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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

**THE RELEASE OF STATUTORY
DEPOSIT OF:

MENLO LIFE INSURANCE COMPANY
(NAIC NO. 71749)**

Petitioner.

**No. 07A-144-INS
ORDER**

On September 12, 2007, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Lewis Kowal, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on September 14, 2007, 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. Petitioner is entitled to the release of its statutory deposit in the sum of \$550,000.00 and Petitioner's statutory deposit shall be released to Petitioner.

The Director of the Department has no personal liability for the release of such deposit so made by her in good faith as provided for in A.R.S. § 20-588(B).

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Petitioner may request a rehearing with respect to this order by filing a written motion with the Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to Superior Court.

1 Petitioner may appeal the final decision of the Director to the Superior Court of
2 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal
3 must notify the Office of Administrative Hearings of the appeal within ten days after filing
4 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 17th day of September, 2007.

6
7 
8 CHRISTINA URIAS, Director
9 Arizona Department of Insurance

10 COPY of the foregoing mailed this
11 20th day of September, 2007 to:

12 Office of Administrative Hearings
13 1400 West Washington, Suite 101
14 Phoenix, Arizona 85007

15 Mary Butterfield, Assistant Director
16 Catherine O'Neil, Consumer Legal Affairs Officer
17 Steve Ferguson, Assistant Director
18 Leslie R Hess, Financial Affairs Legal Analyst
19 Kurt A. Regner, Chief Financial Analyst
20 Arizona Department of Insurance
21 2910 North 44th Street, Suite 210
22 Phoenix, Arizona 85018

23 Joseph B. Holloway, Jr.
24 Conservation and Liquidation Office
25 P.O. Box 26894
26 San Francisco, CA 94126-0894
For Petitioner

21 
22 Curvey Burton

1 6. On December 15, 2006, the Director of the Department issued an Order approving
2 the withdrawal application, the surrender of Petitioner's certificate of authority to
3 transact the business of insurance in the State of Arizona and refunded \$100.00 to
4 Petitioner that was previously credited to the Insurance Examiners' Revolving Fund.

5 7. Petitioner submitted to the Department a copy of the Articles of Amendment to its
6 Articles of Incorporation that was filed with the Arizona Corporation Commission
7 whereby Petitioner changed its name to Menlo Company and represented that it was no
8 longer acting as an insurance company.

9 8. Petitioner has a \$550,000.00 statutory deposit on file with the Department.

10 **CONCLUSIONS OF LAW**

11 1. Petitioner has complied with the provisions of A.R.S. § 20-588 and A.A.C. R20-6-
12 303 relating to the release of its \$550,000.00 statutory deposit.

13 **ORDER**

14 1. Petitioner has demonstrated that it is entitled to the release of its statutory deposit
15 in the sum of \$550,000.00 and the statutory deposit shall be released to Petitioner.

16 2. The Director of the Department has no personal liability for the release of the
17 statutory deposit made by her in good faith as provided in A.R.S. § 20-588(B).

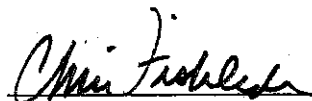
18 Done this day, September 12, 2007.

19 

20 _____
21 Lewis D. Kowal
22 Administrative Law Judge

23 Original transmitted by mail this
24 13 day of Sept., 2007, to:

25
26 Department of Insurance
27 Christina Urias, Director
28 2910 North 44th Street, Ste. 210
29 Phoenix, AZ 85018

30 By  _____