

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jessica K. Altman, Insurance	:	
Commissioner of the	:	
Commonwealth of Pennsylvania,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 1 SAI 2018
	:	
Senior American Insurance Company,	:	
	:	
Defendant.	:	

**APPLICATION FOR APPROVAL OF REPORT AND RECOMMENDATIONS
ON SENIOR AMERICAN INSURANCE COMPANY CLAIMS
UNDISPUTED AND RESOLVED
FROM SEPTEMBER 3, 2019 TO SEPTEMBER 3, 2020**

Applicant, Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her official capacity as the Statutory Liquidator (“Liquidator”) of Senior American Insurance Company (“SAIC”), pursuant to Pa.R.A.P. 3784(a) and 40 P.S. § 221.45, respectfully applies to this Court for an Order approving her Report and Recommendations on Senior American Insurance Company Claims Undisputed and Resolved from September 3, 2019 to September 3, 2020. In support of her Application, the Liquidator avers the following:

BACKGROUND

1. The Insurance Commissioner of the Commonwealth of Pennsylvania was appointed Liquidator of SAIC pursuant to this Court’s Order dated August 15, 2019, with said Order having an effective date of September 3, 2019 (“Liquidation Order”).

2. The Liquidation Order cited the notice requirements of Section 524 of Article V¹, 40 P.S. § 221.24, and directed the Liquidator to publish notice in newspapers of general circulation where SAIC has its principal places of business that: (a) explains the procedure by which claims against the estate of SAIC may be submitted to the Liquidator; (b) provides the address of the Liquidator’s office for the submission of claims; and (c) notifies the public of the right to present a claim, or claims, to the Liquidator.” See Liquidation Order, ¶7. The Liquidator provided notice of the Liquidation Order and a Q&A document to all interested parties on September 3, 2019, which, inter alia, provided relevant information about claim filing procedures and other related issues.

3. 40 P.S. § 221.45 requires the Liquidator to present to the Court a report of the claims against the insurer with recommendations, including the name and address of each claimant, the particulars of the claim, and the amount of the claim finally recommended, if any. Pa.R.A.P. 3784(a) further refines 40 P.S. § 221.45, and requires that at least annually, the Liquidator present to the Court a report of the claims against the insurer’s estate that have been resolved, with recommendations, including the information required by 40 P.S. § 221.45, as well as the priority class, and whether the claim determination was finalized because no objection was filed, no exceptions were taken to a referee’s recommended decision, a recommended decision was sustained by the Court or the parties agreed to a settlement.

¹The Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, as amended. Article V was added by the Act of December 14, 1977, P.L. 280, as amended, 40 P.S. §§ 221.1 – 221.63 (“Act”). (This footnote is added here and is not contained in the text of the Liquidation Order that is being quoted in paragraph 2.)

REPORT AND RECOMMENDATIONS ON CLAIMS
UNDISPUTED AND RESOLVED AS OF SEPTEMBER 3, 2020

4. The Liquidator's Report and Recommendations on SAIC Claims Undisputed and Resolved from September 3, 2019 to September 3, 2020, is comprised of two parts and attached hereto as Exhibits A and B (collectively referred to as "Report"). The claims are sorted alphabetically, within each class, by the claimant's last name or company name. The amount claimed by the claimant, inter alia, is also included in the Report.²

5. The first part of the Report, which addresses claims that were determined and finalized without objection, and are referred to as "Undisputed Claims", reflects Notices of Determination ("NOD") issued by the Liquidator for which the objection period expired on or before September 3, 2020. The total number of Undisputed Claims is 7 with an allowed amount of \$3,350.07. The list of Undisputed Claims is attached hereto as Exhibit A.

6. The second part of the Report, which addresses claims that were determined and finalized because no objection was filed, no exceptions were taken to a referee's recommended decision, a recommended decision was sustained by the Court or the parties agreed to a settlement, and are referred to as "Resolved Claims", is a list of the disputed claims to which objections were filed and resolved on or before September 3, 2020. The total number of Resolved Claims is 0 (zero), with an allowed amount of \$0. This information is memorialized in Exhibit B, which is attached hereto.

² If the claimant did not indicate a specific claim amount on the Proof of Claim, the claimed amount is noted as \$0.

7. As set forth in Exhibits A and B, the Liquidator respectfully submits her recommendations for a total of 7 claims with a total allowed amount of \$3,350.07 in accordance with Pa.R.A.P. 3784(a) and 40 P.S. § 221.45 for this Court's approval.

8. In fulfilling her statutory requirements, the Liquidator carefully reviewed all documentation submitted by the claimants in support of the claims and independently determined the merit, classification and value of each claim, as required by the Act. See 40 P.S. §§ 221.37, 221.38, 221.44, 221.45.

9. Given the discretion afforded the Liquidator pursuant to 40 P.S. § 221.45(a) to "comport, compromise, or in any other manner negotiate the amount for which claims will be recommended to the court," the Liquidator believes that the classification and amounts she has determined for the reported claims are appropriate, fair and equitable and consistent with the relevant provisions of the Act. The Liquidator further believes that the approval of the claims listed in the attached Report is in the best interests of the SAIC estate, claimants and other creditors.

10. Pursuant to Pa.R.A.P. 3784(a) and 40 P.S. § 221.45(b), the Liquidator respectfully requests that this Court approve the classification and allowed amount of the claims listed in the Report and allow the claimants listed in the Report or their lawful assignees to receive a distribution in accordance with 40.P.S. § 221.44 at the time and in the manner as approved by this Court.

WHEREFORE, the Liquidator respectfully requests that this Court grant her Application and approve and allow the claims as listed in the Report attached as Exhibits A and B, enter an

Order in the form attached hereto, and grant such other relief as the Court shall determine appropriate and just.

Respectfully submitted,

/s/ Preston M. Buckman
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 7th Street
Harrisburg, PA 17102
(717) 886-2080

Attorney for Jessica K. Altman, Insurance
Commissioner of the Commonwealth of Pennsylvania,
in her capacity as Statutory Liquidator of Senior
American Insurance Company, In Liquidation

Dated: December 2, 2020

EXHIBIT A

Undisputed and Resolved Claims

Undisputed Claims

SENIOR AMERICAN INSURANCE COMPANY

Report Period: 09/03/2019 thru 09/03/2020

Number of Undisputed Claims:	7	Amount Claimed:	27,319.81	Amount Approved:	3,350.07
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Undisputed and Resolved Claims

Undisputed Claims

SENIOR AMERICAN INSURANCE COMPANY

Report Period: 09/03/2019 thru 09/03/2020

Name	Address	POC #	POC Received Dt	Class	Total Claimed Amt	Total Allowed Amt	Claim Particulars
CAREFREE INSURANCE MANAGEMENT	CAREFREE INSURANCE MANAGEMENT 11446 BOCA WOODS LANE BOCA RATON, FL 33428	7	11/25/2019	E	1,077.86	1,077.86	GEN CRED
CIRAULO, NICK JR	CIRAULO, NICK JR 2103 EDGEWOOD DR MONROE, LA 71201	5	11/25/2019	E	65.41	65.41	GEN CRED
LIS INSURANCE INC	LIS INSURANCE INC 7323 E VALLEY VIEW ROAD SCOTTSDALE, AZ 85250	3	09/19/2019	E	9,400.00	0.00	GEN CRED
SALIC NATIONAL MKTG INC	SALIC NATIONAL MKTG INC 11446 BOCA WOODS LANE BOCA RATON, FL 33428	6	11/25/2019	E	1,560.87	1,560.87	GEN CRED
SCHNEIDER, LAWRENCE	SCHNEIDER, LAWRENCE 7323 EAST VALLEY VIEW ROAD SCOTTSDALE, AZ 85250	2	09/19/2019	E	5,100.00	75.96	GEN CRED
SENIORS FIRST OF TEXAS	SENIORS FIRST OF TEXAS OAK STREET SERVICING 8888 KEYSTONE CROSSING SUITE 1700 INDIANAPOLIS, IN 46240	9	11/25/2019	E	6,757.04	372.00	GEN CRED

SENIORS FIRST, LLC	SENIORS FIRST, LLC OAK STREET SERVICING 8888 KEYSTONE CROSSING SUITE 1700 INDIANAPOLIS, IN 46240	8	11/25/2019	E	3,358.63	197.97	GEN CRED
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EXHIBIT B

Undisputed and Resolved Claims

Resolved Claims

SENIOR AMERICAN INSURANCE COMPANY

Report Period: 09/03/2019 thru 09/03/2020

Number of Resolved Claims:		Amount Claimed:		Amount Approved:	
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**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.

/s/ Preston M. Buckman

Preston M. Buckman (I.D. No. 57570)
PA Office of General Counsel
Pennsylvania Insurance Department
Office of Liquidations, Rehabilitations
and Special Funds
901 North 7th Street
Harrisburg, PA 17102
(717) 886-2080

Attorney for Jessica K. Altman, Insurance
Commissioner of the Commonwealth of
Pennsylvania, in her capacity as Statutory
Liquidator of Senior American Insurance
Company, In Liquidation

Dated: December 2, 2020

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 Pa. R.A.P. 3780, in the following manner:

Service via regular U.S. Mail addressed as follows:

Benedict J. Iacovetti, Chief Executive Officer
biacovetti@afltc.com
AF&L Insurance Company
Senior American Insurance Company
580 Virginia Drive, Suite 330
Fort Washington, PA 19034
(215) 918-0515
(215) 918-0565 (Fax)

Matthew Coble, Esquire
mdcoble@mette.com
Mette, Evans & Woodside
3401 North Front Street
P.O. Box 5950
Harrisburg, PA 17110-0950
(717) 232-5000
(717) 236-1816

/s/ Preston M. Buckman
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 7th Street
Harrisburg, PA 17102
(717) 886-2080

Attorney for Jessica K. Altman, Insurance
Commissioner of the Commonwealth of Pennsylvania,
in her capacity as Statutory Liquidator of Senior
American Insurance Company, In Liquidation

Dated: December 2, 2020

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Jessica K. Altman, Insurance :
Commissioner of the :
Commonwealth of Pennsylvania, :
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Plaintiff, :
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v. : No. 1 SAI 2018
 :
Senior American Insurance Company, :
 :
Defendant. :

RE: Liquidator’s Report and Recommendations on Senior American Insurance Company Claims Undisputed and Resolved from September 3, 2019 to September 3, 2020.

ORDER

AND NOW, this _____ day of _____, 202___, upon consideration of the Liquidator’s Application for Approval of Report and Recommendations on Senior American Insurance Company Claims Undisputed and Resolved from September 3, 2019 to September 3, 2020 (“Application”), it is hereby ORDERED and DECREED:

1. The Application is GRANTED, and the claims listed in the Report and Recommendations on Senior American Insurance Company Claims Undisputed and Resolved from September 3, 2019 to September 3, 2020 (“Report”), are APPROVED and ALLOWED both as to classification and amount as listed;
2. The Report is incorporated herein by reference; and
3. The Claimants listed in the Report or their lawful assignees shall receive a distribution in accordance with 40.P.S. § 221.44 at the time and in the manner as approved by this Court.

P. KEVIN BROBSON, JUDGE



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

December 2, 2020

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

Re: *Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania v. Senior American Insurance Company (“SAIC”) No. 1 SAI 2018*

Dear Mr. Krimmel:

Attached for filing please find the Liquidator's Application for Approval of Report and Recommendations on Senior American Insurance Company Claims Undisputed and Resolved from September 3, 2019 to September 3, 2020, with regard to the above-referenced matter.

Thank you for your assistance in this matter.

Very truly yours,

/s/ Preston M. Buckman

Preston M. Buckman
Insurance Department Counsel

PMB:drh

Enclosure