STATE OF ARIZONA

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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

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In the Matter of the Withdrawal of) Docket No. 09A-155-INS
Evergreen Life Insurance Company (AZ No. 5614))
Petitioner.))

Based upon reliable evidence provided to the Director of Insurance by the Assistant Director of the Financial Affairs Division of the Arizona Department of Insurance ("Department"), the Director finds as follows:

FINDINGS OF FACT

- 1. Petitioner is currently licensed in the State of Arizona as an unaffiliated credit life and disability reinsurer.
 - 2. Petitioner surrendered its Certificate of Authority to the Department.
- 3. Petitioner 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 filed its certified financial statement as of October 31, 2009 with the Department.
- 5. Petitioner has no insurance obligations owing to it, whether by policies written direct or by reinsurance ceded to it.
- 6. Petitioner has a \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").

7. The Department holds a \$100,000 statutory deposit on behalf of the Petitioner.

CONCLUSIONS OF LAW

- Petitioner has complied with the provisions of A.R.S. § 20-217 and with A.A.C.
 R20-6-303 relating to the surrender of its Certificate of Authority and its withdrawal from the insurance business.
- 2. 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 \$100,000 statutory deposit.

ORDER

- 1. Petitioner's request to terminate its Certificate of Authority is granted.
- 2. Petitioner may file its Articles of Dissolution with the Arizona Corporation Commission ("ACC").
- 3. Petitioner is entitled to the release of its \$100,000 statutory deposit. The Department shall release the Petitioner's statutory deposit after the Department receives the following: (a) an ACC certified copy of Petitioner's ACC filed Articles of Dissolution; (b) a fully executed Form E126CD (Request for Release of Certificate of Deposit) and a Treasurer Release Receipt Form E101, and (c) payment of any outstanding IERF invoices. 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).
- 4. Petitioner shall file its 2009 Annual Statement including applicable fees with the Department unless Petitioner files its Articles of Dissolution with the ACC on or before December 31, 2009.
- 5. Petitioner shall pay its Certificate of Authority renewal fee to the Department unless it files Articles of Dissolution with the ACC on or before August 1, 2010.

1	6. The Department shall refund to the Insurer the \$100.00 that was previously		
2	credited to the IERF pursuant to A.R.S. § 20-159.		
3	Effective this day of <u>December</u> , 2009.		
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5	CHRISTINA URIAS		
6	Director of Insurance		
7	COPY of the foregoing mailed/delivered this, 2009, to:		
8	Melissa J. Patton, Paralegal		
9	Williams, Kastner & Gibbs PLLC Two Union Square		
10	601 Union Street, Suite 4100 Seattle, Washington 98101		
11	Gerrie Marks, Deputy Director		
12	Catherine O'Neil. Consumer Legal Affairs Officer		
13			
14	Kurt Regner, Chief Financial Analyst Arizona Department of Insurance		
15	2910 N. 44 th Street, Suite 210 Phoenix, Arizona 85018		
16	Usucy Buston		
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