the Ex Parte Petition and the Retainer Agreement attached thereto, in connection with its appointment as outside real estate legal counsel for American Community.

IT IS FURTHER ORDERED that the Court retroactively approves the payment of any compensation earned by Benham for legal services provided prior to the date of this Order.

IT IS FURTHER ORDERED that any Purchase Agreement involving the sale of American Community's real property will be expressly subject to this Court's final approval. Accordingly, the Rehabilitator will file a separate petition seeking the Court's approval of any Purchase Agreement that the Rehabilitator ultimately executes.

IT IS FURTHER ORDERED that due to the difficulty and prohibitive cost associated with providing personalized notice of the Ex Parte Petition and this Order to all parties with an interest in this matter, the Court authorizes, approves, and/or ratifies the Rehabilitator's service of the Ex Parte Petition and this Order by posting electronic copies on the OFIR website,

www.michigan.gov/ofir, under the section "Who We Regulate" and the subsection "American Community." The Court finds that service in this manner is reasonably calculated to give interested parties actual notice of these proceedings and is otherwise reasonable under the circumstances.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "W. E. Collette", written over a horizontal line.

Honorable William E. Collette
Circuit Court Judge

