STATE OF ARIZONA FILED

DEC 24 2007

# STATE OF ARIZONA

#### DEPARTMENT OF INSURANCE

Docket No. 07A-219-INS

ORDER



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In the Matter of the

Bankers Capital Life Insurance

Petitioner.

(Company Code No. 5560),

Director finds as follows:

Withdrawal of

Company

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Based upon reliable evidence provided to the Director of Insurance by the Assistant Director of the Financial Affairs Division of the Department of Insurance, the

#### FINDINGS OF FACT

- 1. Petitioner is currently licensed in the State of Arizona as an unaffiliated credit life and disability reinsurer.
- 2. Petitioner has surrendered its Arizona Certificate of Authority with the Arizona Department of Insurance.
- 3. Petitioner has filed with the Department certified copies of resolutions of the Petitioner's Board of Directors and the Petitioner's shareholder(s) authorizing Petitioner to withdraw from the insurance business by dissolution.
- 4. Petitioner has reinsured obligations under policies of insurance to policyholders and/or claimants.

- 5. Petitioner and its principal, Rudolph Farber have executed a Security Deposit, Assignment and Trust Agreement for the Sole Benefit of Policyholders and Claimants wherein Farber posted a security deposit in the amount of \$125,000 for the benefit of policyholders of and claimants against policies of insurance reinsured by Petitioner.
- 6. Petitioner has filed its certified financial statement as of October 31, 2007, with the Department.
- 7. Petitioner has an \$80,000 statutory deposit with the Department and a \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").

### **CONCLUSIONS OF LAW**

- 1. Petitioner has complied with the provisions of A.R.S. § 20-588 and with A.A.C. R20-6-303, relating to the release of its \$80,000 statutory deposit.
- 2. Pursuant to A.R.S. § 20-1083(D), a hearing on withdrawal from this State by an unaffiliated credit life and disability reinsurer is not required.

## **ORDER**

- Petitioner may file its Articles of Dissolution with the Arizona Corporation
  Commission.
- 2. Petitioner is entitled to the release of its statutory deposit in the sum of \$80,000. Petitioner's statutory deposit shall be released to the Petitioner after the Department receives the following: (a) a copy of Petitioner's Articles of Dissolution certified as having been filed with the Arizona Corporation Commission, and (b) payment of any outstanding invoices owing to the IERF. The Director has no personal liability for the release of such deposit so made by her in good faith as provided in A.R.S. §20-588(B).
- 3. The sum of \$100.00 previously credited to the IERF shall be refunded to the Petitioner, pursuant to A.R.S. § 20-159.

2 the Department unless Petitioner files its Articles of Dissolution with the Arizona 3 Corporation Commission on or before December 31, 2007. 4 5. Petitioner shall pay its certificate of authority renewal fee to the Department 5 unless Petitioner files its Articles of Dissolution with the Arizona Corporation 6 Commission on or before August 1, 2008. EFFECTIVE this 21 st day of December, 2007. 7 8 9 10 11 12 13 COPY of the foregoing mailed/delivered this <u>24th</u> day of <u>December</u>, 2007, to: 14 Gerrie Marks, Deputy Director 15 Mary Butterfield, Assistant Director Catherine O'Neil, Consumer Legal Affairs Officer 16 Steven Ferguson, Assistant Director Leslie R. Hess, Financial Affairs Legal Analyst 17 Kurt Regner, Chief Financial Analyst Department of Insurance 2910 North 44<sup>th</sup> Street, Suite 210 Phoenix, Arizona 85018 19 Thomas E. Haney 20 Attorney at Law 101 North First Avenue, Suite 2480 21 Phoenix, Arizona 85003 22 Jerney Buston 23 24

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4. Petitioner shall file its 2007 Annual Statement including applicable fees with

CHRISTINA URIAS

Director Of Insurance