

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

In the Matter of the Rehabilitation of ACA Assurance
06-E-380

ORDER APPOINTING REHABILITATOR

After having read and considered the facts set forth in the Commissioner's Verified Petition to Re-Open Rehabilitation, the Court finds that there exists a present and urgent necessity for the immediate entry of this Order pursuant to RSA 402-C.

WHEREFORE, it is hereby ordered as follows:

(a) Sufficient cause exists for the rehabilitation of ACA Assurance ("ACA") and appointment of the Commissioner as Rehabilitator;

(b) Roger A. Sevigny, Commissioner of Insurance for the State of New Hampshire, is hereby appointed as Rehabilitator of ACA;

(c) The Rehabilitator shall have all the powers of the officers and managers of ACA whose authority shall be suspended, except as they are specifically redelegated by the Rehabilitator;

(d) The Commissioner is directed to consult with and obtain the assistance and advice of insurance experts who shall have the powers of officers and managers of ACA;

(e) The Commissioner is authorized to appoint Peter A. Bengelsdorf as Special Deputy Commissioner for the Rehabilitator of ACA pursuant to the Consulting Agreement set forth in Exhibit G of the Verified Petition;

(f) The Commissioner is directed to secure all of the assets, property, books, records, accounts and other documents of ACA;

(g) The officers, directors, agents, employees, and representatives of ACA, and any persons acting in concert with ACA, are prohibited from disposing, using, transferring, removing or concealing any property of ACA, without the express written authority of the Rehabilitator;

(h) Any bank, savings and loan association or other financial institution or other legal entity is prohibited from disposing of, allowing to be withdrawn or concealing in any manner any property or assets of ACA, except under the express authorization of the Rehabilitator or by the further order of this Court;

(i) The following actions shall be stayed until further order of this Court:

(1) the commencement or continuation of a judicial, administrative, or other action or proceeding against ACA that was or could have been commenced before the commencement of this case, or to recover a claim against ACA that arose before the commencement of this case;

(2) the enforcement, against ACA or its property, of a judgment obtained before the commencement of this case;

(3) any act to obtain possession of property of ACA or to exercise control over property of ACA;

(4) any act to create, perfect, or enforce any lien against property of ACA;

(5) any act to create, perfect or enforce against property of ACA any lien to the extent that such lien secures a claim that arose before the commencement of this case;

(6) any act to collect, assess, or recover a claim against ACA that arose before the commencement of this case; and

(7) the setoff of any debt owing to ACA that arose before the commencement of this case against any claim against ACA.

(j) The Commissioner is authorized to impose assessments of up to twenty-five percent (25%) on policyholders of ACA;

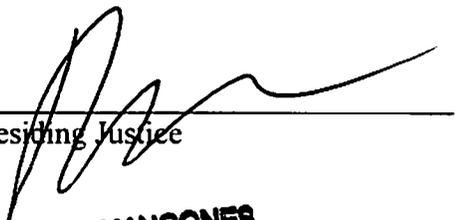
(k) The Commissioner is authorized to impose a moratorium upon loan and cash surrender rights under ACA policies, for such period and to such an extent as the Commissioner deems are necessary.

Date:

9-8-08

By:

Presiding Justice


PHILIP P. MANGONES
PRESIDING JUSTICE