STATE OF ARIZONA

DEC 2 6 1997

DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE BY Kath

In the Matter of the Withdrawal of:

Docket No. 97A-189-INS

NATIONAL MARKETING LIFE INSURANCE COMPANY (NAIC No. 60075),

ORDER

Petitioner.

On December 24, 1997, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal submitted Recommended Decision of Administrative Law Judge ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the Arizona 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.
- The Petitioner may file its Articles of Dissolution with the Arizona Corporation
 Commission.
- 3. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and that the statutory deposit will be released to the Petitioner after the Department has received the following: (a) a copy of Petitioner's Articles of Dissolution certified as having been filed with the Arizona Corporation Commission; and (b) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit will not be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt.

1	4. The sum of \$100.00 previously credited to the Insurance Examiners' Revolving
2	Fund will be refunded to the Petitioner, pursuant to A.R.S. § 20-159.
3	5. The Petitioner will file its 1997 Annual Statement with the Department, together
4	with all applicable fees, unless Petitioner files its Article of Dissolution with the Arizona Corporation
5	Commission on or before December 31, 1997.
6	NOTIFICATION OF RIGHTS
7	The aggrieved party may request a rehearing with respect to this Order by filing a written
8	petition with the Office of Administrative Hearings within 30 days of the date of this Order, setting forth
9	the basis for such relief pursuant to A.A.C. R20-6-114(B).
10	The final decision of the Director may be appealed to the Superior Court of Maricopa
11	County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must notify the Office of
12	Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal,
13	pursuant to A.R.S. § 41-1092.10.
14	DATED this 24 day of Decluber, 1997
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17	John A. Greene
18	Director of Insurance
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1	A copy of the foregoing mailed this ale day of <u>Ocember</u> , 1997
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3	Charles R. Cohen, Deputy Director Gregory Y. Harris, Executive Assistant Director
4	Mary Butterfield, Assistant Director Catherine O'Neil, Assistant Director
5	Gary Torticill, Assistant Director Deloris Williamson, Assistant Director
6	Scott Greenberg, Business Administrator Department of Insurance
7	2910 N. 44th Street, Suite 210 Phoenix. AZ 85018
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. 92.00	Phoenix, AZ 85007
9	Office of Administrative Hearings
10	1700 W. Washington, Suite 602 Phoenix, AZ 85007
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12	Steven R. Henry Low & Childers, P.C.
13	2999 N. 44th Street, Suite 250 Phoenix, AZ 85018
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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

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29 30 In the Matter of the Withdrawal of

NATIONAL MARKETING LIFE INSURANCE COMPANY (NAIC No. 60075),

Petitioner.

No. 97A-189-INS

RECOMMENDED DECISION OF ADMINISTRATIVE LAW JUDGE

HEARING: December 22, 1997

<u>APPEARANCES:</u> Steven R. Henry, Esq. for Petitioner; Kurt Regner for the Arizona Department of Insurance

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

On December 22, 1997, a hearing took place at, to consider the application of National Marketing Life Insurance Company ("the "Petitioner"), to withdraw from the insurance business and for the release of its statutory deposit pursuant to A.R.S. §20-588 and A.A.C. R20-6-303.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1. The Petitioner has filed an Affidavit of Lost Certificate of Authority with the Arizona Department of Insurance ("Department").
- 2. The Petitioner has filed with the Department certified copies of Resolutions of the Petitioner's Board of Directors and of the Petitioner's shareholder(s) authorizing Petitioner to withdraw from the insurance business by dissolution.
- 3. The Petitioner has no insurance obligations owing to it, whether by policies written direct or by reinsurance ceded to it.
- 4. The Petitioner has filed its certified financial statement as of June 30, 1997, with the Department.
- 5. Petitioner also represented that it has no creditors in the State of Arizona and has no remaining obligations or liabilities in the State of Arizona.

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

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

RECOMMENDED ORDER

The undersigned Administrative Law Judge recommends that:

- 1. The Petitioner may file its Articles of Dissolution with the Arizona Corporation Commission.
- 2. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and that the statutory deposit shall be released to the Petitioner after the Department has received the following: (a) a copy of Petitioner's Articles of Dissolution certified as having been filed with the Arizona Corporation Commission; and (b) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt.
- 3. The sum of \$100.00 previously credited to the IERF be refunded to the Petitioner, pursuant to A.R.S. §20-159.
- 4. The Petitioner file its 1997 Annual Statement with the Department, together with all applicable fees, unless Petitioner files its Article of Dissolution with the Arizona Corporation Commission on or before December 31, 1997.

Done this day, December 24, 1997.

LEWIS D. KOWAL

Administrative Law Judge

Original delivered by mail this <u>24</u> day of December, 1997:

John A. Greene, Director Department of Insurance Attn: Curvey Burton 2901 N. 44th St., Suite 210 Phoenix, AZ 85018

By Chris Crewford Thomeson