

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

COMMISSIONER OF INSURANCE  
OF THE STATE OF MICHIGAN,

Case No. 97-86662-CR

Plaintiff,

HON. WILLIAM E. COLLETTE

v

IN LIQUIDATION

LINCOLN MUTUAL CASUALTY COMPANY,  
A Michigan domestic insurance company

Defendant.

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**ORDER GRANTING LIQUIDATOR'S VERIFIED MOTION TO  
TERMINATE LIQUIDATION, APPROVE THE ACTIONS OF THE  
LIQUIDATOR, DISCHARGE THE LIQUIDATOR, CLOSE THE CASE,  
AND FOR RELATED RELIEF**

At a session of said Court  
held in the Circuit Courtrooms  
for the County of Ingham,  
State of Michigan on the  
~~23~~ day of December, 2014.

PRESENT: HONORABLE WILLIAM E. COLLETTE, CIRCUIT COURT JUDGE

WHEREAS, Plaintiff Annette E. Flood, Director of the Michigan Department  
of Insurance and Financial Services and Court-appointed and statutory Liquidator  
for Lincoln Mutual Casualty Company (the "Liquidator"),<sup>1</sup> has filed a Verified

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<sup>1</sup> Pursuant to Executive Order No. 2013-1 effective March 18, 2013, the Michigan Office of Financial and Insurance Regulation ("OFIR") was renamed the Michigan Department of Insurance and Financial Services ("DIFS") and all the authority, powers, duties, functions, and responsibilities of the former Commissioner of OFIR were transferred to the newly-created position of the Director of DIFS. Governor Snyder duly appointed Annette E. Flood as the Director of DIFS effective November 1, 2013, making her the Liquidator for Lincoln Mutual Casualty Company as of that date.

Motion to Terminate Liquidation, Approve the Actions of the Liquidator, Discharge the Liquidator, Close the Case, and for Related Relief (the “Verified Motion”); and

WHEREAS, the Court has reviewed the Verified Motion and any objections or responses filed thereto, together with the terms of this Order; and

WHEREAS, the Court finding that pursuant to MCL 500.8146(1), it is appropriate for this Court to grant the discharge of the Liquidator and to make other appropriate orders; and

WHEREAS, the Court having heard oral arguments on December 23, 2014, at 10:00 a.m., and being otherwise fully advised;

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. The Court GRANTS the Verified Motion, the liquidation of Lincoln Mutual Casualty Company (“Lincoln Mutual”) is terminated, the Liquidator is discharged, and this case and the Lincoln Mutual Liquidation Estate are closed.

2. All actions taken or not taken by the Liquidator and her (or his) deputy liquidators, representatives, agents, accountants, attorneys, successors, predecessors, officers, directors, and assigns throughout the liquidation of Lincoln Mutual are approved, and such actions taken or not taken have been properly executed and have met the requirements of Chapter 81 of the Insurance Code of 1956 (“Insurance Code”), MCL 500.100 – 500.8302, and the laws of the State of Michigan in general, as ascertained by and reviewed by this Court through the date of this Order.

3. Because the Court agrees that it would be uneconomic to make an additional distribution of the Liquidation Estate’s limited remaining assets, the

Liquidator is authorized to promptly and irrevocably escheat the \$52,469.79 of remaining Estate assets to the State of Michigan for deposit into the general fund. If the Liquidator recovers additional Lincoln Mutual assets after the date of this Order, the Liquidator is similarly authorized, after consultation with and barring objection by the Michigan Property and Casualty Guaranty Association ("MPCGA"), to escheat these assets to the State of Michigan for deposit into the general fund.

4. The Liquidator and her (or his) deputy liquidators, representatives, agents, accountants, attorneys, successors, predecessors, officers, directors, and assigns, both past and present, are fully, finally, and unconditionally discharged and released from any duties, obligations, claims, and liabilities relating to or arising out of the liquidation of Lincoln Mutual.

5. All claims and causes of action against the Liquidator and her (or his) deputy liquidators, representatives, agents, accountants, attorneys, successors, predecessors, officers, directors, and assigns, both past and present, for any and all actions taken or not taken throughout the liquidation of Lincoln Mutual are completely and forever barred, and from and after entry of this Order terminating the liquidation, these parties shall have no further responsibility, obligations, or liability under Chapter 81 of the Insurance Code or the laws of the State of Michigan with respect to any matter relating to or arising out of the liquidation of Lincoln Mutual.

6. No further reports regarding Lincoln Mutual are required of the Liquidator to any person or entity, including but not limited to reports to this Court and reports to DIFS.

7. The Liquidator is authorized to destroy Lincoln Mutual documents on a rolling, yearly basis, such that every year all documents more than seven (7) years old will be destroyed without further request to this Court by the Liquidator and without further review or order of this Court.

8. By operation of law pursuant to MCL 500.8120, the corporate existence of Lincoln Mutual is dissolved effective on the date of this Order.

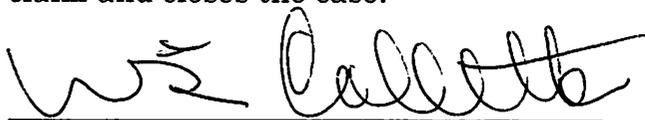
9. Due to the difficulty and prohibitive cost associated with identifying and providing personalized notice of the Verified Motion and this Order to all parties that may have a remote or potential interest in Lincoln Mutual's liquidation, the Court authorizes, approves, and/or ratifies the Liquidator's service of the Verified Motion, the Notice of Hearing, and this Order:

- (a) Via U.S. First Class Mail on counsel for the MPCGA only; and
- (b) On any other potentially interested parties by posting electronic copies on the DIFS website, [www.michigan.gov/difs](http://www.michigan.gov/difs), under the section "Who We Regulate," the subsection "Receiverships," and the sub-subsection "Lincoln Mutual."

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.**

This Order resolves the last pending claim and closes the case.



Honorable William E. Collette  
30th Circuit Court Judge