

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Commonwealth Insurance Company, :  
In Liquidation : No. 1 CIC 2014

**LIQUIDATOR'S FINAL ACCOUNTING AND**  
**APPLICATION FOR FINAL DISTRIBUTION AND DISCHARGE**

Teresa D. Miller, Insurance Commissioner of the Commonwealth of Pennsylvania, in her official capacity as Statutory Liquidator ("Liquidator") of Commonwealth Insurance Company ("CIC"), by her undersigned attorney, pursuant to 40 P.S. § 221.46 and 40 P.S. § 221.48, respectfully files this final accounting and applies to the Court to approve the final distribution of CIC's assets to its surety bond claimants and discharge the Liquidator to complete the liquidation of CIC, and thus represents:

1. By Order of this Court dated March 20, 2014, CIC was ordered liquidated, and the Insurance Commissioner of the Commonwealth of Pennsylvania was appointed Liquidator and directed to take possession of CIC's property and to liquidate its business and affairs. Teresa D. Miller is the current Insurance Commissioner, and thus is the current Liquidator of the CIC estate.

2. The CIC Special Purpose Statement of Assets, Liabilities and Equity as of June 30, 2016, discloses assets of \$363,782. (See CIC's Special Purpose Statement of Assets, Liabilities and Equity attached hereto as Exhibit A.)

3. The total net assets available for distribution as of June 30, 2016, after a reserve of \$10,000 for future expenses to be paid by the Liquidator, are \$363,782. (See Exhibit A.)

4. All claims have been evaluated and there are no unresolved objections to the amount allowed for any claim.

5. The total for class "a", "e", and "f" priority claims that has been approved and allowed is \$2,218,250. There are no "b", "c", "d", "g", "h" or "i" claims.

6. Attached hereto as Exhibit "B" is a list of all CIC claimants who had claims approved and the amount allowed for each claim. The Liquidator requests this Court's approval of the following distribution of the assets of CIC as follows:

- a. Priority class "a" claims will be paid at 100%. The Liquidator has already received \$48,712 in administrative expenses.
- b. There are no priority class "b" claims.
- c. There are no priority class "c" claims.
- d. There are no priority class "d" claims.
- e. Priority class "e" claims will be paid at least 2.39%.
- f. Priority class "f" claims will not be paid.
- g. There are no priority class "g" claims.
- h. There are no priority class "h" claims.
- i. There are no priority class "i" claims.



7. The Liquidator has collected all the assets deemed worthy of pursuit.
8. Attached hereto as Exhibit "C" is a copy of the Notice of the filing of this Final Accounting and Application for Final Distribution and Discharge, to be sent to all claimants in this matter upon this Court's approval of the form of Notice.
9. All claimants listed on Exhibit "B" will be served with the Notice and provided 30 days from the date of the Notice to file objections, if any, to the Final Accounting and Application for Final Distribution and Discharge.
10. Once all objections to the Final Accounting and Application for Distribution and Discharge, if any, have been resolved, the Liquidator will file a final Application with this Court seeking an order as set forth in Exhibit "D" approving his Final Accounting and Application for Final Distribution and Discharge.
11. The Liquidator believes that no useful purpose will be served in preserving the records of CIC, other than limited administrative files and records within the Liquidator's discretion, and therefore, recommends pursuant to 40 P.S. § 221.50, that the Liquidator be authorized to destroy records no longer considered useful.
12. The Liquidator believes that there are no other remaining assets of CIC, but respectfully requests that in the event any unanticipated funds are received, such additional funds be used to satisfy any unreimbursed administrative expenses incurred by the Liquidator.
13. The Liquidator respectfully requests that Teresa D. Miller, in her official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, and her predecessors and successors in office, be discharged as Statutory Liquidator of CIC, and thereby released from any liability to make payment of any further claims following the distribution of CIC's assets as proposed in this Application.

WHEREFORE, the Liquidator prays Your Honorable Court that the form of Notice to be sent by first-class mail to claimants be approved.

Respectfully submitted:

By: 

Preston M. Buckman (I.D. No. 57570)  
PA Office of General Counsel  
Pennsylvania Insurance Department  
Office of Liquidations, Rehabilitations  
and Special Funds  
901 North 7<sup>th</sup> Street, Suite 201  
Harrisburg, PA 17102  
(717) 787-6009

Attorney for Applicant, Theresa D. Miller,  
Insurance Commissioner of the Commonwealth of  
Pennsylvania, in her Official Capacity as Liquidator  
of Commonwealth Insurance Company (In  
Liquidation)

Date: 

# **EXHIBIT A**

## Commonwealth Insurance Company (In Liquidation)

### SPECIAL PURPOSE STATEMENT OF ASSETS, LIABILITIES and EQUITY - Unaudited As of June 30, 2016

	<u>6/30/2016</u>
<u>Assets</u>	
Cash	\$ 363,782
Total Assets	\$ 363,782
<u>Liabilities</u>	
Class A Liquidator Administrative Expenses Unpaid	308,167
Class E Claims - Liquidator	1,907,223
Class F Claims - Liquidator	2,860
Total Liabilities	\$ 2,218,250
<u>Equity</u>	
Deficit at June 30, 2016	\$ (1,854,468)
Total Equity	\$ (1,854,468)
Total Liabilities and Equity	\$ 363,782

## **EXHIBIT B**



**Final Court Report**  
**for: COMMONWEALTH INSURANCE COMPANY**

Class	Address	POC #	POC Received Dt	Claim Numbers	Total Claimed Amt	Total Allowed Amt
E	701 WEST LEHIGH PARTNERS, LP 701 WEST LEHIGH AVE PHILADELPHIA, PA 19133	65	11/13/2014	2014-002	549,545.10	88,264.00
E	ABEER LP 2457 - 59 N 54TH STREET PHILADELPHIA, PA 19131	33	09/08/2014		20,000.00	0.00
E	AHERN RENTALS 1401 MINERAL AVE LAS VEGAS, NV 89106	20	05/27/2014	2014-006	7,059.68	0.00
E	ALLSTATES BONDING COMPANY JOHN WAITE 331 N. BROAD STREET LANSDALE, PA 19446	43	11/04/2014		9,375.00	9,375.00
E	ASCHER, DANIEL 638 PINE STREET PHILADELPHIA, PA 19147	7	04/10/2014		270.00	0.00
E	BYRD YEANY SEEDING-MULCHING 291 MAYPORT RD MAYPORT, PA 16240	24	06/23/2014	2014-005	122,553.16	122,553.16
E	CLEVELAND BROTHERS EQUIPMENT CO., INC. BERNARD S. RUBB, ESQ. 434 OLIVER ROAD SEWICKLEY, PA 15143	73	11/21/2014	2014-015	857,004.62	509,047.78
E	CLEVELAND BROTHERS EQUIPMENT CO., INC. BERNARD S. RUBB, ESQ. 434 OLIVER ROAD SEWICKLEY, PA 15143	74	11/21/2014	2014-015	0.00	0.00
E	COMMONWEALTH OF PENNSYLVANIA P O BOX 68283 HARRISBURG, PA 17106	32	09/08/2014	14-00009	240.00	0.00
E	DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464 HARRISBURG, PA 17105	48	11/10/2014		0.00	0.00
E	DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464	49	11/10/2014		0.00	0.00



E	HARRISBURG, PA 17105 DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464 HARRISBURG, PA 17105	51	11/10/2014		0.00	0.00
E	DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464 HARRISBURG, PA 17105	52	11/10/2014		0.00	0.00
E	DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464 HARRISBURG, PA 17105	54	11/10/2014		0.00	0.00
E	DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464 HARRISBURG, PA 17105	56	11/10/2014		0.00	0.00
E	DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464 HARRISBURG, PA 17105	58	11/10/2014		0.00	0.00
E	DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464 HARRISBURG, PA 17105	60	11/10/2014		0.00	0.00
E	DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464 HARRISBURG, PA 17105	62	11/10/2014		0.00	0.00
E	DEPT OF ENVIRONMENTAL PROTECTION 400 MARKET STREET P O BOX 8464 HARRISBURG, PA 17105	64	11/10/2014		0.00	0.00
E	ED KRASAVAGE CONSTRUCTION INC JOSEPH G ALBERT/ALBERT & KAMAGE 458 WYOMING AVE SUITE 201	78	09/24/2015	2015-001	218,613.20	218,613.20
E	ELECTRA COMPANY, INC. 1400 WELLS DRIVE - UNIT B BENSALEM, PA 19020	15	04/18/2014		0.00	0.00
E	FRANZOSA TRUCKING CO., INC.	23	06/23/2014		100,412.00	100,412.00

	1037 PEACE STREET HAZELTON, PA 18202						
E	GOLD GLOVE SPORTS TOURS, INC. 12 KNOTTS ROAD SCHUYLKILL HAVEN, PA 17972	28	06/30/2014		300.00	0.00	
E	GOLD GLOVE SPORTS TOURS, INC. 12 KNOTTS ROAD SCHUYLKILL HAVEN, PA 17972	39	10/23/2014		10,000.00	0.00	
E	HENRY, THOMAS 463 CHIMNEY ROCKS RD HOLLIDAYSBURG, PA 16648	30	07/17/2014		1,000.00	0.00	
E	HOLIDAY TRENTON, INC. MARK A. ROTHBERG, ESQUIRE, WILF LAW FIRM, LLP 820 MORRIS TURNPIKE - SUITE 201	36	10/14/2014	2014-003	727,579.00	721,705.70	
E	HUGHES URETHANE CONSTRUCTION CO., INC. P O BOX 278 SOUTHAMPTON, PA 18966	12	04/17/2014		1,500.00	0.00	
E	J A CARVELL LOGGING 417 EAST MAIN STREET NEW HOLLAND, PA 17557	44	11/07/2014		898.00	0.00	
E	JAMISON'S TOWING 3215 SOUTH 63RD STREET PHILADELPHIA, PA 19153	10	04/14/2014		275.00	271.23	
E	JAMISON'S USED AUTO PARTS, INC. 529 FLINT HILL RD KING OF PRUSSIA, PA 19406	8	04/14/2014		275.00	210.41	
E	JWF INVESTING, INC. 2430 SHREWSBURY RD ORLANDO, FL 32803	27	06/25/2014	2014-008	5,000.00	0.00	
E	KUHARCHIK CONSTRUCTION INC. ROBERT P BRESNAHAN JR. 420 SCHOOLEY AVENUE EXETER, PA 18643	38	10/14/2014	2014-010	63,125.76	26,880.00	
E	LEE, EMILY 8037 OLD YORK ROAD ELKINS PARK, PA 19027	18	05/09/2014		60.00	0.00	
E	LOUIS J. MANZIE, INC. 1155 FRANCIS LANE STROUDSBURG, PA 18360	66	11/14/2014		100.00	29.31	
E	LOUIS J. MANZIE, INC. 1155 FRANCIS LANE CTBOILINGFIELD, PA 18360	67	11/14/2014		200.00	32.33	

UNRECORDED/PA 18360

E	LOUIS J. MANZIE, INC. 1155 FRANCIS LANE STROUDSBURG, PA 18360	68	11/14/2014		200.00	200.00
E	MANHEIM QUALITY CAR CARE AUTO SALES 372 S MAIN STREET MANHEIM, PA 17545	25	06/23/2014		600.00	240.00
E	MERRILL CORPORATION ONE MERRILL CIRCLE ST PAUL, MN 55108	29	07/14/2014		685.36	685.36
E	MILLER GAS & OIL SERVICE DEVIN CHWASTYK 100 PINE STREET HARRISBURG, PA 17101	69	11/20/2014	2014-012	120,535.91	55,111.13
E	MISTER P EXPRESS, INC 801 TREY STREET JEFFERSONVILLE, IN 47130	5	03/28/2014	2014-004	1,550.00	0.00
E	MURRAY EIGHT AGENCY, INC. 400 W LANCASTER AVE. DEVON, PA 19333	46	11/10/2014		2,429.60	0.00
E	NORTH EAST MARINE SERVICES, INC. P O BOX 647 NORTH EAST, PA 16428	16	04/28/2014		1,299.00	1,299.00
E	PA FISH AND BOAT COMMISSION BRENDA VERNER 1601 ELMERTON AVE HARRISBURG, PA 17110	22	06/09/2014	2014-007	1,023.58	0.00
E	PA TURNPIKE COMMISSION DARLA KEICHNER 700 S EISENHOWER BLVD MIDDLETOWN, PA 17057	35	09/26/2014	2014-009	1,052.75	1,052.75
E	PHILLIPS & DART OIL FIELD SERVICES, INC. 3502 RT 646 P O BOX 222 GIFFORD, PA 16732	76	12/05/2014		3,442.00	5,323.00
E	PLANTS AND GOODWIN, INC 1034 RT 44 SHINGLEHOUSE, PA 16748	13	04/17/2014		2,139.00	0.00
E	POWERCO 7247 PENN DR ALLEN TOWN, PA 19131	71	11/21/2014	2014-002	13,937.58	13,430.26
E	RELIABLE AGGREGATE	14	04/17/2014		5,000.00	0.00



TRANSPORTATION SERVICE						
E	17 ARENTZEN BLVD SUITE 206 CHARLEROI, PA 15022 RICHLAND TOWNSHIP SUPERVISORS 322 SCHOOLHOUSE RD SUITE 110 JOHNSTOWN, PA 15904	41	10/27/2014	2014-011	42,668.00	0.00
E	SCHULTZ ENTERPRISES, INC. 541 FLINT HILL RD KING OF PRUSSIA, PA 19406	11	04/14/2014		125.00	92.05
E	SNOW CRAB DINING LLC MANDY SLENN P O BOX 544 DREXEL HILL, PA 19026	42	11/04/2014		0.00	0.00
E	SPT INC T/A 3215 SOUTH 63RD STREET PHILADEPHIA, PA 19153	9	04/14/2014		275.00	210.41
E	SUBURBAN WASTE SERVICES 1813 MARSH RD., SUITE C WILMINGTON, DE 19810	75	11/21/2014		32,184.75	32,184.75
E	TAYLOR ASSOCIATES, LP STEPHEN T. CARPENITO 200 MAHANTONGO STREET POTTSVILLE, PA 17901	70	11/21/2014	2014-013	0.00	0.00
F	COMMONWEALTH OF PENNSYLVANIA, DEPT OF LABOR AND INDUSTRY 651 BOAS STREET	77	08/06/2015		2,859.60	2,859.60



# **EXHIBIT C**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Commonwealth Insurance Company, :  
In Liquidation : No. 1 CIC 2014

**NOTICE TO ALL CLAIMANTS OF  
COMMONWEALTH INSURANCE COMPANY**

PLEASE TAKE NOTICE that Teresa D. Miller, in her official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, and as such, Statutory Liquidator of Commonwealth Insurance Company (In Liquidation) ("Liquidator"), has filed her Final Accounting and Application for Final Distribution and Discharge ("Application"). The Application sets forth the steps taken in this liquidation during this period of time.

PLEASE TAKE FURTHER NOTICE that the total for class "a", "e" and "f" claims that has been approved and allowed is \$2,218,250. There are no class "b", "c", "d", "g", "h" or "i" claims. The total net assets available for distribution, after payment of administrative expenses incurred by the Liquidator, are \$45,615.

The Application requests that:

1. The Final Accounting and Petition for Final Distribution and Discharge of Teresa D. Miller, in her official capacity as Insurance Commissioner of the Commonwealth of

Pennsylvania, as Statutory Liquidator of Commonwealth Insurance Company (In Liquidation) ("CIC"), be approved and confirmed absolutely.

2. The Liquidator be authorized to make a distribution of the assets of CIC in accordance with paragraph 6 of the Application as follows:

- a. Priority class "a" claims will be paid at 100%. The Liquidator has already received \$48,712 in administrative expenses.
- b. There are no priority class "b" claims.
- c. There are no priority class "c" claims.
- d. There are no priority class "d" claims.
- e. Priority class "e" claims will be paid at least 2.39%.
- f. Priority class "f" claims will not be paid.
- g. There are no priority class "g" claims.
- h. There are no priority class "h" claims.
- i. There are no priority class "i" claims.

3. The Liquidator's form of Notice to be sent by first class mail to claimants be approved.

4. The Liquidator be authorized to destroy records of CIC, other than appropriate administrative files, within the Liquidator's discretion.

5. Any assets of CIC received after the date of discharge be used to satisfy any unreimbursed administrative expenses incurred by the Liquidator.

6. Teresa D. Miller, in her official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, and her predecessors and successors in office, be discharged as Statutory Liquidator of CIC, and thereby released from any liability to make payment of any further claims.

TAKE FURTHER NOTICE that objections to the Final Accounting and Application for Final Distribution and Discharge must be filed in writing with the Commonwealth Court of Pennsylvania, Office of the Chief Clerk, 601 Commonwealth Avenue, Suite 2100, Harrisburg, Pennsylvania 17106-9185, or with the Pennsylvania Insurance Department, Bureau of Liquidations Claims, 901 North 7th Street, Harrisburg, Pennsylvania 17102. In the event of such a filing, please refer to Docket No. 1 CIC 2014.

Objections must be filed within 30 days of the date of this Notice, or they shall be forever barred. Objections must be clearly and concisely written.

Copies of this Final Accounting and Application for Final Distribution and Discharge are available to interested parties for inspection at the Commonwealth Court of Pennsylvania, Office of the Chief Clerk, 601 Commonwealth Avenue, Suite 2100, Harrisburg, Pennsylvania 17106-9185; and the PA Insurance Department, 901 North 7th Street, Harrisburg, Pennsylvania 17102.

If you have any questions, please call the Bureau of Liquidations Claims, 901 North 7th Street, Harrisburg, Pennsylvania 17102, (717) 787-7823.

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Laura L. Slaymaker  
Deputy Insurance Commissioner



# **EXHIBIT D**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Commonwealth Insurance Company, :  
In Liquidation : No. 1 CIC 2014

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2016, upon consideration of the foregoing Application, it is ordered and decreed that:

1. The Final Accounting and Application for Final Distribution and Discharge of Teresa D. Miller, in her official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, as Statutory Liquidator of Commonwealth Insurance Company (In Liquidation) (“Liquidator”), is approved and confirmed absolutely.

2. The Liquidator is authorized to make distribution of the assets of Commonwealth Insurance Company (In Liquidation) in accordance with paragraph 6 of the aforementioned Application as follows:

- a. Priority class “a” claims will be paid at 100%. The Liquidator has already received \$48,712 in administrative expenses.
- b. There are no priority class “b” claims.
- c. There are no priority class “c” claims.

- d. There are no priority class "d" claims.
- e. Priority class "e" claims will be paid at least 2.39%.
- f. Priority class "f" claims will not be paid.
- g. There are no priority class "g" claims.
- h. There are no priority class "h" claims.
- i. There are no priority class "i" claims.

3. The Liquidator is authorized to destroy the records of Commonwealth Insurance Company (In Liquidation) other than appropriate administrative files within the Liquidator's discretion.

4. Any assets of Commonwealth Insurance Company (In Liquidation) received after the date of discharge are to be used to satisfy any unreimbursed administrative expenses incurred by the Liquidator.

5. Teresa D. Miller, in her official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, and her predecessors and successors in office, are discharged as Statutory Liquidator of Commonwealth Insurance Company (In Liquidation) and are hereby released from any liability to make payment of any further claims.

BY THE COURT:

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BONNIE BRIGANCE LEADBETTER,  
SENIOR JUDGE

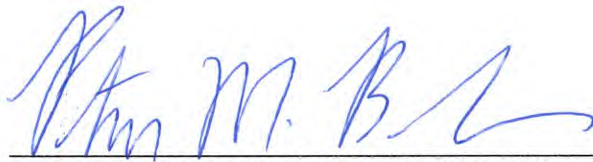
**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 1 Pa. Code Chapter 33 in the following manner:

Service via eservice through PACFile, and regular U.S. Mail addressed as follows:

William R. Balaban, Esquire  
*WBalaban@BalabanAndAssociates.com*  
27 North Front Street  
Harrisburg, PA 17101-1606  
(717) 695-2901  
(717) 695-7914 (fax)

Bernard S. Rubb, Esquire  
*bernierubb@gmail.com*  
434 Oliver Road  
Sewickley, PA 15143  
(412) 741-3021  
(412) 741-3011 (fax)



PRESTON M. BUCKMAN (I.D. #57570)

Insurance Department Counsel  
Office of Liquidations, Rehabilitations  
& Special Funds  
Governor's Office of General Counsel  
Capital Associates Building  
901 North 7<sup>th</sup> Street  
Harrisburg, PA 17102  
(717) 787-6009

Counsel for the Statutory Liquidator of  
Commonwealth Insurance Company

DATED: 9/7/16



IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Commonwealth Insurance Company, :  
In Liquidation : No. 1 CIC 2014

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2016, upon consideration of the Final Accounting and Application for Final Distribution and Discharge of Teresa D. Miller, in her official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, as Statutory Liquidator of Commonwealth Insurance Company (In Liquidation), Applicant's form of Notice to be sent by first-class mail to claimants is APPROVED.

BY THE COURT:

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BONNIE BRIGANCE LEADBETTER,  
SENIOR JUDGE



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 7, 2016

Michael F. Krimmel, Chief Clerk  
Commonwealth Court of Pennsylvania  
601 Commonwealth Avenue, Suite 2100  
P.O. Box 69185  
Harrisburg, PA 17120-9185

***Re: In Re: Commonwealth Insurance Company (In Liquidation)  
No. 1 CIC 2014***

Dear Mr. Krimmel:

Attached for filing please find the Liquidator's Final Accounting and Application for Final Distribution and Discharge with regard to the above-referenced matter.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in blue ink, reading "P. M. Buckman".

Preston M. Buckman  
Insurance Department Counsel

PMB:drh

Enclosures