

FEB 21 2013

[Signature]
10:36 A.M.

CAUSE NO. D-1-GV-10-000120

at
Amalia Rodriguez-Mendoza, Clerk

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
FIRST AMERICAN LIFE	§	
INSURANCE COMPANY	§	200 th JUDICIAL DISTRICT

ORDER APPROVING FINAL ACCOUNTING, CLOSING RECEIVERSHIP, AND DISCHARGING RECEIVER AND SPECIAL DEPUTY RECEIVER

On this day, the Court considered the *Final Accounting and Application to Close Receivership and Discharge Receiver and Special Deputy Receiver* ("Final Accounting Application") filed by Angenend & Augustine, P.C., Special Deputy Receiver of First American Life Insurance Company ("Special Deputy Receiver" and "First American" respectively). The Special Deputy Receiver seeks approval of this *Final Accounting Application* in order to complete the termination of First American's receivership estate. The Special Deputy Receiver appeared through its counsel. No other party made an appearance.

Having considered the pleadings, the evidence, the argument of Counsel, if any, and the recommendation of the receivership master acting under the *Order of Reference to Master* ("*Order of Reference*") entered in this cause on March 9, 2010, the Court finds as follows:

1. This Court has jurisdiction to hear this matter and jurisdiction is properly in the 200th Judicial District Court of Travis County, Texas, as the court in which these delinquency proceedings are pending pursuant to TEX. INS. CODE ANN. § 443.005(c);

2. The subject matter of this *Final Accounting Application* has been referred to the receivership master appointed by this Court in this proceeding in accordance with the *Order of Reference*, under Paragraph III, Sections 30 and 32;
3. The Special Deputy Receiver is authorized to file this *Final Accounting Application* pursuant to TEX. INS. CODE ANN. §§ 443.154 and 443.352;
4. The *Final Accounting Application* was properly submitted for hearing by submission before the receivership master in accordance with the *Order of Reference*;
5. The inclusion on the certificate of service of persons noticed satisfies the requirements for length and breadth of notice required by TEX. INS. CODE ANN. § 443.007(a) and (d) and the *Order of Reference*;
6. Notice of the hearing by submission sent by e-mail or certified mail for this *Final Accounting Application* fulfills the notice requirements of TEX. INS. CODE ANN. § 443.007(d) and the *Order of Reference*;
7. Notice to parties in interest does not confer standing in the Court to raise, appear, or be heard on any issue, and notice does not act to waive any rights, immunities, or privileges of the Special Deputy Receiver or the First American receivership estate;
8. The Special Deputy Receiver has completed the distribution of assets and submitted its final accounting statements in Exhibits B, C, and D and final statement of expenses in Exhibit B;
9. The evidence admitted supports approval of the *Final Accounting Application*;

10. There were no residual funds as any funds remaining were distributed to the Special Deputy Receiver of Lincoln Memorial Life Insurance Company;
11. The final federal income tax return for 2012 was filed and no taxes are owed;
12. The Commissioner of Insurance of the State of Texas ("Commissioner") as Receiver of First American Life Insurance Company ("Receiver") has authority to dispose of any or all records transferred to the Commissioner at her discretion;
13. The Receiver's predecessor, Mike Geeslin, has been discharged as a matter of law pursuant to TEX. INS. CODE ANN. § 443.151(a) and the *Liquidation Order*;
14. Commissioner Eleanor Kitzman is released from her duties as Receiver in the First American receivership estate upon termination of this proceeding;
15. Angenend & Augustine, P.C., is released from its duties as Special Deputy Receiver in the First American receivership estate upon termination of this proceeding;
16. The receivership master has issued a recommendation that the *Final Accounting Application* should be granted pursuant to Rule 171 of the Texas Rules of Civil Procedure;
17. The recommendation of the receivership master should be confirmed, and the *Final Accounting Application* should be **GRANTED**.

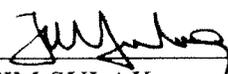
It is **ORDERED, ADJUDGED** and **DECREED** that:

1. The *Final Accounting and Application to Close Receivership and Discharge Receiver and Special Deputy Receiver* is approved in all respects;

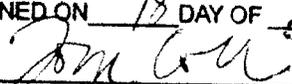
2. The receivership master appointed under the *Order of Reference* has authority to request and accept evidence in a hearing by submission to support the *Final Accounting Application*;
 3. Exhibit A, the *Affidavit of Paul D. Angenend*, is admitted into evidence;
 4. Exhibit B through Exhibit D are admitted into evidence;
 5. The facts contained in the *Final Accounting Application* and all its exhibits are admitted into evidence as *prima facie* proof of the matters asserted pursuant to TEX. INS. CODE ANN. § 443.017(c);
 6. Exhibits B, C, and D are accepted as the final financial accounting of financial reports for the First American receivership estate;
 7. Exhibit B is accepted as the final statement of expenses for the First American receivership estate;
 8. Commissioner Eleanor Kitzman, and any successor Commissioner, if any, is discharged as Receiver of the First American Life Insurance Company;
 9. Angenend & Augustine, P.C. is discharged as the Special Deputy Receiver of the First American Life Insurance Company; and
- The First American Life Insurance Company's receivership estate proceeding is terminated

It is **FURTHER ORDERED** that the Receiver and the Special Deputy Receiver are authorized to execute any documents as necessary to effectuate the purposes of the *Final Accounting Application*.

SIGNED this 21ST day of FEBRUARY, 2013.



TIM SULAK
DISTRICT JUDGE PRESIDING

PROPER NOTICE GIVEN
NO OBJECTION FILED.
SUBMITTED
RECOMMENDED ^{#1}
SIGNED ON 18TH DAY OF Feb. 2013


TOM COLLINS, RECEIVERSHIP SPECIAL MASTER