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STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of:

**THE WITHDRAWAL OF:**  
**NORTH AMERICAN NATIONAL LIFE  
INSURANCE COMPANY (NAIC NO.  
73750)**

Petitioner.

**No. 08A-089-INS  
ORDER**

On August 18, 2008, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Lewis D. Kowal, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on August 20, 2008, a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

1. The Recommended Findings of Fact and Conclusions of Law are adopted.
2. Petitioner may file its Articles of Dissolution ("Articles") with the Arizona Corporation Commission ("ACC").
3. Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and Petitioner's statutory deposit shall be released to Petitioner after the Department receives an ACC certified copy of Petitioner's filed Articles and an official State Treasurer Receipt Form E101.
4. The sum of \$100.00 previously credited to the IERF shall be refunded to Petitioner. A.R.S. § 20-159.
5. Petitioner shall file its 2008 Annual Statement and Annual Tax and Fees Report with the Department, together with all applicable fees, unless Petitioner files its

1 Articles with the ACC on or before December 31, 2008.

2 6. Petitioner shall pay to the Department its 2009 Certificate of Authority renewal  
3 fee and file with the Department its 2008 Annual Form B unless Petitioner files its Articles  
4 with the ACC on or before March 31, 2009.

5 The Director of the Department has no personal liability for the release of such  
6 deposit so made by her in good faith as provided for in A.R.S. § 20-588(B).

7 NOTIFICATION OF RIGHTS

8 Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Petitioner may  
9 request a rehearing with respect to this order by filing a written motion with the Director of  
10 the Department of Insurance within 30 days of the date of this Order, setting forth the basis  
11 for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary  
12 to request a rehearing before filing an appeal to Superior Court.

13 Petitioner may appeal the final decision of the Director to the Superior Court of  
14 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal  
15 must notify the Office of Administrative Hearings of the appeal within ten days after filing  
16 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

17 DATED this 22<sup>nd</sup> day of August, 2008.

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CHRISTINA URIAS, Director  
Arizona Department of Insurance

22 COPY of the foregoing mailed this  
23 22<sup>nd</sup> day of August, 2008 to:

24 Office of Administrative Hearings  
25 1400 West Washington, Suite 101  
26 Phoenix, Arizona 85007

Mary Butterfield, Assistant Director  
Catherine O'Neil, Consumer Legal Affairs Officer

1 Steve Ferguson, Assistant Director  
Leslie R Hess, Financial Affairs Legal Analyst  
2 Kurt A. Regner, Chief Financial Analyst  
Arizona Department of Insurance  
3 2910 North 44th Street, Suite 210  
Phoenix, Arizona 85018

4 Tasha Cycholl  
5 Low & Childers, PC  
2999 N. 44<sup>th</sup> Street, Suite 250  
6 Phoenix, Arizona 85018  
Attorney For Petitioner

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9 Curvey Burton

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1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2  
3 IN THE MATTER OF:

No. 08A-089-INS

4 THE WITHDRAWAL OF  
5 NORTH AMERICAN NATIONAL LIFE  
6 INSURANCE COMPANY  
(NAIC NO. 73750)

**ADMINISTRATIVE  
LAW JUDGE DECISION**

7 PETITIONER

STATE OF ARIZONA  
RECEIVED

AUG 20 2008

DIRECTOR'S OFFICE  
INSURANCE DEPT.

10 **HEARING:** August 12, 2008

11 **APPEARANCES:** Tasha Cycholl, Esq. for North American National Life  
12 Insurance Company; Kurt Regner for the Arizona Department of Insurance

13 **ADMINISTRATIVE LAW JUDGE:** Lewis D. Kowal

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15  
16 On August 12, 2008, a hearing took place to consider the application of North  
17 American National Life Insurance Company ("Petitioner") to withdraw from the  
18 insurance business and for the release of its statutory deposit pursuant to A.R.S. § 20-  
19 588 and A.A.C. R20-6-303.

20 Based upon the entire record in this matter, the following Findings of Fact,  
21 Conclusions of Law and Order are made:

22 **FINDINGS OF FACT**

- 23 1. Petitioner has submitted its Certificate of Authority to the Arizona  
24 Department of Insurance ("Department").
- 25 2. Petitioner has filed with the Department certified copies of Resolutions of  
26 the Petitioner's Board of Directors and of Petitioner's shareholder authorizing Petitioner  
27 to withdraw from the insurance business by dissolution.
- 28 3. Petitioner has no insurance obligations, whether by policies written direct or  
29 by reinsurance ceded to it.
- 30 4. Petitioner has filed its verified financial statement as of March 31, 2008 with

Office of Administrative Hearings  
1400 West Washington, Suite 101  
Phoenix, Arizona 85007  
(602) 542-9826

1 the Department, which is within 60 days of the filing of the Application to Withdraw that  
2 was filed with the Department on April 30, 2008.

3 5. At least 10 business days before the hearing of this matter, Petitioner gave  
4 special notice to creditors and policyholders of the Petitioner, setting forth the date,  
5 place, nature and purpose of the hearing, as evidenced by an affidavit of publication.  
6 Petitioner also provided individual notice by mail to its known creditors, as evidenced by  
7 an affidavit.

8 6. Petitioner has filed with the Department a fully executed Request for  
9 Release of Certificate of Deposit Form E126CD.

10 7. Petitioner has a \$100,000.00 statutory deposit with the Department and a  
11 \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").

12 8. Petitioner waived the notice requirements regarding this public hearing.

### 13 CONCLUSIONS OF LAW

14 1. Petitioner has complied with the provisions of A.R.S. § 20-588 and with  
15 A.A.C. R20-6-303, relating to the release of its \$100,000.00 statutory deposit.

### 16 ORDER

17 1. Petitioner may file its Articles of Dissolution with the Arizona Corporation  
18 Commission.

19 2. Petitioner is entitled to the release of its statutory deposit in the sum of  
20 \$100,000.00 and the statutory deposit shall be released to the Petitioner after the  
21 Department has received: (a) a copy of Petitioner's Articles of Dissolution certified as  
22 having been filed with the Arizona Corporation Commission; and (b) an Official State  
23 Treasurer Receipt Form 101.

24 3. The Director of the Department has no personal liability for the release of  
25 the statutory deposit made by her in good faith as provided in A.R.S. § 20-588(B).

26 4. The sum of \$100.00 previously credited to the IERF shall be refunded to  
27 Petitioner pursuant to A.R.S. § 20-159.

28 5. Petitioner shall file its 2008 Annual Statement and Annual Tax and Fees  
29 Report with the Department, together with all applicable fees, unless Petitioner files its  
30 Articles of Dissolution with the Arizona Corporation Commission on or before December  
31, 2008.

1         6. Petitioner shall pay to the Department its 2009 certificate of authority  
 2 renewal fee and file with the Department its 2008 Annual Form B if Petitioner's Articles  
 3 of Dissolution are not filed with the Arizona Corporation Commission on or before  
 4 March 31, 2009.

5                 Done this day, August 18, 2008.

6   *Lewis D. Kowal*  
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8                                     Lewis D. Kowal  
 9                                     Administrative Law Judge

10  
 11         Original transmitted by mail this  
 12         19 day of August, 2008, to:

13  
 14         Department of Insurance  
 15         Christina Urias, Director  
 16         2910 North 44th Street, Ste. 210  
 17         Phoenix, AZ 85018

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 20         By *Christina Urias*