

DEC 22 1998

DEPT. OF INSURANCE
BY BB

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of the Withdrawal of:)	Docket No. 98A-182-INS
)	
CABALLERO LIFE INSURANCE)	ORDER
COMPANY (NAIC No. 97608),)	
)	
Petitioner.)	
)	

On December 16, 1998, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal, issued a Recommended Decision of Administrative Law Judge ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the 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.
2. 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 the statutory deposit shall be released to the Petitioner after the Department has received the following: (a) payment of \$356.59 to the Insurance Examiners' Revolving Fund ("IERF"); (b) a copy of Petitioner's Articles of Dissolution certified as having been filed with the Arizona Corporation Commission; and (c) 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 Form E101.

1 A copy of the foregoing mailed
this 22nd day of December, 1998

2 Sara M. Begley, Deputy Director
3 Mary Butterfield, Assistant Director
Catherine O'Neil, Legal Affairs Officer
4 Gary Torticill, Assistant Director
Deloris Williamson, Assistant Director
5 Scott Greenberg, Business Administrator
Kurt Regner, Examiner
6 Department of Insurance
2910 N. 44th Street, Suite 210
7 Phoenix, AZ 85018

8 Office of Administrative Hearings
1700 W. Washington, Suite 602
9 Phoenix, AZ 85007

10 Werner J. Meyer
Ryley, Carlock & Applewhite
11 101 North First Avenue, Suite 2700
Phoenix, AZ 85003-1973
12

13 Betty Bryant
14

1 Petitioner also provided individual notice by mail to its known creditors, as evidenced by
2 affidavit.

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

5 7. Petitioner currently owes \$356.59 to the IERF.

6 8. Petitioner has waived the notice requirements of A.R.S. §41-1092.05(D).

7 **CONCLUSIONS OF LAW**

8 1. Petitioner has complied with the provisions of A.R.S. §20-588 and with
9 A.A.C. R20-6-303, relating to the release of its \$100,000.00 statutory deposit.

10 **RECOMMENDED ORDER**

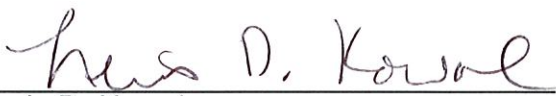
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12 Corporation Commission.

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14 \$100,000.00 and the statutory deposit shall be released to the Petitioner
15 after the Department has received the following: (a) payment of \$356.59 to the IERF;
16 (b) a copy of Petitioner's Articles of Dissolution certified as having been filed with the
17 Arizona Corporation Commission; and (c) a fully executed Form E126 (Notice of Trust
18 Deposit Release). The statutory deposit cannot be released until the Department
19 receives a fully executed copy of the official State Treasurer Release Receipt Form
20 E101.

21 3. The sum of \$100.00 previously credited to the IERF be refunded to the
22 Petitioner, pursuant to A.R.S. §20-159.

23 4. The Petitioner shall file its 1998 Annual Statement with the Department,
24 together with all applicable fees, unless Petitioner files its Article of Dissolution with the
25 Arizona Corporation Commission on or before December 31, 1998

26 Done this day, December 16, 1998.

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28 _____
29 Lewis D. Kowal
30 Administrative Law Judge

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Original transmitted by mail this
17 day of December, 1998, to:

Mr. Charles R. Cohen, Director
Department of Insurance
2910 North 44th Street, Ste. 210
Phoenix, AZ 85018

Attention: Curvey Burton

By Chris Crawford Thomason