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STATE OF ARIZONA

DEPARTMENT OF INSURANCE
By KHL

DEPARTMENT OF INSURANCE

In the Matter of

Docket No. 96A-006

OLD COLONY LIFE INSURANCE COMPANY, formerly named KENNESAW LIFE AND ACCIDENT INSURANCE COMPANY, (NAIC No. 65161), a Georgia corporation,

ORDER RELEASING
RETALIATORY DEPOSIT

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Petitioner.

A.R.S. §20-588 provides for release of deposits made under A.R.S. Title 20 upon application to and the written Order of the Director of Insurance.

FINDINGS OF FACT

- 1. Petitioner, Old Colony Life Insurance Company ("Old Colony"), NAIC No. 65161, a foreign life and disability insurer, currently has Thirty-five Thousand Dollars (\$35,000) on deposit with the State Treasurer for the protection of the Petitioner's policyholders within the State of Arizona, pursuant to A.R.S. §§20-230 and 20-582(3).
- 2. Old Colony was placed in liquidation pursuant to an Amended Final Order of Liquidation, Civil Action No. E827, issued by the Superior Court, Fulton County, Georgia, on June 30, 1994.
- 3. The Amended Order of Liquidation appoints the Georgia Insurance Commissioner as Liquidator and Permanent Receiver of Old Colony and directs him to take possession of all assets of Old Colony to which a Receiver is entitled under Georgia law, wherever such assets may be located.

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4. Pursuant to the Amended Order of Liquidation, Old Colony filed an application dated August 3, 1994 for release of the retaliatory deposit, in accordance with A.R.S. §20-588(A)(3) and (B).

CONCLUSIONS OF LAW

- 1. The Director shall have no personal liability for any release of a deposit made in good faith, pursuant to A.R.S. §20-588(B).
- 2. Old Colony is entitled to the release of the retaliatory deposit pursuant to A.R.S. §20-588(A)(3), of which \$26,500 shall be paid to the Arizona Life and Disability Insurance Guaranty Fund in accordance with the Application (Form E126) received from the Receiver of Old Colony.

ORDER

THEREFORE IT IS ORDERED that the Thirty-five Thousand Dollar (\$35,000) retaliatory deposit of Old Colony Life Insurance Company shall be released upon receipt by the Department of a fully executed Form E126 Notice of Statutory Deposit Release, and that Old Colony Life Insurance Company shall pay \$26,500 of the released deposit to the Arizona Life and Disability Insurance Guaranty Fund.

DATED this 24 th day of January, 1996.

CHRIS HERSTAM
Director of Insurance

1 COPY of the foregoing mailed/delivered this 24th day of January, 1996: 2 Sara Begley, Deputy Receiver 3 Gary Torticill, Assistant Director Kelly McKay, Deputy Assistant Director 4 Cary Cook, Solvency Support Unit Supervisor Arizona Department of Insurance 5 2910 North 44th Street, Suite 210 Phoenix, Arizona 85018 6 Michael C. Marchman, Deputy Receiver Old Colony Life Insurance Company in Liquidation Office of Deputy Receiver 2177 Flintstone Dr., Suite R Tucker, GA 30084 9 Jack Trimble, Managing Secretary 10 Arizona Life and Disability Insurance Guaranty Fund P.O. Box 10236 11 Phoenix, AZ 85064 12 13 Chris Crawford 14 15 16 17 18 19 20 21 22 **2**3 24 **2**5

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