

MAR 23 1998

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE
BY ED

1 In the Matter of the Merger of:)
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 10)

CAPITOL NATIONAL LIFE INSURANCE
 COMPANY (NAIC No. 73032),
 Insurer,
 into
 CAPITOL AMERICAN LIFE INSURANCE
 COMPANY (NAIC No. 78174),
 Petitioner.

Docket No. 97A-205-INS

ORDER

11
 12 On March 11, 1998, the Office of Administrative Hearings, through Administrative Law
 13 Judge Lewis D. Kowal submitted a "Recommended Decision of Administrative Law Judge"
 14 ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The
 15 Director of the Arizona Department of Insurance has reviewed the Recommended Decision and enters
 16 the following order:


- 17 1. The recommended findings of fact and conclusions of law are adopted.
- 18 2. The Plan and Agreement of Merger between the Insurer and the Petitioner is
 19 approved.
- 20 3. The Petitioner may file its Articles of Merger with the Arizona Corporation
 21 Commission upon receipt of approval of this merger by the Ohio Department of Insurance.

1 NOTIFICATION OF RIGHTS

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

5 The final decision of the Director may be appealed to the Superior Court of Maricopa
6 County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must notify the Office of
7 Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal,
8 pursuant to A.R.S. § 41-1092.10.

9 DATED this 20 day of March, 1998

10
11 
12 John A. Greene
13 Director of Insurance

14 A copy of the foregoing mailed
15 this 23rd day of March, 1998

16 Charles R. Cohen, Deputy Director
17 Gregory Y. Harris, Executive Assistant Director
18 Mary Butterfield, Assistant Director
19 Catherine O'Neil, Assistant Director
20 Gary Torticill, Assistant Director
21 Deloris Williamson, Assistant Director
22 Scott Greenberg, Business Administrator
23 Arizona Department of Insurance
2910 N. 44th Street, Suite 210
Phoenix, AZ 85018

Office of Administrative Hearings
1700 W. Washington, Suite 602
Phoenix, AZ 85007

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2 40 N. Central Avenue
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3
4 Ronald L. Jackson
Conseco Companies
11815 N. Pennsylvania St.
5 P.O. Box 1911
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6
7 *Esther Davis* _____

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1 previously filed with the Arizona Department of Insurance ("Department"):

- 2 a. Is contrary to law.
- 3 b. Is unfair in the terms and conditions of the issuance and exchange of
- 4 securities.
- 5 c. Would substantially reduce the security of and service to be rendered to
- 6 policyholders of the Insurer in this State or elsewhere.

7 6. Based upon the Department's review of Petitioner's filing which indicated

8 that the Petitioner has complied with the provisions of A.R.S. §20-731, the Department

9 recommended that the Director approve the Plan and Agreement of Merger filed in this

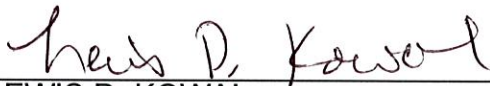
10 matter.

11 **RECOMMENDED ORDER**

12 The undersigned Administrative Law Judge recommends that:

- 13 1. The Plan and Agreement of Merger between the Insurer and the
- 14 Petitioner be approved .
- 15 2. The Petitioner may file its Articles of Merger with the Arizona Corporation
- 16 Commission upon receipt of approval of this merger by the Ohio Department of
- 17 Insurance.

18 Done this day; March 11, 1998.

19 
LEWIS D. KOWAL
Administrative Law Judge

20

21 Original transmitted by mail this

22 12 day of March, 1998, to:

23 Mr. John A. Greene, Director

24 Department of Insurance

25 2910 North 44th Street, #210

26 ATTN: Curvey Burton

27 Phoenix, AZ 85018-7256

28

29 By 

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