

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



**BILL SCHUETTE**  
ATTORNEY GENERAL

P.O. Box 30755  
LANSING, MICHIGAN 48909

December 6, 2013

Clerk of the Court  
Ingham County Circuit Court  
Veterans Memorial Courthouse  
313 W. Kalamazoo St.  
Lansing, MI 48901

*Via Hand Delivery*

**Re: Ken Ross, Commissioner of the Office of Financial and Insurance Regulation v  
American Community Mutual Insurance Company  
Case No. 10-397-CR; Honorable William E. Collette**

Dear Clerk of the Court:

Enclosed for filing in the above-referenced case are the **Petition for Approval to Pay First Interim Distribution to Surplus Noteholder Creditors, together with Exhibits A-C, the Notice of Hearing, and Proof of Service.** This filing is being submitted via hand delivery directly to the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Kerr", written over a large, stylized "C" and "K".

Christopher L. Kerr (P57131)  
Assistant Attorney General  
Corporate Oversight Division  
(517) 373-1160

Enc

c Lori McAllister (w/ enc)  
Daniel Brown (w/ enc)  
Valerie L. Nuhfer (w/ enc)  
Phillip L. Sternberg (w/ enc)  
Ronald W. Ryan (w/ enc)  
Mollie Dajani Perez (w/ enc)

Christopher M. Rohrer (w/ enc)  
Illinois Department of Insurance (w/ enc)  
U.S. Internal Revenue Service (w/ enc)

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,

[IN REHABILITATION]

Respondent.

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Christopher L. Kerr (P57131)  
Assistant Attorney General  
Attorney for Petitioner  
Corporate Oversight Division  
P. O. Box 30755  
Lansing, MI 48909  
(517) 373-1160

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**NOTICE OF HEARING**

To: Clerk of the Court  
Counsel for Surplus Noteholders' Authorized Agents  
Indenture Trustee for the Surplus Notes  
Counsel for Claimants asserting Disputed Outstanding Claims  
Illinois Department of Insurance  
U.S. Internal Revenue Service  
Other Interested Parties

**PLEASE TAKE NOTICE that the Petition for Approval to Pay First  
Interim Distribution to Surplus Noteholder Creditors, which was filed by the**

Petitioner, Annette E. Flood, Director of the Michigan Department of Insurance and Financial Services and duly appointed Rehabilitator of American Community Mutual Insurance Company,<sup>1</sup> will be heard by the Honorable William E. Collette in the Mason Courthouse, 341 S. Jefferson, Mason, Michigan 48854 on **Wednesday, December 18, 2013 at 11:00 a.m.**

Respectfully submitted,

Bill Schuette  
Attorney General



Christopher<sup>1</sup>L. Kerr (P57131)  
Assistant Attorney General  
Attorney for Petitioner  
Corporate Oversight Division  
P. O. Box 30755  
Lansing, MI 48909  
(517) 373-1160

Dated: December 6, 2013

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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 Rehabilitator of American Community as of that date.

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT  
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KEN ROSS, COMMISSIONER OF THE  
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**PROOF OF SERVICE**

The undersigned certifies that a copy of the **Petition for Approval to Pay First Interim Distribution to Surplus Noteholder Creditors, together with Exhibits A-C, the Notice of Hearing, and this Proof of Service**, was served upon the parties listed below by mailing the same to them at their respective addresses with first class postage fully prepaid thereon, on the 6th day of December, 2013:

Lori McAllister  
Dykema Gossett PLLC  
Attorneys for Surplus Noteholders  
Trapeza CDO IX, Ltd. and CDO X, Ltd.  
Capitol View  
201 Townsend Street, Suite 900  
Lansing, MI 48933

Daniel Brown  
Brown Legal Advisors, LLC  
Attorneys for HoldCo Advisors, L.P. on  
behalf of Surplus Noteholder Fin.  
Restructuring Partners, Ltd.  
4851 N. Winchester Ave.  
Third Floor  
Chicago, IL 60640

The Bank of New York Mellon  
Trust Company, N.A.  
Attn: Valerie L. Nuhfer, Indenture Trustee  
Corporate Trust, ABS  
101 Barclay Street, 7 W  
New York, NY 10286

Phillip L. Sternberg  
Couzens, Lansky, Fealk, Ellis,  
Roeder & Lazar, P.C.  
Attorneys for ACMIC Former  
Officers M. Tobin, E. Downey, F.  
Dempsey, M. McCollom, B.  
McCrohan & L. Gola  
39395 W. Twelve Mile, Suite 200  
Farmington Hills, MI 48331

Ronald W. Ryan  
Attorney for Thomas R. Tibble  
136 East Michigan Avenue  
Suite 800  
Kalamazoo, MI 49007

Mollie Dajani Perez  
Katz, Friedman, Eagle, Eisenstein,  
Johnson & Bareck, P.C.  
Attorney for same (law firm)  
77 West Washington Street  
20<sup>th</sup> Floor  
Chicago, IL 60602

Christopher M. Rohrer  
Law Office of Christopher M. Rohrer, LLC  
3738 Osage Beach Parkway  
Suite 102  
Osage Beach, MO 65065

Illinois Department of Insurance  
Attn: Market Conduct Examination  
320 West Washington Street  
Springfield, IL 62767

U.S. Internal Revenue Service  
P.O. Box 409101  
Ogden, UT 84409

And on all other parties in interest by: (a) posting electronic copies on the Department of Insurance and Financial Services website, [www.michigan.gov/difs](http://www.michigan.gov/difs), under the section "Who We Regulate" and the subsection "American Community Mutual"; and (b) publishing a Notice in the Legal Notices section of the USA Today for one day at least five days prior to the date the Petition is set for hearing.

  
Linda S. Miers, Legal Secretary