

FINAL ORDER

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

**STATE OF GEORGIA, Ex. Rel., :
RALPH T. HUDGENS, COMMISSIONER :
OF INSURANCE OF THE STATE :
OF GEORGIA :**

Petitioner :

v. :

**PLANTERS & PEOPLES MUTUAL FIRE :
ASSOCIATION OF FULTON COUNTY :**

Respondent :

CIVIL ACTION

NO. 2016-CV-270705

CONSENT ORDER TO LIQUIDATE DOMESTIC INSURER

The Court enters this Order by consent of the parties, Ralph T. Hudgens, Commissioner of Insurance for the State of Georgia ("Commissioner"), and Planters & Peoples Mutual Fire Association of Fulton County ("Planters & Peoples").

WHEREAS, Stanley Camp, President of Planters & Peoples, is authorized by Planters & Peoples to execute this Order on behalf of Planters & Peoples;

WHEREAS, pursuant to O.C.G.A. §33-16-1 *et seq.*, Planters & Peoples has maintained a Certificate of Authority to transact insurance in the State of Georgia since 1935;

WHEREAS, pursuant to O.C.G.A. §33-16-21, Planters & Peoples is subject to the Insurers Rehabilitation and Liquidation Act ("Act"), O.C.G.A. § 33-37-1 *et seq.*, which governs liquidation proceedings;

WHEREAS, Planters & Peoples currently maintains surplus that is below the minimum surplus required by O.C.G.A. §33-16-13(b);

WHEREAS, Planters & Peoples is in such a condition that the further transaction of business would be hazardous, financially or otherwise, to its policyholders, its creditors, or the public.

It appearing to the Court that Planters & Peoples is operating in a financially hazardous condition, that the continuation of its business would substantially increase the risk of loss to the creditors, claimants, policyholders and the public, and that it is in the best interest of the Planters & Peoples policyholders and other creditors that Planters & Peoples be placed in receivership, IT IS HEREBY ORDERED as follows:

ORDER OF LIQUIDATION

1.

Planters & Peoples is hereby placed into liquidation in accordance with this Order pursuant to the Act, specifically, but not limited to O.C.G.A. §§ 33-37-16 and 33-37-17, on the ground that Planters & Peoples is in such condition that the further transaction of business would be hazardous, financially or otherwise, to its policyholders, its creditors, or the public. Pursuant to O.C.G.A. §33-37-17, this Court hereby appoints the Commissioner and his successors in office as liquidator (collectively, "Liquidator").

2.

The Liquidator shall take possession of the assets of Planters & Peoples and administer them in accordance with the Act. By operation of law, title to all assets and property of Planters & Peoples is hereby vested in the Liquidator and he shall have ultimate possession and control of such assets and property of Planters & Peoples, wherever located, including, but not limited to,

all bank accounts, including accounts containing premiums due Planters & Peoples, records, books, and property.

3.

The Liquidator appoints Mark Ossi, CPA, CFE as Deputy Liquidator. Pursuant to O.C.G.A. §33-37-20(a), the Liquidator also has the authority to appoint one or more Assistant Special Deputy Liquidators as he may deemed necessary. The Liquidator retains the right to substitute another person as Deputy Liquidator or Assistant Special Deputy Liquidator as he may deem necessary. The compensation of the Deputy Liquidator or any Assistant Special Deputy Liquidator that is not employed by the Department of Insurance shall be paid from the funds of Planters & Peoples.

4.

The Liquidator, Deputy Liquidator and each Assistant Special Deputy Liquidators shall have all powers, rights, responsibilities, immunities and protections as set forth in the Act.

5.

Planters & Peoples, its officers, directors, agents, members, employees, and all other persons are hereby enjoined and restrained from the transaction of any of the business of Planters & Peoples. Further, Planters & Peoples, its officers, directors, agents, members, employees, and all other persons are hereby enjoined and restrained from transferring Planters & Peoples' property without the express permission of the Liquidator, wasting Planters & Peoples' assets, or transferring or dissipating any of Planters & Peoples' bank accounts.

6.

All officers, directors, agents, managing general agents, affiliates, members and employees of Planters & Peoples are hereby ordered to immediately deliver to the Liquidator all Planters & Peoples' assets, accounts, books, documents or other records or information, equipment or other property in their possession or wherever located, including all Planters & Peoples' assets, accounts, books, documents or other records or information, equipment or property in the possession of accountants, accounting firms, investment advisors, attorneys or any other person or entity that does or has provided services to Planters & Peoples. The Liquidator is hereby authorized to audit the books and records of all officers, directors, agents, managing general agents, affiliates, members and employees of Planters & Peoples insofar as those records relate to the business activities of Planters & Peoples.

7.

All insurance agents and brokers are hereby ordered to account to the Liquidator, within fifteen (15) days of the date of this Order, for all funds of Planters & Peoples held by them in their fiduciary capacity or due to Planters & Peoples, without any deductions for commissions, policy fees, allowance for return premiums, unearned premiums, claims, or any other deductions, as said funds are vested in the Liquidator as provided by law. It is further ordered that such funds be paid by such insurance agents and brokers, or their employees or designees, to the Liquidator.

8.

All agents notified of the liquidation of Planters & Peoples in accordance with O.C.G.A. §33-37-21 shall, within 30 days of such notice, provide the Liquidator the information in the agent's records related to any policy issued by the insurer through the agent. Additionally, all agents shall provide the information in the agent's records related to any policy issued by the

insurer through an agent under contract to him including the name and address of such agent or subagent.

9.

The Liquidator, in accordance with O.C.G.A. §§ 33-13-6 and 33-13-14 and the Act, is hereby authorized to examine the affairs, transactions, accounts, records, documents, and other assets of Planters & Peoples and its affiliates to determine whether any dividends or other distributions made by Planters & Peoples are recoverable. The Liquidator is hereby authorized to recover on behalf of the insurer: (i) from any parent corporation or holding company or person or affiliate who otherwise controlled Planters & Peoples, the amount of distributions, other than distributions of shares of the same class of stock, paid by Planters & Peoples on its capital stock, or (ii) any payment in the form of a bonus, termination settlement, or extraordinary lump sum salary adjustment made by Planters & Peoples or its subsidiary to a director, officer or employee, where the distribution or payment pursuant to (i) or (ii) is made at any time during the one year preceding the petition for liquidation, pursuant to O.C.G.A. §33-13-14 and the limitations set forth therein.

10.

Upon entry of this Order, the Liquidator shall give or cause to be given notice of the liquidation in accordance with O.C.G.A. §33-37-21 and require claimants to file with the Liquidator their claims on the Proof of Claim form in a form substantially similar to Exhibit 1 and as approved by this Court. All claims must be filed with the Liquidator within one hundred and eighty (180) days of the entry of this Order or be forever barred.

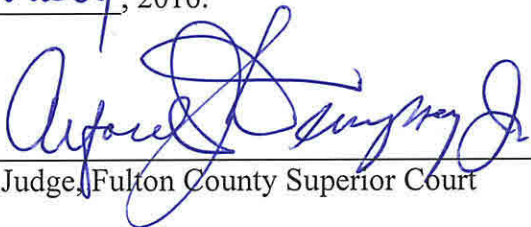
11.

The Liquidator shall report to the Court regarding the status of the liquidation at least one year from the date of this Order and provide accounting to the Court on an annual basis thereafter until such time as the liquidation is complete.

12.

This Court shall retain exclusive jurisdiction, as provided in O.C.G.A. §33-37-4, to determine all suits or motions related to the enforcement of this Order or any litigation related to Planters & Peoples or the Liquidator and his deputies, assistant special deputies, agents, employees or representatives, which shall be determined in this liquidation proceeding.

SO ORDERED, this 1 day of February, 2016.



Judge, Fulton County Superior Court

Presented by:



Daniel Walsh
Georgia Bar # 735040
Senior Assistant Attorney General
Jeffrey W. Stump
Georgia Bar # 690425
Senior Assistant Attorney General
Office of the Attorney General
40 Capitol Square, SW
Atlanta, GA 30334-1300

Consented to by:



Stanley Camp
President
Planters & Peoples Mutual Fire
Association of Fulton County

Consented to by:



Ralph T. Hudgens
Commissioner of Insurance
State of Georgia

Sworn and subscribed

Before me this 27 day of January, 2016



Notary Public, State of Georgia

My Commission Expires 5-14-2017



**PLANTERS & PEOPLES MUTUAL FIRE ASSOCIATION OF FULTON COUNTY, IN
LIQUIDATION - PROOF OF CLAIM**

READ ALL MATERIALS CAREFULLY BEFORE
COMPLETING THIS FORM – COMPLETE ALL SECTIONS
– FILL IN ALL BLANKS – PLEASE PRINT CAREFULLY OR
TYPE

LIQUIDATOR USE ONLY

PROOF OF CLAIM NO.: _____

DATE RECEIVED: _____

Name of claimant: _____

E-Mail Address: _____

Address of claimant: _____

Phone No.: _____

If applicable, name of Planters & Peoples policyholder and policy number.

Policyholder Name: _____

Policy Number: _____

If applicable, name of Planters & Peoples Mutual Fire Association of Fulton County policyholder and policy number.

Policyholder Name:

Policy Number:

This claim is for:

- ☐ Loss under policy (Claim by insured of Planters & Peoples for policy benefits)
- ☐ Unearned premium refund (Portion of paid premium not earned due or retro or audit adjustment)
- ☐ General Creditor (Attorney fees, Adjuster fees, Vendors, Landlords, Lessors, Consultants, Cedants, & Reinsurers)
- ☐ All Other (Describe)

In the space below, give a concise statement of facts giving rise to your claim:

AMOUNT OF CLAIM: \$ _____

ATTACH COPIES OF ANY SUPPORTING DOCUMENTS SUCH AS CORRESPONDENCE, LAWSUITS, JUDGEMENTS, PREMIUM RECEIPTS, CANCELED CHECKS, ETC.

State of _____

County of _____

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE STATEMENTS AND ATTACHED SUPPORTING DOCUMENTS IN THIS CLAIM ARE TRUE AND CORRECT.

X _____
Claimant's Signature Date

Sworn and subscribed
Before me this _____ day of January, 2016

_____ [SEAL]

Notary Public, State of Georgia
My Commission Expires _____

NOTICE: ALL CLAIMS MUST BE RECEIVED BY THE LIQUIDATOR AT THE FOLLOWING ADDRESS ON OR BEFORE XX/XX/XXXX, OR BE FOREVER BARRED.

PLANTERS & PEOPLES MUTUAL FIRE ASSOCIATION OF FULTON COUNTY, IN LIQUIDATION

3635 Peachtree Industrial Boulevard, Suite 200

Duluth, GA 30096

PHONE (678) 584-0222

NOTICE OF LIQUIDATION

TO: All Persons and Entities having an interest in Planters & Peoples

FROM: Ralph T. Hudgens, Commissioner of Insurance of the State of Georgia as Liquidator of Planters & Peoples

INTRODUCTION

On xx/xx/2016, Planters & Peoples was ordered liquidated pursuant to the Consent Order to Liquidate Domestic Insurer (the "Liquidation Order") entered by the Honorable _____, Judge of the Superior Court of Fulton County, Georgia, in Civil Action File No. ____ CV _____. Ralph T. Hudgens, the Commissioner of Insurance of the State of Georgia, was appointed Liquidator of Planters & Peoples. The Liquidator was directed to take possession of the assets of Planters & Peoples and to administer them under the supervision of the Superior Court of Fulton County, Georgia ("Liquidation Court"). The Liquidator is vested by operation of law with title to all the property, contracts, rights, and all books and records of Planters & Peoples, wherever located.

This notice contains instructions for all persons and entities having an interest in Planters & Peoples. This notice is issued pursuant to the Official Code of Georgia Annotated Section 33-37-21 and by order of the Liquidation Court.

NOTICE OF CANCELLATION

In accordance with O.C.G.A. §33-37-18, all policies, including bonds and other non-cancelable business, other than life or accident and sickness insurance or annuities, in effect at the time of the issuance of the Liquidation Order shall remain in force only for the lesser of: (i) a period of thirty (30) days from the date of entry of the Liquidation Order, or xx/xx/xxxx; (ii) the expiration of policy coverage; (iii) the date when the insured has replaced the insurance coverage with equivalent insurance in another insurer or otherwise terminated the policy; (iv) the date on which the Liquidator effects a transfer of the policy obligation pursuant to O.C.G.A. §33-37-20(a)(10); or (v) the date proposed by the Liquidator and approved by the Liquidation Court to cancel coverage, or xx/xx/xxxx.

CLAIM PROCEDURES

The Liquidation Court has directed that notice be given to all persons who may have a claim against Planters & Peoples. If you have such a claim and wish to be considered in the liquidation proceedings, *you must follow the procedure described below or you will be forever barred from asserting a claim.*

The Liquidation Court has established xx/xx/xxxx, as the "bar date" for the filing of claims against Planters & Peoples. To have your claim considered in the Planters & Peoples liquidation, *a Proof of Claim form must be properly completed, mailed, and postmarked no later than xx/xx/xxxx.*

1. CLAIMS FOR LOSS UNDER THE POLICY:

If your claim is for **POLICY BENEFITS** and your claim is already filed with Planters & Peoples, you must complete the proof of claim form, but you do not need to resubmit documentation to support your claim. If additional information is required, you will be contacted. **If this is a new claim**, please attach documentation to support your claim.

2. RETURN OF UNEARNED PREMIUM OR OTHER PREMIUM REFUNDS:

If your claim is for the **Return of Unearned Premium or Other Premium Refunds**, please complete the front of this form. Please attach the appropriate documentation to support your claim.

3. GENERAL CREDITOR CLAIM:

If your claim is that of a **General Creditor**, please attach copies of all outstanding invoices to this form.

4. ALL OTHER:

If you have **Any Other** type of claim, describe your claim, i.e., stockholder, employee, taxes, license fees, assessments. Please attach copies of information to support your claim.

PROOF OF CLAIM FORM

The Proof of Claim must be completed in its entirety and all questions must be answered. Should there be questions that do not apply to your situation, simply complete each blank that does not require an answer with "N/A" or "not applicable." Make sure that your form is *signed under oath before a notary public*. Mail it together with all supporting documentation to the address shown below. Proof of Claim forms must be *postmarked no later than xx/xx/xxxx*. Mail Proof of Claim to:

PLANTERS & PEOPLES MUTUAL FIRE ASSOCIATION OF FULTON COUNTY, IN LIQUIDATION

3635 Peachtree Industrial Boulevard, Suite 200

Duluth, GA 30096

PHONE (678) 584-0222

All claimants must keep the Liquidator advised of any address changes subsequent to the filing of the Proof of Claim or receipt of this notice. All communications to the Liquidator should identify the claim number to the extent known.

By Order of the Liquidation Court dated xx/xx/xxxx.