

NO. D-1-GV-03-000620

STATE OF TEXAS

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IN THE DISTRICT COURT OF

VS.

TRAVIS COUNTY, TEXAS

THE MILLERS INSURANCE COMPANY

345TH JUDICIAL DISTRICT

**FINAL ACCOUNTING AND APPLICATION TO TERMINATE RECEIVERSHIP**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Prime Tempus, Inc., Special Deputy Receiver of The Millers Insurance Company (the “SDR” and “Millers”, respectively), files its *Final Accounting and Application to Terminate Receivership* (the “Application”).

**I. RELIEF REQUESTED**

On January 14, 2013, this Court entered its *Order Approving Final Report and Application to Make Final Distribution* (“Final Distribution Order”). The SDR has completed the distribution of assets in accordance with the Distribution Order and submits its final accounting. The SDR requests that the Court terminate this receivership proceeding, and discharge the Texas Commissioner of Insurance (“Commissioner”) as Receiver of Millers, and Prime Tempus, Inc., as the Special Deputy Receiver of Millers.

**II. AUTHORITY**

The SDR is authorized to file this Application pursuant to § 443.352 of the Texas Insurance Code (the “Code”). The subject matter of this Application has been referred to the Master appointed in this proceeding in accordance with the Amended Order of Reference to Master entered on November 4, 2005.

### **III. FINAL FINANCIAL STATEMENTS**

The Balance Sheet attached, as Exhibit A, and the Sources and Uses of Cash Statement, attached as Exhibit B, reflect the financial condition of the receivership estate as of September 30, 2013.

### **IV. EXPENSES**

The Final Distribution Order approved a reserve of \$148,191.82 for the payment of estimated expenses from October 31, 2012 through the termination of the receivership. The actual expenses incurred during this period were \$ 147,270.48. Attached as Exhibit C is the final statement expenses submitted pursuant to § 443.015 of the Code.

### **V. DISTRIBUTION**

The SDR made previous interim distributions to Classes 1 through 4 and paid these claims in full. In accordance with the Final Distribution Order, the SDR made Class 5 distributions totaling \$ 1,145,533.05, representing approximately a 16.8% distribution. No assets were available for distribution to Class 6 or classes of lower priority. A schedule of the final distributions is attached as Exhibit D.

### **VI. UNCLAIMED FUNDS**

Five checks totaling \$1,179.71 were distributed but not claimed. A list of the unclaimed checks is attached as Exhibit E. The SDR has delivered the unclaimed funds to the Commissioner pursuant to §443.304 of the Code.

### **VII. FEDERAL INCOME TAX RETURNS**

The SDR will file a final federal tax return for 2013 prior to its discharge by this Court. No federal income taxes are owed by the receivership estate.

### **VIII. CHARTER**

The SDR requests that this Court dissolve the charter of Millers pursuant to § 443.153 (e) of the Code.

## **IX. ASSIGNMENT**

The Final Distribution Order authorized the SDR to assign any non-cash assets and unknown assets of Millers to the Commissioner. Attached as Exhibit F is a copy of the executed Assignment to the Commissioner.

## **X. RECORDS**

The Distribution Order authorized the SDR to destroy certain records of Millers that were no longer required for the administration of the receivership. The remaining records of Millers will be transferred to the Commissioner, or to the state insurance guaranty associations that have agreed to accept them ("Guaranty Associations"). The SDR requests that this Court authorize the Commissioner and the Guaranty Associations to dispose of any or all records transferred to them at their discretion.

## **XI. TERMINATION AND DISCHARGE**

The SDR requests that this Court issue an Order terminating the receivership estate and discharging the Receiver and the SDR.

## **XII. OFFER OF PROOF**

Attached hereto is a certificate submitted under § 443.017 of the Code, authenticating Exhibits A through F, which are incorporated herein by reference.

WHEREFORE, PREMISES CONSIDERED, the SDR prays that this Court grant this Application and enter an order:

1. Granting the Application in all respects;
2. Approving the transfer of the unclaimed distributions shown on Exhibit E to the Commissioner;
3. Authorizing the Commissioner and the Guaranty Associations to destroy the remaining records of Millers at their discretion;

4. Discharging the Receiver and the SDR;
5. Terminating this proceeding; and,
6. Granting the Receiver and the SDR other relief to which they may be entitled.

Respectfully submitted,

STROUD, MARRERO & WELCH, PLLC  
11824 Jollyville Road, Suite 200  
Austin, Texas 78759  
Telephone: 512/482-9291  
Facsimile: 512/482-9211

Rachel J. Stroud  
State Bar No. 19424700

Steven R. Welch  
State Bar No. 21126600

By: /s/ Rachel J. Stroud  
Attorneys the Special Deputy Receiver

## APPLICANT'S NOTICE OF SUBMISSION

In accordance with the Amended Order of Reference to Master entered by the District Court in this cause, the *Final Accounting and Application to Terminate Receivership* is hereby set for written submission before the Special Master, Tom Collins, on December 2, 2013.

Pursuant to Rule 171 of the Texas Rules of Civil Procedure, the Special Master has required that the following rules be followed:

1. Any objections must be filed with the Travis County District Clerk at least three (3) calendar days before the submission date.
2. A copy of any objection shall be served by such date on:
  - (a) The Master's Docket Clerk, by hand delivery at 333 Guadalupe, Hobby Tower III, 5th Floor, Room 550, Austin, Texas or by mail at MC-305-1D, P.O. Box 149104, Austin, Texas 78714-9104, and by e-mail at [specialmasterclerk@tdi.texas.gov](mailto:specialmasterclerk@tdi.texas.gov).
  - (b) All interested parties, including those listed on the Applicant's Certificate of Service.
3. The objecting party shall coordinate with opposing counsel and the Docket Clerk at (512) 475-1761 to obtain an oral hearing setting for argument on the Application and Objection, and complete and attach an "Objecting Party's Notice of Oral Hearing" to the objection.
4. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not state in writing will not be considered orally.
5. Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.
6. Any Acknowledgment of Notice and Waiver to be filed by a Guaranty Association or other interested party should be filed at least three (3) calendar days before the submission or hearing date.

/s/ Rachel J. Stroud

Rachel Stroud

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on all interested parties in accordance with TEX. INS. CODE § 443.007(d) and the Texas Rules of Civil Procedure this 14<sup>th</sup> day of November, 2013.

Mr. Tom Collins, Special Master  
Texas Department of Insurance  
333 Guadalupe, Tower III, 5<sup>th</sup> Floor, MC-305-1D  
Austin, Texas 78701  
Email: specialmasterclerk@tdi.texas.gov

Mr. Wayne Wilson, Executive Director  
California Insurance Guarantee Assoc.  
P.O. Box 29066  
Glendale, California 91209-9066  
Email: wilsonw@caiga.org

Ms. Kathy Gartner, LO Analyst  
Texas Department of Insurance  
333 Guadalupe, Tower III, 5th Floor, MC-305-1D  
Austin, Texas 78701  
Email: kathy.gartner@tdi.texas.gov

Mr. Dave Edwards  
Western Guaranty Fund Services  
1720 South Bellaire St., Suite 408  
Denver, Colorado 80222  
Email: dedwards@wgfs.org

Mr. James Kennedy  
Texas Department of Insurance  
333 Guadalupe, Tower I, 8th Floor, MC-305-1A  
Austin, Texas 78701  
Email: james.kennedy@tdi.texas.gov

Mr. Paul M. Gulko  
Guaranty Fund Management Services  
One Bowdoin Square  
Boston, Massachusetts 02114-2916  
Email: pgulko@gfms.org

Mr. Brian E. Riewe  
Brian E. Riewe, P.C.  
4408 Spicewood Springs Rd., Suite 1001  
Austin, Texas 78759  
Email: briewe@riewelaw.com

Ms. Sandra Robinson  
Florida Insurance Guaranty Assoc.  
P.O. Box 14249  
Tallahassee, Florida 32317  
Email: srobinson@agfgroup.org

Ms. Amber Walker  
Texas Property & Casualty Ins. Guaranty Assoc.  
9120 Burnet Road  
Austin, Texas 78758  
Email: awalker@tpciga.org

Mr. Michael C. Marchman  
Georgia Insurers Insolvency Pool  
2177 Flintstone Dr., Suite R  
Tucker, Georgia 30084  
Email: marchmanm@aol.com

Ms. Betty S. Davis  
Alabama Insurance Guaranty Assoc.  
2020 Canyon Rd., Suite 200  
Birmingham, Alabama 35216  
Email: aiga01@bellsouth.net

Ms. Anne A. Sharp  
Illinois Insurance Guaranty Fund  
120 South LaSalle St., Suite 1910  
Chicago, Illinois 60603  
Email: Asharp@IIGF.org

Mr. Steve A. Uhrynowycz  
Arkansas Property & Casualty Guaranty Fund  
1023 West Capitol  
Little Rock, Arkansas 72201  
Email: Steve.Uhrynowycz@arkansas.gov

Ms. Janis B. Funk  
Indiana Insurance Guaranty Assoc.  
251 East Ohio St., Suite 1070  
Indianapolis, Indiana 46204-2143  
Email: janfunk@quadassoc.org

Mr. Michael E. Surguine  
Arizona Insurance Guaranty Funds  
1110 West Washington St., Suite 270  
Phoenix, Arizona 85007  
Email: msurguine@azinsurance.gov

Mr. Steven Augspurger  
Iowa Insurance Guaranty Assoc.  
801 Grand Ave., Suite 3700  
Des Moines, Iowa 50309-2727  
Email: augspurger.steven@bradshawlaw.com

Mr. A. Scott Webster  
Kentucky Insurance Guaranty Assoc.  
Hurstbourne Park Building  
9200 Shelbyville Rd., Suite 605  
Louisville, Kentucky 40222  
Email: scott.webster@kyinsuranceguaranty.com

Mr. John Wells, Director of Operations & Logistics  
Louisiana Insurance Guaranty Assoc.  
2142 Quail Run Drive  
Baton Rouge, Louisiana 70808-4126  
Email: jwells@laiga.org

Mr. Joseph R. Petr  
Maryland Property & Casualty Ins. Guar. Corp.  
305 Washington Ave., Suite 600  
Towson, Maryland 21204-4715  
Email: jpetr@pcigc.com

Mr. Thomas Kujawa  
Michigan Property & Casualty Guaranty Assoc.  
P.O. Box 531266  
Livonia, Michigan 48153-1266  
Email: tkujawa@mpcga.org

Mr. Paul Steffen, Executive Director  
Minnesota Insurance Guaranty Assoc.  
4640 West 77<sup>th</sup> St., Suite 342  
Edina, Minnesota 55435  
Email: psteffen@popp.net

Mr. John Weeks  
Mississippi Insurance Guaranty Assoc.  
589 Northpark Dr., Suite A  
Ridgeland, Mississippi 39157  
Email: jweeks@msiga.net

Mr. Charles F. Renn  
Missouri Property & Casualty Ins. Guar. Assoc.  
994 Diamond Ridge, Suite 102  
Jefferson City, Missouri 65109  
Email: MIGA@mo-iga.org

Mr. L. Dean Fletcher  
Nebraska Property & Liability Ins. Guar. Assoc.  
P.O. Box 57006, Station C  
Lincoln, Nebraska 68505  
Email: ldf3436p@aol.com

Mr. Bruce Gilbert  
Nevada Insurance Guaranty Assoc.  
3821 W. Charleston Blvd., Suite 100  
Las Vegas, Nevada 89102-1859  
Email: bgilbert@niga-pc.org

Mr. Gary M. Keenan  
New Mexico Insurance Guaranty Assoc.  
Keenan & Associates, Inc.  
P.O. Box 14590  
Albuquerque, New Mexico 87191-4590  
Email: gmkeen@keen-assoc.com

Mr. Jeffrey J. Cahill  
North Dakota Insurance Guaranty Assoc.  
P.O. Box 2634  
Bismarck, North Dakota 58502-2634  
Email: jsc46@bis.midco.net

Mr. Frank A. Gartland  
Ohio/West Virginia Guaranty Funds  
1840 Mackenzie Dr.  
Columbus, Ohio 43220  
Email: fgart@rrcol.com

Mr. Larry W. Fitch, General Manager  
Ms. Susan Martin  
Oklahoma Property & Casualty Ins. Guar. Assoc.  
2601 Northwest Expwy, Suite 330E  
Oklahoma City, Oklahoma 73112  
Email: lwfitch@opciga.org  
Email: smartin@opciga.org

Mr. David C. Johnson, Administrator  
Oregon Insurance Guaranty Assoc.  
10700 Southwest Beaverton Hwy., Suite 426  
Beaverton, Oregon 97005  
Email: djohnson.oiga@frontier.com

Ms. Laura Keller  
Pennsylvania WC Security Fund  
Pennsylvania Insurance Department  
901 North 7<sup>th</sup> St.  
Harrisburg, Pennsylvania 17102  
Email: lakeller@state.pa.us

Mr. Stephen Perrone  
Pennsylvania Property & Casualty Ins. GA  
1617 J. F. Kennedy Blvd., Suite 1850  
Philadelphia, Pennsylvania 19103  
Email: sperrone@ppciga.org

Mr. J. Smith Harrison  
SC Property & Casualty Ins. Guaranty Assoc.  
P.O. Box 407  
Columbia, South Carolina 29202  
Email: smitty@scwind.com

Mr. Edwin E. Evans  
SD Property & Casualty Ins. Guaranty Assoc.  
P.O. Box 1030  
Sioux Falls, South Dakota 57101-1030  
Email: eevans@dehs.com

Mr. David Broemel  
Tennessee Insurance Guaranty Assoc.  
1600 Division Street, Suite 680  
Nashville, Tennessee 37203  
Email: dbroemel@burr.com

Mr. Allen J. Muhlestein  
Utah Property & Casualty Ins. Guaranty Assoc.  
P.O. Box 1626  
Sandy, Utah 84091-1626  
Email: amuhl@xmission.com

Mr. Randy Blumer, Executive Director  
Wisconsin Insurance Security Funds  
2445 Darwin Rd., Suite 101  
Madison, Wisconsin 53704  
Email: randy@wisf-madison.org

Ms. Catherine B. Fryer  
Bickerstaff, Heath, Delgado  
Acosta L.L.P.  
3711 S. Mopac Expressway  
Bldg One, Suite 300  
Austin, Texas 78746  
Email: cfryer@bickerstaff.com

Jason Gaydosh  
Vanguard Financial Ltd.  
1390 Willow Pass Rd., Suite 190  
Concord, CA 94520  
Email: Jason@vanguardfinancial.com

Dr. Michael Brown  
899 Shady Fork Rd.  
Chattanooga, TN 37421-4532  
Email: drmikeb@usa.net

Sang Nguyet Le & Robert Quinn  
1625 Harbour Oaks Rd.  
Tucker, GA 30084  
Email: slrqvk@bellsouth.net

Ms. Vivian Reed  
30540 Starland Drive  
Tehachapi, CA 93561  
Email: sunstar@wildblue.net

Ms. Almeta Jackson  
127 Martin Luther King Jr. Dr.  
Anniston, AL 36201  
Email: rbeard@bellsouth.net

Mr. John Cunningham  
P.O. Box 246832  
Sacramento, CA 95824  
Email: hugh\_9040@msn.com

Ms. Deborah Lonick  
2314 Cascade Lakes Circle SE  
Grand Rapids, MI 49546  
Email: Dlonick@aol.com

Ms. Wendy Boze  
10274 Langley Drive  
Pinckney, MI 48169  
Email: wboze68@yahoo.com

Charles and Freda Carnes  
2379 Eden Road  
Harnersville, Ohio 45130

Mr. Arthur E. Shelton  
15673 McGuire St.  
Taylor, Michigan 48180

Mr. Richard T. Wriddley, Sr.  
1654 Havana Ave. SW  
Wyoming, MI 49509

Ralph J. LeDoux, Jr.  
22632 Reinoso  
Mission Viejo, CA 92961  
Email: Ralph\_ledoux18@yahoo.com

Mr. Mark D. Steckbeck  
National Conference of Insurance Guaranty Funds  
10 West Market Street, Suite 1190  
Indianapolis, IN 46204  
Email: msteckbeck@ncigf.org

United States Attorney General  
Civil Process Clerk  
601 N.W. Loop 410, Suite 600  
San Antonio, Texas 78216-5597

United States Attorney General  
10th and Constitution Avenue, N.W.  
Washington, D.C. 20530



Chief of Special Procedures Staff  
U.S. Internal Revenue Service  
300 East 8th Street, Suite 352  
Austin, Texas 78701

Chief of Special Procedures Staff  
U.S. Internal Revenue Service  
1111 Constitution Avenue, N.W.  
Washington, D.C. 20224

Ms. Sharon Williams  
Commercial Litigation Branch  
Civil Division  
Department of Justice  
Washington, D.C. 20530  
Email: [Sharon.williams@usdoj.gov](mailto:Sharon.williams@usdoj.gov)

Vicki Moton  
Account Manager  
AXA Equitable Life Insurance Company  
500 Plaza Drive, Secaucus, NJ 07094  
Email: [vicki.moton@axa-equitable.com](mailto:vicki.moton@axa-equitable.com)

/s/ Rachel J. Stroud  
Rachel J. Stroud  
Email: [rstroud@stroud-welchlaw.com](mailto:rstroud@stroud-welchlaw.com)

AFFIDAVIT OF CRAIG A. KOENIG

STATE OF TEXAS

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COUNTY OF HAYS

Before me, the undersigned authority, on this day personally appeared before me Craig A. Koenig, who, having been duly sworn by me, on oath stated:

1. "My name is Craig A. Koenig. I am over the age of 18, of sound mind and have never been convicted of a felony. I have personal knowledge of the facts in this Affidavit, and they are true and correct.

2. I am the President of Prime TEMPUS, Inc., the Special Deputy Receiver of The Millers Insurance Company ("Special Deputy Receiver" and "Millers," respectively).

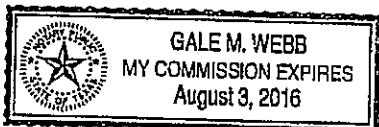
3. Pursuant to TEX. INS. CODE ANN. §443.017 (b), the attached documents are true and correct copies of papers, documents, or records maintained by the Special Deputy Receiver's office in the course of delinquency proceedings against Millers in Cause No. D-1-GV-03-00620, *State of Texas vs. The Millers Insurance Company*, in the 345<sup>th</sup> Judicial District Court of Travis County, Texas."

Further the affiant sayeth not.

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\_\_\_\_\_  
CRAIG A. KOENIG, President, Prime TEMPUS,  
Inc., Special Deputy Receiver of The Millers  
Insurance Company

SWORN TO AND SUBSCRIBED BEFORE ME by Craig A. Koenig, as President of Prime TEMPUS, Inc., Special Deputy Receiver of The Millers Insurance Company, on this the 14<sup>th</sup> day of November, 2013.



\_\_\_\_\_  
Gale M. Webb  
Notary Public, State of Texas

EXHIBIT A  
FINAL BALANCE SHEET

R-514

**Millers Insurance Co.  
Statement of Net Assets**

**For the Period Ending  
09/30/13**

Line	09/30/13
<b>Cash</b>	
1 Cash	
Cash - Unrestricted	0
APF Funds (Loan proceeds)	
<b>Investments</b>	
2 Short-Term Investments	
3 Bonds	
4 Stocks - Preferred & Common	0
5 Investments in Subsidiaries, Controlled or Affiliated Entities	
6 Mortgage Loans	
7 Real Estate	
8 Policy Loans	
9 Other Invested Assets	
<b>Restricted Assets</b>	
10 Statutory Deposits	
11 Funds held by or deposited with Reinsured Companies	
12 Restricted - Other	
<b>Reinsurance Receivable</b>	
13 Reinsurance Recoverables on Paid Losses & LAE (net of allowance)	
14 Reinsurance Recoverables on Unpaid Losses & LAE (net of allowance)	
15 Reinsurance Recoverables on UEP & Contingent Commissions	
<b>Other Receivables</b>	
16 Salvage & Subrogation Recoveries	
17 Premiums Due from Agents & Policyholders	
18 Receivable from Parents, Subsidiaries & Affiliates	
19 Receivable from Guaranty Associations - Early Access Payments	
20 Other Receivables	0
<b>Other Assets</b>	
21 FF&E	
22 Other Assets	0
<b>Total Assets</b>	<b>0</b>

**NOTES**

Ref No.

The receivership statement of assets is prepared using a liquidation basis of accounting that differs from generally accepted accounting principles (GAAP). Estimates and assumptions are utilized to report asset amounts. Assets are generally shown at the

## EXHIBIT B

**Millers Insurance Co.  
Sources & Uses of Cash**

**For Period Ending  
Inception Through 9/30/2013**

	<b>Inception thru 9/30/2013</b>
<b>Income</b>	
Premium Receipts	41,417
Agents' Balances Received	367,340
Reinsurance Recoveries	5,790,598
Salvage & Subrogation Recoveries	507,673
Affiliates Recovery	
Settlement/Litigation Recovery	880,718
Other Receipts	937,253
Sale of Real & Personal Property	1,099
Investment Sales/Receipts	11,267,687
Other Asset Receipts	429,935
<b>Total Receipts from Assets/Receivables</b>	<b>20,223,720</b>
Interest & Dividend Receipts, EA Interest	521,658
Cash Deposit Interest	1,060,192
<b>Total Cash Receipts</b>	<b>21,805,570</b>
<b>Disbursements</b>	
SDR Fees & Expenses	994,422
Subcontractor Legal Fees & Expenses	151,487
Subcontractor Other Fees & Expenses	222,146
Non-Subcontractor Fees & Expenses	643,229
Other Expenses	1,345,615
RLO Fees & Expenses	233,496
<b>Total Disbursements for Operations</b>	<b>3,590,395</b>
Loss Claims & LAE Expense Payments	11,841,524
Early Access Payments - GA	
Refunds & Other Distributions	7,094,023
<b>Total Cash Distributions</b>	<b>18,935,547</b>
<b>Total Cash Disbursements &amp; Distributions</b>	<b>22,525,942</b>
APF Loan Proceeds (Repayment)	0
<b>Net Increase(Decrease) in Cash</b>	<b>(720,372)</b>
<b>Cash at Beginning of Period</b>	<b>720,372</b>
<b>Cash at End of Period</b>	<b>0</b>

## EXHIBIT C

**Millers Insurance Co.  
Statement of Expenses**

For October 31, 2012 - September 30, 2013

	<b>Total</b>
<b>SDR</b>	<b>Oct-Sept 2013</b>
Prime Tempus, Inc.	
SDR	3,153.00
Claims Specialist I	168.00
Claims Specialist II	5,871.00
Reinsurance Specialits	356.20
Asst Recovery Specialist II	2,452.95
Estate Accountant I	5,720.00
Administrative Specialist II	437.10
Expenses	806.72
<b>Total SDR Billing</b>	<b>18,964.97</b>
 <b>SDR Subcontractors - Legal</b>	
Brian E. Riewe, PC	
Estate Counsel I	300.00
Estate Paralegal I	75.00
Estate Legal Assistant I	0.00
Estate Administrative Assistant I	2.50
Expenses	8.44
<b>Total Billing</b>	<b>385.94</b>
 Stroud & Welch	
Estate Counsel I	0.00
Estate Counsel II	3,225.00
Estate Counsel	120.00
Estate Paralegal I	1,312.50
Estate Administrative Specialist I	0.00
Report Filing Fee	0.00
Expenses	308.10
<b>Total Billing</b>	<b>4,965.60</b>
 <b>Total Legal Subcontractors</b>	<b>5,351.54</b>
 <b>SDR Subcontractors - Other</b>	
Abaci, Inc.	
Analyst/Programmer/Project Lead	432.60
Analyst/Programmer/Project Lead	0.00
Computing Specialist	0.00
Analyst/Programmer/Project Lead	140.55
Computing Specialist	16.25
Hardware Inventory Specialist	0.00
Expenses	100.00
<b>Total Billing</b>	<b>689.40</b>

EXHIBIT C

Petrosewicz & Company	
Estate Accountant II	1,093.00
Estate Accountant III	824.50
Estate Accountant IV	0.00
Expenses	15.72
	<hr/>
<b>Total Billing</b>	<b>1,933.22</b>
<b>Total Other SDR Subcontractors</b>	<b>2,622.62</b>
<b>Receivership Service Providers</b>	
Internetwerx	1,407.25
Safesite	1,668.30
Subrogation Recovery Expense	1,490.35
Wells Fargo Bank SDR Operating Account	715.45
Texas Treasury	242.24
<b>Total Other</b>	<b>5,523.59</b>
<b>Liquidation Oversight Allocation</b>	
RLO Allocation	1,678.44
Pre-Receivership Rehabilitation Expenses	112,989.32
Special Master's Fees	140.00
<b>Total RLO &amp; SM Expense</b>	<b>114,807.76</b>
<b>Total Expenses</b>	<b>147,270.48</b>

EXHIBIT D  
THE MILLERS INSURANCE COMPANY  
IN RECEIVERSHIP  
CLASS 5 DISTRIBUTION LIST

POC #	Creditor Name	Class	Approved Amount	Initial Distribution	Supplemental Distribution
6	Macro Pro Inc.	5	\$3,011.37	\$497.78	**
10	Allstate Insurance Co.	5	\$2,060.10	\$340.53	**
13	Skinner & Hagopian, LLP	5	\$3,846.89	\$635.89	**
16	Engineering & Fire Investigations	5	\$375.62	\$62.09	**
19	Secura NV	5	\$51,863.94	\$8,573.11	\$143.66
23	Borton, Petrini & Conron, LLP	5	\$1,819.25	\$300.72	**
24	Borton, Petrini & Conron, LLP	5	\$3,257.55	\$538.47	**
27	Borton, Petrini & Conron, LLP	5	\$602.05	\$99.52	**
29	Borton, Petrini & Conron, LLP	5	\$2,507.36	\$414.47	**
30	Borton, Petrini & Conron, LLP	5	\$1,086.40	\$179.58	**
31	Borton, Petrini & Conron, LLP	5	\$343.92	\$56.85	**
32	Borton, Petrini & Conron, LLP	5	\$1,639.41	\$270.99	**
33	Borton, Petrini & Conron, LLP	5	\$501.00	\$82.82	**
39	Borton, Petrini & Conron, LLP	5	\$2,162.00	\$357.38	**
40	Borton, Petrini & Conron, LLP	5	\$1,860.55	\$307.55	**
41	Borton, Petrini & Conron, LLP	5	\$4,192.40	\$693.00	**
42	Borton, Petrini & Conron, LLP	5	\$1,218.30	\$201.38	**
43	Borton, Petrini & Conron, LLP	5	\$1,573.25	\$260.06	**
44	Borton, Petrini & Conron, LLP	5	\$669.50	\$110.67	**
45	Borton, Petrini & Conron, LLP	5	\$586.50	\$96.95	**
46	Borton, Petrini & Conron, LLP	5	\$1,487.55	\$245.89	**
47	Borton, Petrini & Conron, LLP	5	\$440.40	\$72.80	**
48	Borton, Petrini & Conron, LLP	5	\$925.00	\$152.90	**
49	Delcamp & Siegel	5	\$392.00	\$64.80	**
50	Delcamp & Siegel	5	\$729.25	\$120.55	**
51	Delcamp & Siegel	5	\$441.50	\$72.98	**
52	Delcamp & Siegel	5	\$813.50	\$134.47	**
53	Delcamp & Siegel	5	\$1,860.80	\$307.59	**
55	Delcamp & Siegel	5	\$1,870.00	\$309.11	**
59	AIPSO	5	\$27,299.00	\$4,512.52	\$75.62
68	Montgomery & Andrews, PA	5	\$484.24	\$80.04	**
76	Mutual Reinsurance Bureau	5	\$1,002,719.47	\$165,749.53	\$2,777.53
86	J. Wailing & Associates, Inc.	5	\$319.66	\$52.84	**
108	Idaho Surveying & Rating Bureau	5	\$4,640.71	\$767.11	**
121	Catri, Holton, Kessler & Kessler, PA	5	\$4,364.90	\$721.52	**
122	Catri, Holton, Kessler & Kessler, PA	5	\$5,279.22	\$872.66	**
124	Catri, Holton, Kessler & Kessler, PA	5	\$1,626.06	\$268.79	**
125	Catri, Holton, Kessler & Kessler, PA	5	\$802.04	\$132.58	**
126	Catri, Holton, Kessler & Kessler, PA	5	\$843.68	\$139.46	**

EXHIBIT D  
THE MILLERS INSURANCE COMPANY  
IN RECEIVERSHIP  
CLASS 5 DISTRIBUTION LIST

POC #	Creditor Name	Class	Approved Amount	Initial Distribution	Supplemental Distribution
128	Catri, Holton, Kessler & Kessler, PA	5	\$435.28	\$71.95	**
134	Matson, Driscoll & Damico	5	\$4,572.77	\$755.88	**
149	National Insurance Crime Bureau	5	\$9,050.36	\$1,496.02	**
169	Adams & Graham, LLP	5	\$480.34	\$79.40	**
170	Adams & Graham, LLP	5	\$13,174.93	\$2,177.82	**
178	Hatch, Allen & Shepherd, PA	5	\$31,570.04	\$5,218.53	\$87.45
359	Reeves, Chavez, Albers, Anderson & Baca, PA	5	\$3,105.07	\$513.27	**
360	Reeves, Chavez, Albers, Anderson & Baca, PA	5	\$3,443.35	\$569.19	**
372	Esurance	5	\$3,026.92	\$500.35	**
381	Frontier Adjusters, Inc.	5	\$1,015.63	\$167.88	**
398	R Krannert Riddle	5	\$7,586.82	\$1,254.10	**
439	Alameda-Contra Costa Transit District	5	\$20,375.00	\$3,367.99	\$56.44
445	Bolling Walter & Gawthrop	5	\$15,357.24	\$2,538.55	**
506	Lippische Landes-Brandversicherungsanstalt	5	\$2,531.82	\$418.51	**
540	Gerling Allgemeine Versicherungs-AG	5	\$157,441.07	\$26,025.01	\$436.11
566	Paragon Strategic Solutions, Inc.	5	\$79,193.75	\$13,090.73	\$219.37
582	Riley Adjustment Bureau, Inc.	5	\$595.00	\$98.35	**
595	MetLife Auto & Home	5	\$10,992.68	\$1,817.09	**
607	Boornazian, Jensen & Garthe	5	\$19,287.17	\$3,188.17	\$53.43
608	Grain Dealers Mutual Ins. Co.	5	\$344,832.01	\$57,000.73	\$955.18
609	Deutsch Kerrigan & Stiles, LLP	5	\$1,309.00	\$216.38	**
653	Quest Discovery Services	5	\$686.19	\$113.43	**
654	Davis, Brown, Koehn, Shors & Roberts, PC	5	\$7,274.23	\$1,202.43	**
656	Gaines, Wolter & Kinney, PC	5	\$773.44	\$127.85	**
657	Gaines, Wolter & Kinney, PC	5	\$1,378.60	\$227.88	**
661	Acceptance Insurance Co.	5	\$155,009.00	\$25,622.99	\$429.37
695	Mercury Insurance Co.	5	\$2,103.73	\$347.75	**
710	Royston, Rayzor, Vickery & Williams, LLP	5	\$4,278.58	\$707.25	**
712	Royston, Rayzor, Vickery & Williams, LLP	5	\$10,447.22	\$1,726.93	**
713	Royston, Rayzor, Vickery & Williams, LLP	5	\$12,292.92	\$2,032.02	**
714	Royston, Rayzor, Vickery & Williams, LLP	5	\$4,546.37	\$751.51	**
737	Delta Lloyd Schadeverzekering NV	5	\$360.00	\$59.51	**
739	Mauk & Burgoyne	5	\$3,466.11	\$572.95	**
741	Mauk & Burgoyne	5	\$1,713.39	\$283.22	**
742	Mauk & Burgoyne	5	\$315.28	\$52.12	**
743	Mauk & Burgoyne	5	\$2,304.26	\$380.89	**
746	National Assoc of Insurance Commissioners	5	\$1,414.60	\$233.83	**
750	Encompass/Allstate Ins Co	5	\$9,850.00	\$1,628.21	**
786	Metropolitan Property & Casualty Ins Co	5	\$10,119.69	\$1,672.78	**



EXHIBIT D  
THE MILLERS INSURANCE COMPANY  
IN RECEIVERSHIP  
CLASS 5 DISTRIBUTION LIST

POC #	Creditor Name	Class	Approved Amount	Initial Distribution	Supplemental Distribution
794	Koning & Associates	5	\$494.00	\$81.66	**
797	Stephen R. Barry, Esq.	5	\$1,352.00	\$223.49	**
799	Stephen R. Barry, Esq.	5	\$441.00	\$72.90	**
801	Stephen R. Barry, Esq.	5	\$1,540.70	\$254.68	**
802	Stephen R. Barry, Esq.	5	\$351.00	\$58.02	**
803	Stephen R. Barry, Esq.	5	\$378.00	\$62.48	**
804	Stephen R. Barry, Esq.	5	\$544.00	\$89.92	**
805	Stephen R. Barry, Esq.	5	\$468.00	\$77.36	**
835	Richard Lee Hartman	5	\$13,787.08	\$2,279.00	**
840	Richard Lee Hartman	5	\$1,560.95	\$258.03	**
841	Richard Lee Hartman	5	\$5,918.94	\$978.40	**
842	Richard Lee Hartman	5	\$2,875.38	\$475.30	**
846	Stonington Insurance Co	5	\$66,122.31	\$10,930.02	\$183.16
862	Associated Reproduction Services	5	\$1,271.23	\$210.13	**
863	Associated Reproduction Services	5	\$1,008.94	\$166.78	**
864	Associated Reproduction Services	5	\$960.32	\$158.74	**
869	Stonington Insurance Co.	5	\$27,452.48	\$4,537.89	\$76.04
877	Polsinelli Shalton Welte Suelthaus, PC	5	\$333.05	\$55.05	**
889	Allstate Insurance Co.	5	\$1,738.34	\$287.35	**
890	Allstate Insurance Co.	5	\$6,367.88	\$1,052.61	**
891	Allstate Insurance Co.	5	\$367.30	\$60.71	**
936	W. Anthony Park	5	\$1,750.00	\$289.28	**
968	Peifer, Hanson & Mullins, PA	5	\$3,594.21	\$594.12	**
969	Peifer, Hanson & Mullins, PA	5	\$3,568.96	\$589.95	**
970	The Law Offices of Wolf & Wolfe, Ltd.	5	\$425.50	\$70.34	**
973	The Law Offices of Wolf & Wolfe, Ltd.	5	\$381.12	\$63.00	**
974	The Law Offices of Wolf & Wolfe, Ltd.	5	\$609.50	\$100.75	**
976	The Law Offices of Wolf & Wolfe, Ltd.	5	\$337.50	\$55.79	**
978	The Law Offices of Wolf & Wolfe, Ltd.	5	\$425.50	\$70.34	**
980	The Law Offices of Wolf & Wolfe, Ltd.	5	\$2,288.50	\$378.29	**
982	Connecticut Indemnity	5	\$3,191,603.33	\$527,572.03	\$8,840.74
1000	Jeansonne & Remondet, LLC	5	\$418.50	\$69.18	**
1001	Jeansonne & Remondet, LLC	5	\$1,271.64	\$210.20	**
1002	Jeansonne & Remondet, LLC	5	\$392.61	\$64.90	**
1004	Etter, McMahon, Lamberson & Clary, PC	5	\$4,257.40	\$703.75	**
1005	Etter, McMahon, Lamberson & Clary, PC	5	\$1,017.41	\$168.18	**
1019	Davis Rothwell Earle & Xochihua PC	5	\$78,156.28	\$12,919.23	\$216.49
1020	Swiss Re Italia Spa	5	\$1,800.00	\$297.54	**
1021	National Fire Insurance Co of Hartford	5	\$1,292,483.35	\$213,647.50	\$3,580.18

\*\* De Minimis Claim

EXHIBIT D  
THE MILLERS INSURANCE COMPANY  
IN RECEIVERSHIP  
CLASS 5 DISTRIBUTION LIST

POC #	Creditor Name	Class	Approved Amount	Initial Distribution	Supplemental Distribution
			<b>Total Distributed:</b>	<b>\$1,127,402.27</b>	<b>\$18,130.78</b>

## EXHIBIT E

MILLERS INSURANCE COMPANY, IN RECEIVERSHIP  
UNCASHED DISTRIBUTION CHECKS

Check No.	Date Issue	Claimant Name	Amount of Check
1946	2/8/2013	Delta Lloyd Schadeverzekering	59.51
1947	2/8/2013	Deutsch Kerrigan & Stiles, LLP	216.38
1956	2/8/2013	Idaho Surveying & Rating Burea	767.11
1959	2/8/2013	Koning & Associates	81.66
1970	2/8/2013	Polsinelli Shalton Welte Suel	55.05
		Total	1179.71

Exhibit F

TRANSFER AND ASSIGNMENT OF ALL ASSETS, KNOWN AND UNKNOWN

Date: Sept 19, 2013.

Assignor: Julia Rathgeber, Receiver of The Millers Insurance Company

Assignor's Mailing Address (including county): 333 Guadalupe Street Tower 1, 13th Floor Austin, Travis County, Texas 78701

Assignee: Julia Rathgeber, Commissioner of Insurance Texas Department of Insurance

Assignee's Mailing Address (including county): 333 Guadalupe Street Tower I, 13th Floor Austin, Travis County, Texas 78701

Known Assets

For value received, Assignor transfers and assigns all of her rights and interests, whether past, present, or future, if any, in the assets listed on the attached "Exhibit 1" hereto. Neither Assignor nor Assignor's successors or assign shall have, claim or demand any right or title to any part thereof of the assets as listed on the Exhibit.

Unknown Assets

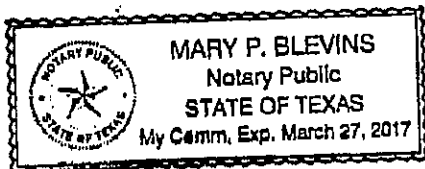
For value received, Assignor transfers her rights, title and interests, if any, in and to all unknown, non-cash assets in The Millers Insurance Company's receivership estate to Assignee, or her successors, to be handled in trust in accordance with Texas Insurance Code § 443.352, and neither Assignor nor Assignor's successors or assigns shall have, claim or demand any right or title to such assets or any part thereof.

Julia Rathgeber, Receiver of The Millers Insurance Company

By: S = 25  
Craig A. Koenig, President of Prime Tempus, Inc., Special Deputy Receiver of The Millers Insurance Company

STATE OF TEXAS §  
  §  
COUNTY OF HAYS §

On this the 19th day of September, 2013, came before me Craig A. Koenig, President of Prime Tempus, Inc., Special Deputy Receiver of The Millers Insurance Company, who, after being duly sworn, stated and acknowledged before me that he has read the above document and that he has signed the above document for the considerations and purposes and in the capacity expressed in the document.



[Signature]  
NOTARY PUBLIC - STATE OF TEXAS

**Exhibit 1**  
**The Millers Insurance Company in Receivership**  
**Schedule of Unliquidated Assets**

1. Assets Assigned to the Texas Commissioner of Insurance :
  - a. Settlement Agreement and proof of claim 239 filed in the bankruptcy styled: *In re INSpire Insurance Solutions, Inc. and INSpire Claims Management, Inc.*, Case No. 02-41228-DML-11 (Jointly Administered), United States Bankruptcy Court, Northern District of Texas, Fort Worth, Texas. (\$105,988.17 remaining balance owed)
  - b. Proceeds from future distributions from the *In re Cendant Corporation Litigation* for claims filed in the names of Millers Mutual Fire Insurance Company (claim no. 82795, original amount \$153,900) and Millers Casualty Insurance Company of Texas (claim no. 82794, original amount \$31,520). The remaining balances owed are \$91,170.43 and \$18,672.46 respectively.
  - c. Annuity issued by Axa Equitable Life Insurance Company or its predecessor for the benefit of former retired employees of The Millers Insurance Company or its predecessor.
  - d. Subrogation Receivables:

Claim #	Adverse	Court/Recovery Contractor	Current Balance
60016	Karl Alan Schultz	Grant County, Washington Grant County Clerk, PO Box 37, Ephrata, WA 98823 Case #85- 1-00156-0	\$11,751.51
MP003433	Tamra Gallian Martins	Josephine County, Oregon Oregon Judicial Dept, Josephine County Circuit Court, 500 NW 6 <sup>th</sup> St, Room 254, Dept. 17, Grants Pass, OR 97526 Case #971780M	\$408.00
0285OR000899	Michael Paritsky	Oregon Judicial Dept, 1163 State Street, Salem, OR 97301 Case #99CR0155	Paid
2001-03-02176	Mark Baylus Burgess	Oconee County, South Carolina South Carolina Dept of Probation, Parole & Pardon Svcs, PO Box 50666, Columbia, SC 29250 Vendor #V01087739	\$55,339.86
517402	Eric O'Quinn	Michael Patterson P.O. Box 780252, San Antonio, TX 78278	\$8,320.00
9771-6062	Jose J. Cabrera	First Financial Asset Mgmt 230 Peachtree St NE #1700, Atlanta, GA 30303	Paid

NA005939	Deliahia Jackson & Shondra Jackson	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$2,272.57
NA003522	Ray Warren	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$19,084.52
NA008248	James E. Samuels	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$3,314.35
NA008928	Gene P. Cordelle	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$9,177.75
NA008018	James L. McCrary	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$2,032.86
NA004188	Fagin	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$10,025.00
NA006467	James Brown	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$3,713.33
NA009638	Betty Ballard	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$622.06
9771-4502	James Brendel	U.S. District Court, Sacramento, CA 2:00CR00584	\$19,544.59
NA008994	Al White	Williams, Elliott & Edwards 1924 29 <sup>th</sup> Avenue South, Birmingham, AL 35209	\$3,671.31
Employee embezzlement	Sharon Colbert	US District Court, Northern District of Texas, Attn: Mannie Abdulwahab 1100 Commerce Room 1452, Dallas, TX 75242 214-753-2210 Case #496-CR-154-01	\$84,709.98

- e. Stock: 12,202 Class A shares in the Facility Insurance Holding Corporation. These shares are listed on the estate's balance sheet at a value of \$.05 per share or \$610.10.
- f. Stock: 950 Shares in The LTV Corporation CUSIP No. 501921-10-0.