

STATE OF ARIZONA

MAY 23 1996

DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE
BY CWB

In the Matter of a Request)
for Release of Deposit by)
ELAR LIFE INSURANCE COMPANY)
(NAIC #89699))
)
)
)
Petitioner.)
_____)

Docket No. 96A-074

ORDER AUTHORIZING RELEASE OF
EXCESS DEPOSIT

A.R.S. §20-588 provides that deposited funds shall be released and returned to the Petitioner to the extent that such deposit is in excess of the amount required, upon the application to and the written Order of the Director of Insurance.

FINDINGS OF FACT

1. Elar Life Insurance Company, a domestic life and disability reinsurer within the meaning of A.R.S. §20-1082, as a result of a change in its authority from a life and disability insurer approved by the Director on April 11, 1996, currently has \$550,000 on deposit with the State Treasurer in accordance with A.R.S. §20-581.

2. Pursuant to A.R.S. §20-1087, the statutory deposit requirement for Petitioner is \$110,000, resulting in an excess deposit of \$440,000.

3. Petitioner has filed an application dated April 17, 1996 for release of the excess deposit, pursuant to A.R.S. §20-588(A)(2).

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CONCLUSIONS OF LAW

1. The Director has no personal liability for the release of an excess deposit made in good faith as provided in A.R.S. §20-588(B).

2. Petitioner is entitled to the release of the excess deposit pursuant to A.R.S. §§20-587 and 20-588.

ORDER

THEREFORE IT IS ORDERED that \$440,000 in excess deposit shall be released to Petitioner upon receipt by the Department of a fully executed Form E126 Notice of Statutory Deposit Release.

DATED this 23rd day of May, 1996.

Chris Herstam

CHRIS HERSTAM
Director of Insurance

COPY of the foregoing mailed/delivered

this 23rd day of May, 1996, to:

Charles R. Cohen, Deputy Director
Gregory Y. Harris, Executive Assistant Director
Gary Torticill, Assistant Director
Kelly Stephens, Deputy Assistant Director
Rose McNabb, Solvency Support Unit Supervisor
Department of Insurance
2910 N. 44th Street, Suite 210
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Jerome Jay Schwartz, President
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Curvey Walters Burton
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