

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



**BILL SCHUETTE**  
ATTORNEY GENERAL

P.O. Box 30755  
LANSING, MICHIGAN 48909

September 19, 2012

Clerk of the Court  
Ingham County Circuit Court  
Mason Courthouse  
341 S. Jefferson  
Mason, MI 48854

*Via U.S. First Class Mail*

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

Dear Clerk of the Court:

Enclosed for filing in the above-referenced case is the Proof of Service of the **Order Approving the Rehabilitator's Plan to Sell Real Property Owned by American Community Mutual Insurance Company**, which was entered by the Court on September 19, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher L. Kerr", written over the word "Sincerely,".

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

Enc

c Vik Ghei and Misha Zaitzeff, HoldCo Advisors, LP  
Carolyn R. Thagard, Trapeza Capital Management, LLC

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. COLLETE

AMERICAN COMMUNITY MUTUAL  
INSURANCE COMPANY,

Respondent.

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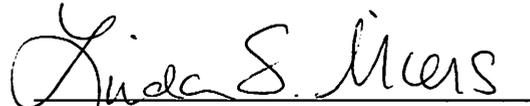
**PROOF OF SERVICE**

The undersigned certifies that a copy of the **Order Approving the Rehabilitator's Plan to Sell Real Property Owned by American Community Mutual Insurance Company**, together with 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 19<sup>th</sup> day of September, 2012:

Vik Ghei  
Misha Zaitzeff  
HoldCo Advisors, LP  
32 Broadway, Suite 1112  
New York, NY 10004

Carolyn R. Thagard, CFA  
Trapeza Capital Management, LLC  
15 Alden Lane  
Birmingham, AL 35213

And on all other parties in interest by posting electronic copies on the OFIR website, [www.michigan.gov/ofir](http://www.michigan.gov/ofir), under the section "Who We Regulate" and the subsection "American Community."

  
Linda S. Miers, Legal Secretary

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT  
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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)  
Jason R. Evans (P61567)  
Assistant Attorneys General  
Attorneys for Petitioner  
Corporate Oversight Division  
P. O. Box 30755  
Lansing, MI 48909  
(517) 373-1160

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STATE OF MICHIGAN  
CIRCUIT COURT  
INGHAM COUNTY CLERK

2012 SEP 19 A 9:59

FILED

**ORDER APPROVING THE REHABILITATOR'S PLAN TO  
SELL REAL PROPERTY OWNED BY  
AMERICAN COMMUNITY MUTUAL INSURANCE COMPANY**

At a session of said Court held in the  
Circuit Courtrooms for the  
County of Ingham, State of Michigan  
on the 19<sup>th</sup> day of September, 2012

PRESENT: HONORABLE WILLIAM E. COLLETTE, CIRCUIT COURT JUDGE

**WHEREAS**, R. Kevin Clinton, the Commissioner of the Michigan Office of Financial  
and Insurance Regulation and duly appointed Rehabilitator of American Community Mutual  
Insurance Company (the "Rehabilitator") has filed a Petition for Approval of the Rehabilitator's

Plan to Sell Real Property Owned by American Community Mutual Insurance Company (the "Petition"); and

**WHEREAS**, the Rehabilitator has served the Petition, together with the attached Exhibits (which included a copy of this proposed Order) and a Notice of Hearing: (a) via regular mail on American Community's surplus note holders; and (b) on other potentially interested parties (beyond the surplus note holders) by posting electronic copies on the "American Community" section of OFIR's website; and

**WHEREAS**, MCL 500.8114(4) authorizes the Rehabilitator, upon making a determination that reorganization, consolidation, conversion, reinsurance, merger, or other transformation of American Community is appropriate, to prepare a plan to effect such changes and to apply for this Court's approval of the plan; and

**WHEREAS**, the Rehabilitator has determined that entering into a Purchase Agreement with Lormax Stern Development Company LLC for the sale of the real property, including the land and building, owned by American Community located at 39201 Seven Mile Road, Livonia, Michigan (the "Property") is necessary and appropriate for the effective and efficient administration of this rehabilitation proceeding and will assist in providing the maximum protection to American Community's creditors, policyholders, and the public; and

**WHEREAS**, the Court having reviewed the Petition and any objections or responses filed thereto, having heard oral arguments on September 19, 2012 at 10:00 a.m., and being otherwise fully advised;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Court APPROVES the Rehabilitator's plan to sell the Property to Lormax Stern Development Company LLC, according

to the terms contained in the executed Real Estate Purchase Agreement attached as Exhibit A to the Petition;

**IT IS FURTHER ORDERED** that the Court authorizes, approves, and/or ratifies the Rehabilitator's service of the Petition, together with the attached Exhibits, the Notice of Hearing, and this Order, via regular mail on American Community's surplus note holders only;

**IT IS FURTHER ORDERED** that due to the difficulty and prohibitive cost associated with providing personalized notice of the Petition, Notice of Hearing, and this Order to all other parties having a general interest in the American Community rehabilitation, the Court authorizes, approves, and/or ratifies the Rehabilitator's service of these papers on other potentially interested parties (beyond the surplus note holders) by posting electronic copies on the OFIR website, [www.michigan.gov/ofir](http://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 these other potentially 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