

CAUSE NO. D-1-GV-12-001713

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
GRAMERCY INSURANCE COMPANY	§	53RD JUDICIAL DISTRICT

APPLICATION TO APPROVE NOTICE AND SET CLAIMS FILING DEADLINE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Resolution Oversight Corporation, Special Deputy Receiver of Gramercy Insurance Company, in Receivership (the “SDR” and “Gramercy” respectively), and files its *Application to Approve Notice and Set Claims Filing Deadline* (the “Application”).

I. INTRODUCTION

1.1 The SDR requests authority to provide notice of the liquidation of Gramercy, to establish a deadline by which all claims must be filed (“Claims Filing Deadline”), and to approve the form of the proof of claim (“POC”).

II. BACKGROUND

2.1 On December 4, 2012, this Court entered an *Agreed Order Appointing Rehabilitator and Permanent Injunction*, placing Gramercy into receivership and appointing the Texas Commissioner of Insurance as Rehabilitator of Gramercy. Resolution Oversight Corporation (“ROC”) has been appointed SDR since December 5, 2012. On August 26, 2013, this Court entered an *Order Appointing Liquidator and Permanent Injunction*, placing Gramercy in liquidation and appointing the Commissioner as Liquidator of Gramercy (the “Liquidation Order”).

2.2 The Commissioner designated Gramercy an “impaired insurer” under TEX. INS. CODE Chapter 462, effective August 26, 2013. The Texas Property and Casualty Insurance Guaranty Association (“TPCIGA”) and guaranty associations in 36 other states (collectively, the

“Affected IGAs”) are now responsible for “covered claims” in accordance with their states’ governing statutes.

III. JURISDICTION AND AUTHORITY

3.1 This Court has exclusive jurisdiction over the subject matter of this Application pursuant to TEX. INS. CODE § 443.005.

3.2 The SDR is authorized to file this Application pursuant to TEX. INS. CODE § 443.155, which provides for the notice of liquidation, and § 443.251, which provides requirements for the filing of claims.

3.3 This Application has been referred to the Master appointed in this proceeding in accordance with the Supplemental Order of Reference to Master entered on August 26, 2013.

IV. STATUTORY REQUIREMENTS

4.1 TEX. INS. CODE § 443.155 specifies the categories of persons who must receive notice of liquidation, the means for providing the notice, and the contents of the notice. Unless this Court otherwise directs, TEX. INS. CODE § 443.155(a) requires that notice shall be given as follows:

- (1) By first class mail or electronic communication to:
 - A. any guaranty association that is or may become obligated as a result of the liquidation and any national association of guaranty associations;
 - B. all the insurer’s agents, brokers, or producers of record with current appointments or current licenses to represent the insurer, and all other agents, brokers, or producers as the liquidator deems appropriate at their last known address; and
 - C. all persons or entities known or reasonably expected to have claims against the insurer, at their last known address as indicated by the records of the insurer, and all state and federal agencies with an interest in the proceeding; and
- (2) By publication in a newspaper of general circulation in the county in which the insurer has its principal place of business and in any other locations as the Liquidator deems appropriate.

4.2 TEX. INS. CODE § 443.155(b) provides that the notice must contain (or provide directions for obtaining) specified information. In summary, this information includes:

- (1) a statement that the insurer has been placed into liquidation;
- (2) a statement that certain acts are stayed or enjoined;
- (3) whether, and to what extent, the insurer's policies continue in effect;
- (4) the coverage available by state insurance guaranty associations;
- (5) the claims filing deadline, and requirements for filing a POC;
- (6) the date, time, and location of any scheduled status hearings;
- (7) the process for obtaining notice of matters before this Court; and
- (8) any other information the SDR or this Court deems appropriate.

The form of the notice that will be provided in accordance with TEX. INS. CODE § 443.155(a) and (b) is attached as Exhibit 1 (the "Liquidation Notice").

V. LIQUIDATION NOTICE

5.1 Noticed Parties

The SDR shall provide the Liquidation Notice to the following parties:

a. Parties with Known Claims, and Parties Reasonably Expected to Have Claims:

1. Claimants with Policy and Contractual Losses

Notice will be provided to insureds, warranty, other contractual obligees, and third party claimants who reported claims that have not been resolved; any assignees or lienholders of record of such claims; and any counsel for such parties.

2. Potential Claimants

Each of Gramercy's Managing General Agencies ("MGAs") issued unique types of policies either in terms of coverage offered, geographic location, or length of the policy period. These variations dictate that different notice periods are required to provide the most cost effective notice for each program. Accordingly, the Liquidation Notice will be provided to all insureds of record by program as follows:

- A. Policies issued through the AmigoMGA, LLC. (“Amigo”)
Amigo is an MGA that issued six month, nonstandard auto policies in Texas, South Carolina, and Georgia. Claims tended to be reported very quickly after an accident. Amigo began running off the policies it issued through Gramercy in January, 2012. Because of the length of the policies, the swift claims reporting times, and the runoff, the SDR proposes to notice all insureds of record for the last year before cancellation.
- B. Policies issued through Atlantis Underwriters Insurance Group, Inc. (“Atlantis”)
Atlantis is an MGA that issued nonstandard auto policies in Texas. Most of the Atlantis policies were issued for periods of 90 days or less. Claims tended to be reported very quickly after an accident. This Court previously issued an order cancelling the Atlantis policies effective February 27, 2013. Because of the prior cancellation, the short policy periods, and swift claims reporting times, the SDR proposes to notice all insureds of record for the last six months before cancellation.
- C. Policies issued through Builder’s Risk
Gramercy issued the Builder’s Risk program through the internet. These policies were for periods of six months and one year. The policies covered new construction and remodeling of existing structures in numerous states. Because of the length of the policies, the reporting times, and potential exposure, the SDR proposes to notice all insureds of record for the last year before cancellation.
- D. Policies issued through AMWINs Group, Inc. (“AMWINs”)
AMWINs is an MGA that issued commercial auto policies, with one year terms, in all 37 states in which Gramercy was licensed. Because of the length of the policies and the reporting times, the SDR proposes to notice all insureds of record for the last year before cancellation.
- E. Policies issued through Global Guardian Insurance Program (“GGIP”)
GGIP is an MGA that issued commercial auto and private passenger policies to Mexican Nationals. These policies were issued for one year and only provided coverage when the vehicle was within 50 miles of the US border entry point. All of the policyholders live in Mexico. Because of the length of the policy period and the geographic location of the policyholders, the SDR proposes to notice all insureds of record for the two years before cancellation. Further, the SDR has translated the Liquidation Notice into Spanish exclusively for this program. The GGIP Liquidation Notice is attached hereto as Exhibit 2.

F. It is possible that some unreported claims may exist. If a new claim is reported by a person who has not been provided with a Liquidation Notice, the SDR will mail the notice to the claimant.

2. Policyholders due Unearned Premium

Policyholders who paid for coverage beyond the September 25, 2013, cancellation date have claims for unearned premiums. The SDR will send the Liquidation Notice to policyholders who had in-force policies as of September 25, 2013. There are also policyholders who are due unearned premium caused by early cancellations before the September 25, 2013, cancellation date. The SDR will send the Liquidation Notice to all of those policyholders as well.

3. General Creditors and Reinsureds

Notice will be provided to all vendors and service providers with unpaid invoices identified in Gramercy's accounts payable files since December 4, 2010, which is two years before the commencement of this proceeding. Notice will also be provided to Reinsureds with unresolved claims and those who paid for reinsurance coverage beyond the August 26, 2013, cancellation date.

4. Contractual Obligees

Notice will be sent to all contractual obligees who paid for coverage beyond the September 25, 2013, cancellation date, of their right for a refund of their payments due to the early termination of their contractual protection.

b. Governmental Agencies and Guaranty Associations:

1. Insurance commissioners of states in which Gramercy was licensed;
2. Affected IGAs and the National Conference of Insurance Guaranty Associations; and
3. The Internal Revenue Service.

c. Other Parties:

1. Agents, brokers, administrative obligors, or producers of record with recent appointments;
2. Gramercy's former owners, officers and directors, and shareholders;
3. Financial institutions which held Gramercy accounts;

4. Reinsurers of Gramercy; and
5. Any other parties who request, in writing, an opportunity to file a claim.

5.2 First Class Mail or Electronic Notice

The SDR proposes to give notice of the liquidation and Claims Filing Deadline to the parties identified in Paragraph 5.1 by first class mail or e-mail. The SDR will provide notice to the parties at their last known address as shown by Gramercy's records available to the SDR, or any forwarding address provided to the SDR. Some information in Gramercy's records is not current. TEX. INS. CODE § 443.155(d) provides that the SDR has no duty to locate a person if the person's address is not found in Gramercy's records, or if the mail to the address listed in Gramercy's records is returned as undeliverable. In such circumstances, the required notice by publication described in Paragraph 5.3 is sufficient.

The SDR requests that this Court approve the manner of notice and the categories of recipients as described above. In accordance with TEX. INS. CODE § 443.155(d), the SDR further requests that this Court find the mailing or emailing of notice in such manner constitutes prima facie evidence of receipt by the recipient to whom the notice is addressed, upon certification by the SDR that the notices were deposited, postage paid, in the U.S. Mail, or that the notices have been electronically transmitted.

5.3 Notice by Publication

Unless otherwise permitted by this Court, TEX. INS. CODE § 443.155(a)(2) requires notice by publication in a newspaper of general circulation in the county of Gramercy's principal place of business, and other locations as the SDR deems appropriate. The SDR proposes to publish a notice providing information about the claims filing process, guaranty association coverage and other matters regarding the receivership (the "Publication Notice"). The Publication Notice will appear at least once in newspapers of general circulation in Dallas, Texas and Atlanta, Georgia,

where Gramercy held principal business offices. SDR will also publish the Publication Notice at least once in newspapers in general circulation where Gramercy was licensed to sell insurance in the following additional cities: Birmingham, Alabama; the Miami/ Ft. Lauderdale area, Tampa, Jacksonville and Orlando, Florida; Chicago, Illinois; New Orleans and Baton Rouge, Louisiana; the Minneapolis/St. Paul, Minnesota area; Jackson, Mississippi; Allentown, Bethlehem and Philadelphia, Pennsylvania; and Houston, Harlingen, McAllen, El Paso and Laredo, Texas. The SDR will also publish the Publication Notice at least once in the USA Today, which has national circulation. The publications will give unknown creditors notice of the liquidation and Claims Filing Deadline. Pursuant to TEX. INS. CODE § 443.155(d) such notice by publication is sufficient notice to a person, if the person's address is not found in Gramercy's records or if a mailing to the person's address shown in Gramercy's records is returned as undeliverable. The SDR requests this Court to approve the Publication Notice attached as Exhibit 3, or a form that is substantially similar.

5.4 Internet Notice

In order to facilitate communication with claimants and other interested persons, the SDR proposes to post all notices, claims filing information, POC forms, and other relevant information on the SDR's website at www.gicreceivership.com. Links to the SDR's website will be posted on the Texas Department of Insurance website.

5.5 Proof of Claim Form

TEX. INS. CODE § 443.155 requires that a POC be in a form designated by the SDR, and TEX. INS. CODE § 443.252, contains requirements for the form of the POC. The SDR proposes to use the POC form attached to this Application as Exhibit 4. The SDR requests this Court to approve the POC form attached as Exhibit 4, or a form that is substantially similar. Also, for the reasons set forth in Section 5.1(a)(2)(E), the SDR has translated the POC form exclusively for

the GGIP policyholders to Spanish. The SDR requests this Court to approve the GGIP POC form attached as Exhibit 5, or a form that is substantially similar.

VI. CLAIMS

6.1 Claims Filing Deadline

In accordance with TEX. INS. CODE § 443.155, this Court shall specify a period of time within which all POCs must be filed. The SDR requests that this Court set a Claims Filing Deadline of February 26, 2015, which is eighteen months after the entry of the Liquidation Order, requiring that all POCs be received at the address designated by the SDR on or before 11:59 p.m. C.S.T. on that date. The Claims Filing Deadline corresponds with the deadline for filing claims against TPCIGA and a number of other Affected IGAs.

6.2 Referral of Covered Claims

The SDR shall refer all claims that may be “covered claims” to the respective Affected IGA for consideration. If a claim is fully covered by an Affected IGA, the SDR will advise the claimant that the claim will not be processed as a claim against the receivership estate in accordance with TEX. INS. CODE § 443.253(m).

6.3 Guaranty Association Claims

Affected IGAs will have claims for certain expenses and claims payments. TEX. INS. CODE § 443.252(d) provides that a guaranty association may submit a single POC combining all claims and related administrative expenses.

6.4 Processing Claims

The SDR will process POCs for claims with a priority of Class 1 and Class 2 under TEX. INS. CODE § 443.301(a) and (b) in the manner specified in TEX. INS. CODE § 443.253. The SDR will not process claims with a priority of Class 3 or lower pursuant to TEX. INS. CODE § 443.253(k) until the SDR reasonably believes that there may be sufficient assets to pay all

Class 2 claims in full. The SDR proposes that for all claims classified with a priority of Class 3 or lower, it will notify the claimant of the classification, and take no further action. The claimant will have an opportunity to object to the determination of the classification pursuant to TEX. INS. CODE § 443.253(c). If the SDR determines that there will assets available for distribution to claims with a priority of Class 3 or lower, the SDR will process those claims with respect to their amount and the claimant will have an opportunity to object to the determination of the amount under TEX. INS. CODE § 443.253(c).

6.5 Late Claims

TEX. INS. CODE § 443.251(b) authorizes the SDR to treat a late POC as if it was not filed late under certain circumstances. If a claimant meets these qualifications, the SDR will require an affidavit to verify the claimant's eligibility. Any POCs filed after the Claims Filing Deadline that do not qualify under TEX. INS. CODE § 443.251(b) will be classified as Class 8 claims under TEX. INS. CODE § 443.301(h).

6.6 Waiver and Release of Claims against Gramercy Insureds

In accordance with TEX. INS. CODE § 443.256(h), by filing a POC, a claimant asserting a third-party claim against a policyholder of Gramercy, shall be deemed to have released and waived such claim up to the amount of policy limits of the insured's policy. The POC forms attached as Exhibit 4 and Exhibit 5 contain the notice of this election of remedies as required by TEX. INS. CODE § 443.256(h)(4).

VII. NOTICE

7.1 The SDR has served this Application to all known parties at interest and all individuals and entities identified by the SDR in the Certificate of Service by e-mail and, as noted, by mail or overnight delivery to certain state and federal agencies.

7.2 All pleadings filed in response to this Application shall be served by e-mail on the undersigned counsel and all parties shown in the attached Certificate of Service.

VIII. OFFER OF PROOF

8.1 The Affidavit of Ernesto Garza is attached as Exhibit 6 and is offered as evidence to support this Application. The SDR represents to the Court that the proposed notices, POC forms, and categories of parties for notice are in the best interests of the Gramercy estate, its policyholders, creditors, and obligations imposed by Chapter 443 of the Texas Insurance Code.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the SDR prays that this Court:

1. Grant this Application;
2. Approve the notices attached as Exhibits 1, 2, and 3 and methods as described in this Application;
3. Approve the POC forms attached as Exhibit 4 and Exhibit 5;
4. Set February 26, 2015, as the Claims Filing Deadline for the filing of POCs; and
5. Grant the SDR such other and further relief to which it may be justly entitled.

Respectfully submitted,

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By: /s/ Rachel J. Stroud

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APPLICANT'S NOTICE OF SUBMISSION

Pursuant to the terms of the Supplemental Order of Reference to Master entered by the District Court in this cause, the SDR's *Application to Approve Notice and Set Claims Filing Deadline* is hereby set for written submission before the Special Master, Tom Collins, on **Monday, February 17, 2014**.

The Special Master has established the following rules pursuant to Rule 171 of the Texas Rules of Civil Procedure:

1. Any objection must be filed with the Travis County District Clerk at least three (3) calendar days before the submission date.
2. A copy of any objection shall be served by email by such date on:
 - (a) The Special Master's Docket Clerk at specialmasterclerk@tdi.texas.gov;
 - (b) The undersigned counsel, Rachel Stroud at rstroud@stroudmarrerowelch.com; and
 - (c) All interested parties, including those listed on the Applicant's Certificate of Service.
3. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not stated in writing will not be considered orally.
4. If a matter is set for submission, an objecting party shall expeditiously coordinate with Applicant's counsel and the special master's docket clerk (specialmasterclerk@tdi.texas.gov) to obtain an oral hearing, unless the master determines that an oral hearing is not necessary. The objecting party shall serve a Notice of Oral Hearing on applicant's counsel and all interested parties, including those listed on the Applicant's Certificate of Service.
5. Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.
6. Any Acknowledgment of Notice and Waiver to be filed by a Guaranty Association or other interested party should be filed at least three (3) calendar days before the submission or hearing date.

/s/ Rachel J. Stroud

Rachel J. Stroud

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all interested parties in accordance with the Texas Rules of Civil Procedure and TEX. INS. CODE ANN. § 443.007(d) this 30th day of January, 2014.

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Ms. Vanessa Ramirez
New Mexico Insurance Guaranty Association
Keenan & Associates, Inc. P.O. Box 14590
Albuquerque, NM 87191-4590
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Raleigh, NC 27619-6010
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Beaverton, OR 97005
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Mr. Stephen Perrone, Executive Director
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Philadelphia, PA 19103
Email: sperrone@ppciga.org

Ms. Laura S. Keller, Claims Manager
Pennsylvania WC Security Fund
Pennsylvania Ins Dept Bureau of Special Funds
901 North 7th Street
Harrisburg, PA 17102
Email: lakeller@state.pa.us

Mr. J. Smith Harrison, Exec. Director/Secretary
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Columbia, SC 29202
Email: smitty@scwind.com

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Email: iniemann@tiga.net

Ms. Linda Meltzer
Mr. Jessie Bowie
Ms. Teri Rodriguez
Texas Property & Casualty Ins Guaranty Assoc
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Email: jbowie@tpciga.org
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Wisconsin Insurance Security Fund
2820 Walton Commons West, Suite 135
Madison, WI 53718-6797
Email: randy@wisf-madison.org

Ms. Molly Levinson, Enforcement Atty
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Office of Insurance & Safety Fire Commissioner
Suite 620, West Tower
2 Martin Luther King, Jr. Drive
Atlanta, Georgia 30334
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EXHIBIT 1

**GRAMERCY INSURANCE COMPANY
NOTICE OF LIQUIDATION AND
DEADLINE TO FILE CLAIMS**

**FILING DEADLINE:
11:59 P.M. CST, FEBRUARY 26, 2015**

**THIS NOTICE PROVIDES IMPORTANT INFORMATION REGARDING
GRAMERCY INSURANCE COMPANY (“GRAMERCY”)**

Gramercy has been placed in receivership for liquidation.

On August 26, 2013, the 53rd Judicial District Court of Travis County, Texas entered an *Order Appointing Liquidator and Permanent Injunction*, placing Gramercy into liquidation under Chapter 443 of the Texas Insurance Code. The Court appointed the Texas Commissioner of Insurance as Liquidator. The Liquidator appointed Resolution Oversight Corporation, as the Special Deputy Receiver (“SDR”) of Gramercy.

Gramercy’s policies have been cancelled.

All insurance policies issued by Gramercy were cancelled no later than September 25, 2013, as required by the Texas Insurance Code. Notices of cancellation were previously provided to Gramercy’s policyholders of record.

Guaranty associations are paying “covered claims” under Gramercy policies.

If you have a claim under an insurance policy issued by Gramercy, you may have a “covered claim” that is payable by a state insurance guaranty association (“guaranty association”). Information regarding the Texas Property and Casualty Insurance Guaranty Association is available at www.tpciga.org and information about other states’ guaranty associations is available at www.ncigf.org/public/guarantyfunds.

Claims not paid by guaranty associations may be filed in the Gramercy receivership.

You may file a Proof of Claim (“POC”) in the Gramercy receivership for any amount due from Gramercy that is not covered, in whole or in part, by a guaranty association. **POCs must be received by the SDR no later than 11:59 p.m., CST on February 26, 2015.** POC forms may be obtained as follows:

Download:	www.gicreceivership.com
Request by e-mail:	cgarza@rocsdr.com
Request by telephone:	(210) 490-8808, Ext 1
Request by mail:	P.O. Box 2077, San Antonio, Texas 78297-2077

A litigation stay is in effect.

Lawsuits against Gramercy and persons insured by Gramercy are stayed under Texas Insurance Code §§ 443.008 and 462.309. Lawsuits in other states may also be stayed under applicable laws in those states.

Other information:

More information is available on the SDR’s website, www.gicreceivership.com, including:

- Answers to frequently asked questions about the receivership process;
- Documents filed in the receivership proceeding; and
- Notices of hearings and status conferences.

EXHIBIT 2

**GRAMERCY INSURANCE COMPANY
AVISO DE LIQUIDACIÓN Y
FECHA LÍMITE PARA PRESENTAR RECLAMACIONES
FECHA LÍMITE PARA PRESENTAR RECLAMACIONES:
11:59 P.M. 26 DE FEBRERO DE 2015, HORA DEL CENTRO**

**ESTE AVISO PROVEE INFORMACIÓN IMPORTANTE SOBRE
GRAMERCY INSURANCE COMPANY (“GRAMERCY”)**

Gramercy ha sido colocada en un proceso de administración judicial para su liquidación de bienes.

El 26 de agosto de 2013, el Juzgado de Distrito No. 53 del Condado de Travis, Texas, emitió una *Orden de Nombramiento de Síndico e Interdicto Permanente*, para colocar a Gramercy en proceso de liquidación de bienes, de conformidad con el Capítulo 443 del Código de Seguros de Texas (Texas Insurance Code, por su nombre en inglés). El Juzgado nombró al Comisionado de Seguros de Texas como Síndico. El Síndico nombró a Resolution Oversight Corporation, como Síndico Auxiliar Especial (Special Deputy Receiver -SDR, por su nombre y siglas en inglés) de Gramercy.

Las pólizas de Gramercy han sido canceladas.

Todas las pólizas de seguro que expidió Gramercy fueron canceladas a no más tardar del 25 de septiembre de 2013, según lo exige el Código de Seguros de Texas. Avisos de cancelación fueron previamente proporcionados a los asegurados que figuran en los registros de Gramercy.

Las asociaciones afianzadoras están pagando las “reclamaciones con cobertura” bajo las pólizas de Gramercy.

Si usted tiene una reclamación bajo una póliza de seguro que fue expedida por Gramercy, es posible que pueda tener una “reclamación con cobertura” que es pagable por parte de una asociación afianzadora estatal de seguros (state insurance guaranty association, por su nombre en inglés). La información sobre la Asociación Afianzadora de Seguros de Propiedad y Percances de Texas (Texas Property and Casualty Insurance Guaranty Association, por su nombre en inglés) está disponible en www.tpciga.org, y la información referente a las otras asociaciones afianzadoras estatales está disponible en www.ncigf.org/public/guarantyfunds

Las reclamaciones que no sean pagadas por las asociaciones afianzadoras pueden ser presentadas en la liquidación de bienes de Gramercy.

Usted puede presentar un Comprobante de Reclamación (Proof of Claim -POC, por su nombre y siglas en inglés) en la liquidación de bienes de Gramercy por cualquier cantidad que Gramercy deba que no esté cubierta, ya sea total o parcialmente, por una asociación afianzadora. **Los POC tienen que ser recibidos por SDR a no más tardar del 26 de febrero de 2015 a las 11:59 p.m., hora del centro.** Los formularios de POC se pueden obtener de la siguiente manera:

Descarga:	www.gicreceivership.com
Solicitud por correo electrónico:	cgarza@rocsdr.com
Solicitud por teléfono:	(210) 490-8808, Ext.1
Solicitud por correo postal:	P.O. Box 2077, San Antonio, Texas 78297-2077

Se ha puesto en vigor una orden para suspender los litigios.

Las demandas en contra de Gramercy y personas aseguradas por Gramercy han sido suspendidas bajo el Código de Seguros de Texas §§ 443.008 y 462.309. Las demandas en otros estados también podrían ser suspendidas bajo las leyes que sean aplicables en esos estados.

Otra información:

Más información está disponible en el sitio Web de SDR, www.gicreceivership.com, incluyendo:

- Respuestas a preguntas frecuentes sobre el proceso de administración judicial de liquidación de bienes;
- Los documentos que fueron presentados en el proceso de administración judicial de liquidación de bienes;
- y
- Los avisos de audiencias y el estado de las conferencias.

EXHIBIT 3

**GRAMERCY INSURANCE COMPANY (“GRAMERCY”)
NOTICE OF LIQUIDATION AND CLAIMS FILING DEADLINE**

Gramercy has been placed in liquidation. All policies of insurance issued by Gramercy were cancelled as of September 25, 2013. The deadline for filing claims against the Gramercy receivership estate is **11:59 p.m. CST on February 26, 2015**. See www.gireceivership.com to obtain a claim form, an explanation of the claim filing process, and other important information about the receivership. If you do not have access to the internet or if you have other questions call (210) 490-8808 Ext. 1; e-mail cgarza@rocsdr.com; or mail a request to Gramercy Insurance Company c/o Resolution Oversight Corporation, P.O. Box 2077, San Antonio, Texas 78297-2077.

**GRAMERCY INSURANCE COMPANY (“GRAMERCY”)
INSTRUCTIONS FOR PROOF OF CLAIM FORM**

A claim against the assets of the Gramercy receivership estate must be made by filing a Proof of Claim (“POC”). Failure to follow these instructions could result in the denial of your claim.

1. You may file a POC if you:
 - a) are a policyholder, and have a claim under your Gramercy policy;
 - b) have a claim against an insured of Gramercy that is covered by a Gramercy policy; or
 - c) are owed an amount of money by Gramercy for any other reason.
2. A policy claim may be payable by a guaranty association. Information about the Texas Property and Casualty Insurance Guaranty Association is available at www.tpciga.org. Information about other states’ guaranty associations is available at www.ncigf.org/public/guarantyfunds. Do not use the Gramercy POC form to file a claim with a guaranty association.
3. You may file a POC for any amount due under a Gramercy policy that is not covered in whole or in part by a guaranty association, including unearned premium.
4. All applicable blanks on the POC form must be completed.
5. Each person making the claim must be identified clearly, and a separate POC form submitted for each person or claim. If a POC is submitted on behalf of another person, evidence of the authority to file the claim must be attached.
6. If the amount of the claim has not yet been determined, state “undetermined” in the blank for “Total Amount of Claim.”
7. Provide an explanation of your claim, and include any documents supporting your claim. If you are involved in a lawsuit against Gramercy or an insured of Gramercy, include the case name, docket number and the court in which it is pending.
8. The POC must be signed before a notary public. A POC that is not notarized will not be accepted.
9. You should keep a copy of the completed POC, and any proof that it was mailed or received.
10. POCs must be sent by U.S. Mail, courier service, or hand delivery to the address on the POC form and received by the SDR no later than 11:59 p.m. CST on February 26, 2015. **POCs submitted by e-mail or fax will not be accepted.**

NOTICE TO PERSONS WITH CLAIMS AGAINST INSURED OF GRAMERCY

Section 443.256 of the Texas Insurance Code contains requirements for claims against a person who was insured by Gramercy (an “Insured”). By filing a POC, a claimant waives any right to pursue the personal assets of an Insured for the claim, to the extent of the coverage or policy limits provided by Gramercy. A claimant who files a POC must seek satisfaction of the claim solely from any distribution from the receivership, and any payments from a guaranty association, to the extent of the coverage or policy limits. The waiver does not release an Insured with respect to a claim in excess of the coverage or policy limits. The waiver may be voided as described in Section 443.256 of the Texas Insurance Code.

**COMPLETED POCS MUST BE RECEIVED BY THE SDR
NO LATER THAN 11:59 P.M. CST, FEBRUARY 26, 2015.**

To Be Completed by SDR

POC # _____
Claim # _____
Date Received _____

Filing Deadline:
February 26, 2015
11:59 p.m. CST

GRAMERCY INSURANCE COMPANY
PROOF OF CLAIM

Return this completed Proof of Claim form and supporting documentation to the applicable address below. A Proof of Claim must be received by the SDR no later than **11:59 p.m. CST on February 26, 2015.**

BY MAIL:
Resolution Oversight Corporation
Special Deputy Receiver
Gramercy Insurance Company
P.O. Box 2077
San Antonio, Texas 78297-2077

BY COURIER OR HAND DELIVERY:
Resolution Oversight Corporation
Special Deputy Receiver
Gramercy Insurance Company
222 East Houston St., Suite 550
San Antonio, Texas 78205

Please read the Proof of Claim instructions carefully prior to completing this Proof of Claim. Please print or type.

Name of Claimant

\$ _____
Total Amount of Claim

Street Address

Soc. Sec. or Tax ID Number

City State Zip

Telephone Number

E-mail Address

Facsimile Number

If the claimant is represented by an attorney, please complete the following section, and attach a copy of the Power of Attorney:

Name of Attorney

State Bar No.

Name of Law Firm

Tax ID Number

Street Address

Telephone Number

City State Zip

Facsimile Number

E-mail Address

Provide an explanation of your claim below. Attach additional pages if necessary.

NOTE: ATTACH DOCUMENTATION TO SUPPORT YOUR CLAIM

AFFIRMATION OF CLAIMANT

Unless noted herein: I alone am entitled to file this claim. No others have an interest in this claim. No payments have been made on the claim. No third party is liable on this debt. The sum claimed is justly owing, and there is no set-off. I declare, under penalty of perjury, that all of the statements made in this Proof of Claim and all documents attached to this form are true, complete, and correct. If I am making a claim against a person insured by Gramercy Insurance Company, I understand that I am waiving any right to pursue the personal assets of that person, to the extent of the coverage and limits provided by the policy issued by the now insolvent insurer Gramercy Insurance Company.

Signature

Print Name

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 201__, by _____, who has executed this instrument on such individual's own behalf, who is personally known to me or who has produced a Driver License or other information as identification.

Notary Public

Printed Name

My Commission Expires: _____

(NOTARY SEAL)

EXHIBIT 5

**PARA USO EXCLUSIVO DEL PROGRAMA DE SEGURO GLOBAL GUARDIAN
(GLOBAL GUARDIAN INSURANCE PROGRAM –GGIP, POR SU NOMBRE Y
SIGLAS EN INGLÉS)**

**GRAMERCY INSURANCE COMPANY (“GRAMERCY”)
INSTRUCCIONES PARA COMPLETAR EL FORMULARIO DE
COMPROBANTE DE RECLAMACIÓN**

Para poder hacer una reclamación contra los activos de la liquidación de bienes de Gramercy, es necesario presentar un Comprobante de Reclamación (Proof of Claim -POC, por su nombre y siglas en inglés). El no seguir estas instrucciones pudiera resultar en la denegación de su reclamación.

1. Usted puede presentar un POC si usted:
 - a) es el titular de la póliza y tiene una reclamación bajo su póliza de Gramercy;
 - b) tiene una reclamación contra un asegurado de Gramercy que tiene cobertura bajo una póliza de Gramercy; o
 - c) Gramercy le debe una cantidad de dinero por cualquier otra razón.
2. Una reclamación bajo una póliza la puede pagar una asociación afianzadora. La información sobre la Asociación Afianzadora de Seguros de Propiedad y Percances de Texas (Texas Property and Casualty Insurance Guaranty Association, por su nombre en inglés) está disponible en www.tpciga.org. La información sobre las asociaciones afianzadoras en otros estados está disponible en www.ncigf.org/public/guarantyfunds. No use el formulario de POC de Gramercy para presentar una reclamación ante una asociación afianzadora.
3. Usted puede presentar un POC por cualquier cantidad adeudada bajo una póliza de Gramercy que no esté cubierta, total o parcialmente, por una asociación afianzadora, incluyendo primas no usadas.
4. Es necesario llenar todos los blancos aplicables en el formulario de POC.
5. Cada persona que hace una reclamación tiene que ser identificada claramente, y presentar un formulario de POC aparte para cada persona o reclamación. Si se presenta un POC en nombre de otra persona, es necesario adjuntar evidencia de la autoridad para presentar dicha reclamación.
6. Si aun no se ha determinado la cantidad de la reclamación, indique “indeterminada” en el blanco para “Total de la Cantidad de la Reclamación”.
7. Proporcione una explicación de su reclamación e incluya cualquier documento que apoye su reclamación. Si usted está participando en una demanda en contra de Gramercy o de un asegurado de Gramercy, incluya el nombre del caso, el número del caso y el tribunal en el que está pendiente.
8. El POC debe ser firmado frente a un notario público (notary public, por su nombre en inglés). Un POC que no esté notariado no será aceptado.
9. Usted debe guardar una copia del POC que ha sido completado y cualquier prueba de que haya sido enviada por correo o recibida.
10. Los POC tienen que ser enviados por correo postal de los Estados Unidos, por servicio de mensajería, o ser entregados personalmente a la dirección en el formulario de POC y ser recibidos por el SDR no

más tardar de las 11:59 p.m., hora del centro, el 26 de febrero de 2015. **Los POC que son presentados por medio de correo electrónico o fax no se aceptarán.**

**AVISO A LAS PERSONAS CON RECLAMACIONES
EN CONTRA DE LOS ASEGURADOS DE GRAMERCY**

La Sección 443.256 del Código de Seguros de Texas (Texas Insurance Code, por su nombre en inglés) contiene requisitos para presentar reclamaciones en contra de una persona que estuvo asegurada por Gramercy (un "Asegurado"). Al presentar un POC, el reclamante renuncia a cualquier derecho que tenga para solicitar los bienes personales de un Asegurado por la reclamación, hasta el límite de la cobertura o límites de la póliza que provee Gramercy. Un reclamante que presenta un POC debe solicitar que se liquide la reclamación exclusivamente de la distribución de la liquidación de bienes, y cualquier pago de una asociación afianzadora, hasta el límite de la cobertura o límites de la póliza. La renuncia no exonera al Asegurado con respecto a una reclamación en exceso de la cobertura o límites de la póliza. La renuncia puede ser anulada según se describe en la Sección 443.256 del Código de Seguros de Texas.

**ES NECESARIO QUE EL SDR RECIBA
LOS POC COMPLETOS
A NO MÁS TARDAR DE LAS 11:59 P.M., HORA DEL
CENTRO, EL 26 DE FEBRERO DE 2015.**

Más información está disponible en www.gicreceivership.com

**PARA USO EXCLUSIVO DEL PROGRAMA DE SEGURO
GLOBAL GUARDIAN (GLOBAL GUARDIAN INSURANCE
PROGRAM –GGIP, POR SU NOMBRE Y SIGLAS EN INGLÉS)**

Lo llenará SDR

POC # _____
 Claim # _____
 Date Received _____

**Fecha límite para presentar
 reclamaciones:
 26 de febrero de 2015
 11:59 P.M., Hora del Centro**

**PARA USO EXCLUSIVO DEL PROGRAMA DE SEGURO GLOBAL GUARDIAN
 (GLOBAL GUARDIAN INSURANCE PROGRAM –GGIP, POR SU NOMBRE Y
 SIGLAS EN INGLÉS)**

**GRAMERCY INSURANCE COMPANY
 COMPROBANTE DE RECLAMACIÓN**

Devuelva este formulario completo del Comprobante de Reclamación y los documentos pertinentes a la dirección aplicable que se indica en la parte de abajo. El SDR debe recibir el Comprobante de Reclamación no más tardar de las **11:59 p.m., Hora del Centro, el 26 de febrero de 2015.**

POR CORREO POSTAL:

 Resolution Oversight Corporation
 Special Deputy Receiver
 Gramercy Insurance Company
 P.O. Box 2077
 San Antonio, Texas 78297-2077

**POR SERVICIO DE MENSAJERÍA O
 ENTREGADOS PERSONALMENTE:**

 Resolution Oversight Corporation
 Special Deputy Receiver
 Gramercy Insurance Company
 222 East Houston St., Suite 550
 San Antonio, Texas 78205

Por favor lea cuidadosamente las instrucciones del Comprobante de Reclamación antes de completar este Comprobante de Reclamación. Por favor escriba en letra de molde o a máquina.

 Nombre del Reclamante

\$ _____
 Cantidad Total de la Reclamación

 Dirección

 Número de Seguro Social
 o de Identificación de Impuestos

 Ciudad Estado Código Postal

 Número de Teléfono

 Dirección de Correo Electrónico

 Número de Fax

Si el reclamante es representado por un abogado, por favor complete la siguiente sección y adjunte una copia del poder notarial (Power of Attorney, por su nombre en inglés):

 Nombre del Abogado

 No. de la Barra de Abogados del Estado de Texas

 Nombre del Despacho de Abogados

 Número de Identificación de Impuestos

 Dirección

 Número de Teléfono

Ciudad Estado Código Postal

Número de Fax

Dirección de Correo Electrónico

Proporcione una explicación de su reclamación en la parte de abajo. Adjunte páginas adicionales si es necesario.

NOTA: ADJUNTE LOS DOCUMENTOS PARA APOYAR SU RECLAMACIÓN

AFIRMACIÓN DEL RECLAMANTE

A menos que se indique lo contrario en este documento: Yo tengo el derecho individual de presentar esta reclamación. Nadie más tiene interés en esta reclamación. No se han hecho pagos por esta reclamación. Ningún tercero es responsable por esta deuda. La cantidad reclamada se debe justamente y no contiene descuentos. Yo declaro, bajo pena de perjurio, que todas las declaraciones hechas en este Comprobante de Reclamación y todos los documentos adjuntos a este formulario son ciertos y están completos y correctos. Si estoy presentando una reclamación en contra de una persona asegurada por Gramercy Insurance Company, yo entiendo que estoy renunciando a cualquier derecho que tenga para obtener los bienes personales de esa persona, hasta el límite de la cobertura y los límites de la póliza emitida por la aseguradora Gramercy Insurance Company, que actualmente es insolvente.

Firma

Nombre en letra de molde

Estado de _____

Condado de _____

El instrumento anterior lo aceptó frente a mí hoy día _____ de _____ de 201_____, quien firmó este instrumento en su propio nombre, a quien conozco personalmente o quien me mostró una licencia de conducir u otra información como identificación.

Notario Público

Nombre en letra de molde

(SELLO NOTARIAL)

Mi encomienda vence: _____



CAUSE NO. D-1-GV-12-001713

THE STATE OF TEXAS

§
§
§
§
§

IN THE DISTRICT COURT OF

VS.

TRAVIS COUNTY, TEXAS

GRAMERCY INSURANCE COMPANY

53RD JUDICIAL DISTRICT

AFFIDAVIT OF ERNESTO A. GARZA IN SUPPORT OF APPLICATION TO PROVIDE NOTICE AND SET CLAIMS FILING DEADLINE

BEFORE ME, the undersigned notary, on this day personally appeared Ernesto A. Garza, who being duly sworn, states the following under oath:

1. "My name is Ernesto A. Garza. I am competent to make this affidavit. I am the President of Resolution Oversight Corporation, the Special Deputy Receiver for Gramercy Insurance Company. I have personal knowledge of the facts to which I attest.

2. I further state that I have read the statements contained in the attached *Application to Approve Notice and Set Claims Filing Deadline* and that they are true and correct based on my personal knowledge, my review of estate records and my consultation with my staff and sub-contractors.

3. I believe that the proposed notices, POC forms, and categories of parties for notice are in the best interests of the Gramercy estate, its policyholders, creditors, and obligations imposed by Chapter 443 of the Texas Insurance Code.

Further affiant sayeth not."

Original Signed by

Ernesto A. Garza

SWORN TO, SUBSCRIBED, and ACKNOWLEDGED BEFORE ME on this 30th day of January, 2014.

Original Signed by

Notary Public – State of Texas

