


MAR 28 2008

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

THE WITHDRAWAL OF:

**THE AMERICAN LIFE AND ANNUITY
COMPANY, INC.
(NAIC NO. 60235)**

Petitioner.

No. 08A-023-INS

ORDER

On March 27, 2008, 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 March 28, 2008, 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 may file its Articles of Amendment to its Articles of Incorporation ("Articles of Amendment") with the Arizona Corporation Commission ("ACC").
3. Petitioner is entitled to the release of its statutory deposit in the sum of \$512,000.00. Petitioner's statutory deposit shall be released to Petitioner after the Department receives an ACC certified copy of Petitioner's filed Articles of Amendment.
4. The Department shall refund the sum of \$100.00 previously credited to the IERF to Petitioner pursuant to A.R.S. §20-159.
5. Petitioner shall pay its 2008 Certificate of Authority renewal fee to the Department if its Articles of Amendment are not filed with the ACC on or before March 31, 2008.

1 6. Petitioner shall file its 2008 Annual Statement and Annual Tax and Fees
2 Report with the Department, together with all applicable fees, unless Petitioner files its
3 Articles of Amendment with the ACC on or before December 31, 2008.

4 7. Petitioner's request for a waiver from filing the 2007 Annual Form B and Form
5 C is granted.

6 The Director of the Department has no personal liability for the good faith release of
7 any deposit as provided for in A.R.S. §20-588(B).

8 NOTIFICATION OF RIGHTS

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

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

18 DATED this 28th day of March, 2008.

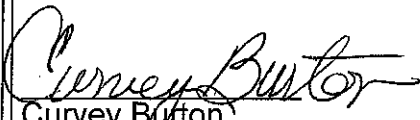
19
20
21 *Christina Urias, Deputy Director*
22 for CHRISTINA URIAS, Director
Arizona Department of Insurance

23 COPY of the foregoing mailed this
24 28th day of March, 2008 to:

25 Office of Administrative Hearings
26 1400 West Washington, Suite 101
Phoenix, Arizona 85007

1 Mary Butterfield, Assistant Director
Catherine O'Neil, Consumer Legal Affairs Officer
2 Steve Ferguson, Assistant Director
Leslie R Hess, Financial Affairs Legal Analyst
3 Kurt A. Regner, Chief Financial Analyst
Mary E. Kosinski, Executive Assistant for Regulatory Affairs
4 Arizona Department of Insurance
2910 North 44th Street, Suite 210.
5 Phoenix, Arizona 85018

6 Lila Pflieger, President
American Life and Annuity Company, Inc., The
7 4823 Old Kingston Pike, Suite 140
Knoxville, Tennessee 37919

8
9 
10 Curvey Bufon

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26