

## IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Senior American Insurance                   :     No. 1 SAI 2018  
Company (In Liquidation)                         :

### AMENDED APPLICATION SEEKING DISCHARGE OF THE LIQUIDATOR IN ACCORDANCE WITH 40 P.S. § 221.48(a)<sup>1</sup>

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Michael Humphreys, Insurance Commissioner of the Commonwealth of Pennsylvania, in his official capacity as Statutory Liquidator (hereinafter, "Liquidator") of Senior American Insurance Company ("SAIC"), by his undersigned counsel, respectfully represents that:

#### **Background**

1. By Memorandum and Order of this Court dated August 15, 2019, which had an effective date of September 3, 2019, SAIC was placed in liquidation.
2. On February 28, 2023, the Liquidator filed with this Court his Application for Approval of Notice of Final Accounting, Proposal for Final Distribution, and Final Claims Report ("First Application"), seeking to make a final distribution of those assets he has collected in accordance with 40 P.S. § 221.44.

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<sup>1</sup> The Liquidator filed a discharge application for SAIC on August 31, 2023. A praecipe to withdraw that discharge application is being filed along with the filing of this amended discharge application.

3. This Court approved the Notice of the First Application on March 3, 2023, after which the Liquidator mailed the Notice to all known claimants on March 7, 2023. The Liquidator did not receive any objections to the Notice of the First Application.

4. On April 21, 2023, the Liquidator filed an Application for Approval of Final Accounting, Final Distribution, Final Claims Report and Recommendation for Disposition of Records Pursuant to 40 P.S. § 221.50, seeking this Court's approval of his final accounting, proposed final distribution, final claims report and his recommendation regarding the disposition of records.<sup>2</sup>

5. By Order dated June 14, 2023, this Court, *inter alia*, approved the Liquidator's final accounting and authorized the Liquidator to distribute the assets of SAIC in accordance with paragraph 6 of the First Application. The June 14, 2023, Order also directed the Liquidator to, after completing the final distribution of assets, file an application seeking discharge of the Liquidator in accordance with 40 P.S. § 221.48(a), and to notify the Court whether any administrative expenses remain unpaid and, if so, the amount, and whether any funds remain undistributed and in the possession and control of the Liquidator and, if so, the amount so remaining.

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<sup>2</sup> The filings referenced in paragraphs two and four were made while Mr. Humphreys was the Acting Insurance Commissioner. Mr. Humphreys was confirmed as the Insurance Commissioner on June 22, 2023.

### **The Final Distribution and Proposed Discharge**

6. On June 27, 2023, SAIC's assets were distributed in accordance with paragraph 6 of the First Application, as approved by this Court.

7. As indicated in the Notice of the First Application this Court approved by Order dated March 3, 2023, the Liquidator withheld \$21,000 from the final distribution for future administrative expenses. All of this amount has been spent on administrative expenses, and there remains \$19,928 in unpaid administrative expenses as of October 31, 2023, which is the end date of the most recent accounting period for SAIC following the final distribution of assets. Moreover, there are no funds that remain undistributed and in the possession and control of the Liquidator as of the filing of this Application.

8. In accordance with paragraph 5 of the June 14, 2023, Order referenced in paragraph 5 above, the Liquidator seeks approval to dispose of any assets remaining in his possession as of a date certain following discharge, as well as assets unexpectedly received after that date, in accordance with Section 547 of the Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, *as amended*, added by the Act of December 14, 1977, P.L. 280, 40 P.S. § 221.47. This same relief has been requested and previously approved with respect to discharge applications related to other liquidation estates.

**Proposed Effective Date of Discharge Order**

9. For administrative ease, the Liquidator respectfully requests that any Order this Court may enter granting this Amended Application that seeks discharge of the Liquidator be effective on the last day of the month in which said Order is entered.

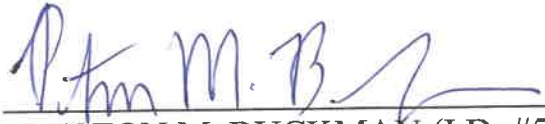
**WHEREFORE**, in accordance with paragraph five of this Court's June 14, 2023, Order, the Liquidator files this Amended Application and prays your Honorable Court that:

1. Michael Humphreys, in his official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, and his predecessors in office, be discharged as Statutory Liquidator of Senior American Insurance Company (In Liquidation) and be released from any liability to make payment of any further claims.

2. Insurance Commissioner Humphreys be authorized to dispose of any funds remaining in his possession post-discharge as of June 30, 2024, in accordance with Section 547 of the Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, *as amended*, added by the Act of December 14, 1977, P.L. 280, 40 P.S. § 221.47. In the unlikely event that any assets would be unexpectedly received after June 30, 2024, Insurance Commissioner Humphreys be authorized to dispose of those assets in the same manner.

3. That any Order this Court may enter granting this Amended Application that seeks discharge of the Liquidator be effective on the last day of the month in which said Order is entered.

Respectfully Submitted,



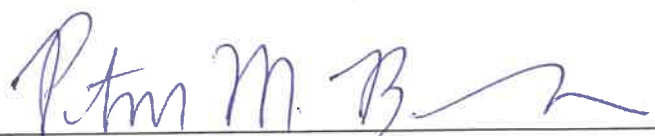
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Pennsylvania, in his capacity as Statutory  
Liquidator of Senior American Insurance  
Company, In Liquidation.*

Dated: January 11, 2024

**CERTIFICATION OF COMPLIANCE  
WITH PUBLIC ACCESS POLICY**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



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Commissioner of the Commonwealth of  
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Senior American Insurance Company, In  
Liquidation

Dated: January 11, 2024

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Senior American Insurance  
Company  
In Liquidation

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:

No. 1 SAI 2018

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 2024, upon consideration of the foregoing Amended Application Seeking Discharge of the Liquidator in Accordance with 40 P.S. §221.48(a) (“Amended Application”), it is ordered and decreed that:

1. Michael Humphreys, in his official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, and his predecessors in office, are discharged as Statutory Liquidator of Senior American Insurance Company (In Liquidation) and are released from any liability to make payment of any further claims.
2. The Insurance Commissioner is authorized to dispose of any funds remaining in his possession post-discharge as of June 30, 2024, and any funds received thereafter, in accordance with Section 547 of the Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, *as amended*, added by the Act of December 14, 1977, P.L. 280, 40 P.S. §221.47.
3. This Order is effective as of the last day of this month, \_\_\_\_\_, 2024.

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Renee Cohn Jubelirer, President Judge