

STATE OF ARIZONA
FILED

DEC 24 1996

DEPT. OF INSURANCE
BY Kath

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of the Withdrawal of:)
)
6 SOUTHWEST CONSOLIDATED LIFE)
INSURANCE COMPANY (NAIC No. 72176),)
7)
Petitioner.)
8)
9)

Docket No. 96A-220-INS

ORDER

10 On December 20, 1996, the Office of Administrative Hearings, through Administrative
11 Law Judge Richard N. Blair, submitted "Recommended Decision of Administrative Law Judge"
12 ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The
13 Director of the Arizona Department of Insurance has reviewed the Recommended Decision and enters
14 the following order:

- 15 1. The recommended findings of fact and conclusions of law are adopted.
- 16 2. The Petitioner may file its Articles of Dissolution with the Arizona Corporation
17 Commission.
- 18 3. The Petitioner is entitled to the release of its statutory deposit in the sum of
19 \$116,000.00 and that the statutory deposit will be released to the Petitioner after the Department has
20 received the following: (a) a copy of Petitioner's Articles of Dissolution certified as filed with the
21 Arizona Corporation Commission; and (b) a fully executed Form E126 (Notice of Trust Deposit
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1 Release). The statutory deposit will not be released until the Department receives a fully executed copy
2 of the official State Treasurer Release Receipt.

3 4. The sum of \$100.00 previously credited to the Insurance Examiners' Revolving
4 Fund will be refunded to the Petitioner, pursuant to A.R.S. § 20-159.

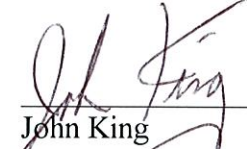
5 5. The Petitioner will file its 1996 Annual Statement with the Department, together
6 with all applicable fees, unless Petitioner files its Articles of Dissolution with the Arizona Corporation on
7 or before December 31, 1996.

8 NOTIFICATION OF RIGHTS

9 The aggrieved party may request a rehearing with respect to this Order by filing a written
10 petition with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth
11 the basis for such relief pursuant to A.A.C. R20-6-114(B).

12 The final decision of the Director may be appealed to the Superior Court of Maricopa
13 County for judicial review pursuant to A.R.S. § 20-166.

14 EFFECTIVE this 24th day of December, 1996

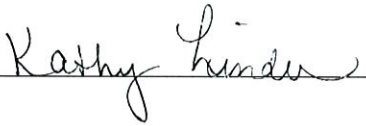
15
16 
17 John King
18 Director of Insurance
19
20
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1 A copy of the foregoing mailed
this 24th day of December, 1996

2 Charles R. Cohen, Deputy Director
3 Gregory Y. Harris, Executive Assistant Director
4 Mary Butterfield, Assistant Director
5 Catherine O'Neil, Assistant Director
6 Gary Torticill, Assistant Director
7 Deloris Williamson, Assistant Director
8 Scott Greenberg, Business Administrator
9 Rose McNabb, Solvency Support Unit Supervisor
10 Kurt Regner, Examiner
11 Arizona Department of Insurance
12 2910 N. 44th Street, Suite 210
13 Phoenix, AZ 85018

14 Office of Administrative Hearings
15 1700 West Washington, Suite 602
16 Phoenix, AZ 85007

17 Carrie M. McDonald
18 Low & Childers, P.C.
19 2999 N. 44th Street, Suite 250
20 Phoenix, AZ 85018

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1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 In the Matter of the Withdrawal of:

No. 96A-220-INS

4 **SOUTHWEST CONSOLIDATED LIFE**
5 **INSURANCE COMPANY**
6 (NAIC. No. 72176),

RECOMMENDED DECISION
OF ADMINISTRATIVE
LAW JUDGE

7 Petitioner.

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10 **HEARING:** December 20, 1996

11 **APPEARANCES:** Steve Henry, Esq., appeared on behalf of Southwest
12 Consolidated Life Insurance Company, Petitioner; and Kurt Regner appeared on behalf
13 of the Arizona Department of Insurance.

14 **ADMINISTRATIVE LAW JUDGE:** Richard N. Blair

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17 Based upon the entire record, the following recommended Findings of Fact,
18 Conclusions of Law, and Recommended Order are made:

19 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

20 1. The Petitioner has surrendered its Certificate of Authority to the Arizona
21 Department of Insurance (the "Department").

22 2. The Petitioner has filed with the Department certified copies of
23 Resolutions of the Petitioner's Board of Directors and of the Petitioner's sole
24 shareholder authorizing Petitioner to withdraw from the insurance business by
25 dissolution. The Petitioner has no insurance obligations owing to it, whether by policies
26 written direct or by reinsurance ceded to it.

27 3. The Petitioner has filed its certified financial statement as of September
28 30, 1996 with the Department.

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Office of Administrative Hearings
1700 West Washington, Suite 602
Phoenix, Arizona 85007
(602) 542-9826

1 4. At least 10 business days before the hearing of this matter, Petitioner
2 gave special notice to creditors and policyholders of the Petitioner, setting forth the
3 date, place, nature and purpose of the hearing, as evidenced by the affidavit of
4 publication. Petitioner also certified that it has no creditors in the State of Arizona and
5 has no remaining obligations or liabilities in the State of Arizona.

6 5. The Petitioner has a \$116,000.00 statutory deposit with the Department
7 and a \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").

8 6. The Petitioner has complied with the provisions of A.R.S. §20-588 and
9 with A.A.C. R20-6-303, relating to the release of its \$116,000.00 statutory deposit.

10 **RECOMMENDED ORDER**

11 The undersigned Administrative Law Judge recommends that:

12 1. The Petitioner may file its Articles of Dissolution with the Arizona
13 Corporation Commission.

14 2. The Petitioner is entitled to the release of its statutory deposit in the sum of
15 \$116,000.00 and that the statutory deposit shall be released to the Petitioner
16 after the Department has received the following: (a) a copy of Petitioner's Articles of
17 Dissolution certified as filed with the Arizona Corporation Commission; and (b) a fully
18 executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot
19 be released until the Department receives a fully executed copy of the official State
20 Treasurer Release Receipt.

21 3. The sum of \$100.00 previously credited to the IERF be refunded to the
22 Petitioner, pursuant to A.R.S. §20-159.

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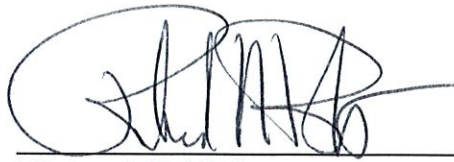
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1 4. The Petitioner file its 1996 Annual Statement with the Department,
2 together with all applicable fees, unless Petitioner files its Articles of Dissolution with the
3 Arizona Corporation Commission on or before December 31, 1996
4

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6 Done this day, December 20, 1996
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10 

11 **Richard N. Blair**
12 Administrative Law Judge
13

14 *Original*
15 Copy transmitted by mail
16 December ²⁰ 1996
17 by *Chris Crawford* _____ ; to:

18 John King
19 Director
20 Department of Insurance
21 2910 North 44th Street, #210
22 ATTN: Curvey Burton
23 Phoenix, AZ 85018-7256
24
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26
27
28
29
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