

CAUSE NO. D-1-GV-13-000204

THE STATE OF TEXAS, Plaintiff	§	IN THE DISTRICT COURT OF
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
SANTA FE AUTO INSURANCE COMPANY Defendant	§	
	§	
	§	419 th JUDICIAL DISTRICT

APPLICATION TO APPROVE NOTICE AND SET CLAIMS FILING DEADLINE

TO THE HONORABLE JUDGE OF SAID COURT:

CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Santa Fe Auto Insurance Company (the “SDR” and “Santa Fe” respectively), files its *Application to Approve Notice and Set Claims Filing Deadline* (the “Application”).

I. INTRODUCTION

1.1 The SDR requests authority to provide notice of the liquidation of Santa Fe, to establish a deadline by which all claims must be filed (“Claims Filing Deadline”), to approve the form of the proof of claim (“POC”), and to approve claims processing procedures.

II. BACKGROUND

2.1 On March 8, 2013, the Court entered an *Order Appointing Rehabilitator and Permanent Injunction*, appointing the Texas Commissioner of Insurance as Rehabilitator of Santa Fe. Effective March 8, 2013, the Rehabilitator appointed CANTILO & BENNETT, L.L.P., as Special Deputy Receiver of Santa Fe.

2.2 On April 5, 2013, the Court entered an *Order Appointing Liquidator and Permanent Injunction*, placing Santa Fe in liquidation and appointing the Commissioner as Liquidator of Santa Fe.

2.3 The Commissioner designated Santa Fe an “impaired insurer” under TEX. INS. CODE Chapter 462 effective April 5, 2013. The Texas Property and Casualty Insurance Guaranty Association (“TPCIGA”) and guaranty associations in Arkansas, Arizona, Georgia, Nevada, New Mexico, Oklahoma and Utah (collectively, the “Affected IGAs”) are now responsible for “covered claims” in accordance with their states’ governing statutes.

III. JURISDICTION AND STATUTORY AUTHORITY

3.1 The SDR is authorized to file this Application pursuant to TEX. INS. CODE § 443.155, which provides for the notice of liquidation, and § 443.251, which provides requirements for the filing of claims.

3.2 This Court has exclusive jurisdiction over the subject matter of this Application pursuant to TEX. INS. CODE § 443.005.

3.3 This Application has been referred to the Special Master appointed in this proceeding in accordance with the *Amended Order of Reference to Master* entered on April 5, 2013.

IV. NOTICE OF LIQUIDATION AND CLAIM FILING DEADLINE

4.1 Statutory Requirements for Notice of Liquidation

TEX. INS. CODE § 443.155 identifies the categories of persons who must receive notice of liquidation, the means for providing notice and the contents of the notice. TEX. INS. CODE § 443.155 (a) requires that, unless this Court otherwise directs:

- (1) notice shall be given by first class mail or electronic communication to:

- A. any guaranty association that is or may become obligated as a result of the liquidation and any national association of guaranty associations;
 - B. all the insurer's agents, brokers, or producers of record with current appointments or current licenses to represent the insurer and all other agents, brokers, or producers as the liquidator deems appropriate at their last known address; and
 - C. all persons or entities known or reasonably expected to have claims against the insurer, at their last known address as indicated by the records of the insurer, and all state and federal agencies with an interest in the proceedings; and
- (2) by publication in a newspaper of general circulation in the county in which the insurer has its principal place of business and in any other locations as the liquidator deems appropriate.

TEX. INS. CODE § 443.155(b) provides that the notice must contain (or provide directions for obtaining) specified information. In summary, this information includes:

- (1) a statement that the insurer has been placed in liquidation;
- (2) a statement that certain acts are stayed or enjoined;
- (3) whether, and to what extent, the insurer's policies continue in effect;
- (4) the coverage available by state insurance guaranty associations;
- (5) the Claims Filing Deadline, and requirements for filing a POC;
- (6) the date, time and location of any scheduled status hearing;
- (7) the process for obtaining notice of matters before this Court; and
- (8) any other information the Liquidator or this Court deems appropriate.

The form of the notice that will be provided in accordance with TEX. INS. CODE § 443.155 (a)-(b) is attached as Exhibit 1 (the "Liquidation Notice").

4.2 Noticed Parties

The SDR will provide the Liquidation Notice to the following parties:

a. Parties with Known Claims and Parties Reasonably Expected to Have Claims:

1. Claimants with Policy Losses

Notice will also be provided to insureds and third party claimants who reported claims to Santa Fe that remain open, any assignees or lienholders of record, and any counsel for such parties. It is possible that some unreported claims may exist. If a new claim is reported by a person who has not been provided with a Liquidation Notice, the SDR will mail the notice to the claimant.

2. Policyholders due Unearned Premium

Policyholders who paid for coverage beyond the May 5, 2013, cancellation date have claims for unearned premium. The SDR will send the Liquidation Notice to policyholders who had in-force policies as of the cancellation date.

3. General Creditors

When Santa Fe was placed in receivership, the SDR identified unpaid invoices for goods and services. Notice will be provided to all vendors and service providers with unpaid invoices identified in Santa Fe's accounts payable files as of February 28, 2011, two years before the commencement of this proceeding.

b. Governmental Agencies and Guaranty Associations:

1. Insurance commissioners of states in which Santa Fe was licensed;
2. Affected IGAs and the National Conference of Insurance Guaranty Associations; and
3. The Internal Revenue Service.

c. Other Parties:

1. Former independent agents of Santa Fe;
2. Santa Fe's former owners, officers and directors;
3. Financial institutions which held Santa Fe accounts;
4. Reinsurers of Santa Fe; and
5. Any other parties who request, in writing, an opportunity to file a claim.

The SDR does not propose a notice to former policyholders who are not described above.

The Santa Fe policy requires policyholders to report claims promptly after an occurrence. Policyholders who do not report claims are not reasonably expected to have claims against the Santa Fe receivership. Further, providing notice to policyholders who might have unreported claims would involve a mailing to over 435,000 individuals insured by Santa Fe for the two years before receivership, a large number of whom had coverage for only one month. Such notice is not warranted, as it would impose burdensome costs and yield uncertain benefits.

4.3 First Class Mail or Electronic Notice

The SDR proposes to give notice of the liquidation and Claims Filing Deadline to the parties identified in Paragraph 4.2 by first class mail or e-mail. The SDR will provide notice to

parties at their last known address as shown by Santa Fe's records available to the SDR, or any forwarding address provided to the SDR. Some information in Santa Fe's records was not current at the time of receivership. Over 1,000 of the cancellation notices mailed to policyholders in April 2013 were returned as undeliverable. The policyholder database was updated to reflect any forwarding addresses on the returned mail, and cancellation notices were mailed to the current address. However, most returned mail did not have a forwarding address. TEX. INS. CODE § 443.155(d) provides that the SDR has no duty to locate a person if the person's address is not found in Santa Fe's records, or if mail to the address listed in Santa Fe's records is returned as undeliverable. In such circumstances, the required notice by publication described in Paragraph 4.4 is sufficient.

The SDR requests that this Court approve the manner of notice and the categories of recipients as described above. In accordance with TEX. INS. CODE § 443.155(d), the SDR further requests that this Court find that the mailing or e-mailing of notice in such manner constitutes prima facie evidence of receipt by the recipient to whom the notice is addressed, upon certification by the SDR that the notices were deposited, postage paid, in the U.S. mail, or that the notices have been electronically transmitted.

4.4 Notice by Publication

Unless otherwise permitted by this Court, TEX. INS. CODE § 443.155(a)(2) requires notice by publication in a newspaper of general circulation in the county of Santa Fe's principal place of business, and other locations as the liquidator deems appropriate. The SDR proposes to publish notice of the receivership, liquidation, policy cancellation and the Claims Filing Deadline, and provide directions for obtaining information about the claim filing process, guaranty association coverage and other matters regarding the receivership (the "Publication Notice").

The Publication Notice will appear at least once in newspapers of general circulation in the major cities in the states where Santa Fe was licensed to sell insurance: Dallas; Houston; Salt Lake City; Atlanta; Oklahoma City; Las Vegas; Little Rock, Arkansas; and Albuquerque, New Mexico. The publication will give unknown creditors notice of the liquidation, an opportunity to file a claim with the SDR, and the deadline for doing so. Pursuant to TEX. INS. CODE § 443.155(d), such notice by publication is sufficient notice to a person if the person's address is not found in Santa Fe's records or if a mailing to the person's address shown in Santa Fe's records is returned as undeliverable. The SDR requests this Court to approve the Publication Notice attached as Exhibit 2, or a form that is substantially similar.

4.5 Internet Notice

In order to facilitate communication with claimants and other interested persons, the SDR proposes to post all notices, claims filing information, POC forms and other relevant information on its website at www.santafesdr.com. Links to the SDR's website will be posted on the Texas Department of Insurance website.

4.6 Late Claims

TEX. INS. CODE § 443.251(b) authorizes the SDR to treat a late filed POC as if it was not filed late under certain circumstances. The SDR proposes to require a claimant who files a late claim to submit an affidavit to verify their eligibility under TEX. INS. CODE § 443.251(b). If a late filed POC is not eligible to be treated as timely filed under this provision, it will be classified as a Class 8 claim under TEX. INS. CODE § 443.301(h).

4.7 Proof of Claim Form

TEX. INS. CODE § 443.252 contains requirements for the content of the POC, and provides that the liquidator may require that a prescribed form be used. The SDR proposes to use the

POC form attached to this Application as Exhibit 3. The SDR requests this Court to approve the POC form attached as Exhibit 3, or a form that is substantially similar.

V. CLAIMS PROCESSING

5.1 Claims Filing Deadline

In accordance with TEX. INS. CODE § 443.251, this Court shall specify a period of time within which all POCs must be filed. The SDR requests that this Court set a Claims Filing Deadline of October 5, 2014, which is eighteen (18) months after the entry of the Liquidation Order, requiring that all POCs be received at the address designated by the SDR on or before 11:59 p.m. CDT on that date. The Claims Filing Deadline corresponds with the deadline for filing claims against TPCIGA and a number of other Affected IGAs.

5.2 Referral of Covered Claims

The SDR shall refer all claims that may be “covered claims” to the respective Affected IGA for consideration. If a claim is fully covered by an Affected IGA, the SDR will advise the claimant that the claim will not be processed as a claim against the receivership estate in accordance with TEX. INS. CODE § 443.253(m).

5.3 Guaranty Association Claims

TPCIGA and other Affected IGAs will have claims against the receivership estate for certain expenses and claims payments. TEX. INS. CODE §443.252(d) provides that a guaranty association may submit a single POC combining all claims and related administrative expenses. The SDR proposes that TPCIGA and each Affected IGA be authorized to submit a single POC combining all claims and related administrative expenses and further be authorized to supplement the POC as needed.

5.4 Processing Claims

The SDR seeks authority to process POCs under the provisions of the *Insurer Receivership Act*. The statute requires the SDR to pay each class of creditors in full, or retain adequate funds for such payment, before paying any other class of creditors. TEX. INS. CODE § 443.301.

Class 1 and Class 2 Claims

The SDR proposes to adjudicate all claims with a priority of Class 1 and Class 2 under TEX. INS. CODE § 443.301 (a) and (b) in the manner specified in TEX. INS. CODE § 443.253.

Class 3 and Lower Priority Class Claims

In order to preserve the limited assets of this estate, the SDR proposes that it not be required to adjudicate claims with a priority of Class 3 or lower at this time pursuant to TEX. INS. CODE § 443.253(k), which provides that:

[t]he liquidator is not required to process claims for any class until it appears reasonably likely that property will be available for a distribution to that class. If there are insufficient assets to justify processing all claims for any class listed in § 443.301, the liquidator shall report the facts to the receivership court and make such recommendations as may be appropriate for handling the remainder of the claims.

Until the SDR reasonably believes that there may be sufficient assets to pay all Class 2 claims in full, the SDR proposes to classify all claims with a priority of Class 3 or lower, notify the claimant of the classification and take no further action. Such notification will be a final determination of the classification of the claim under TEX. INS. CODE § 443.253(b). The SDR will adjudicate the merits of claims with a priority of Class 3 or lower if it determines that there will be a distribution to that class. In this event, the claimant will have an opportunity to object only to the determination of the amount pursuant to TEX. INS. CODE § 443.253(c).

5.5 Late Claims

TEX. INS. CODE § 443.251(b) authorizes the SDR to treat a late POC as if it was not filed late under certain circumstances. If a claimant meets these qualifications, the SDR will require an affidavit to verify the claimant's eligibility. The SDR requests this Court to approve this process for addressing any late claims. At the appropriate time, the SDR may file a request under TEX. INS. CODE § 443.251(c) to set a date by which such late claims must be filed. Any POCs filed after the Claims Filing Deadline that do not qualify under TEX. INS. CODE § 443.251(b) will be classified as Class 8 claims under TEX. INS. CODE § 443.301(h)

5.6 Waiver and Release of Claims against Santa Fe Insureds

In accordance with TEX. INS. CODE § 443.256(h), by filing a POC, a claimant who asserts a third party claim against a Santa Fe policyholder shall be deemed to have released and waived such claim up to the amount of policy limits of the Santa Fe insured's policy. The POC form and instructions (attached as Exhibit 3) contain the notice of this election of remedies as required by TEX. INS. CODE § 443.256(h)(4).

VI. NOTICE

6.1 The SDR has served this Application to all known parties in interest and all individuals and entities identified by the SDR in the Certificate of Service by e-mail and, as noted, by mail or overnight delivery to certain state and federal agencies.

VII. OFFER OF PROOF AND VERIFICATION

7.1 This Application is verified by the affidavit and certification pursuant to TEX. INS. CODE § 443.017(b) of Susan E. Salch, designated representative of CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Santa Fe Auto Insurance Company.

VIII. NOTICE OF ELECTRONIC SERVICE REQUIREMENT

8.1 All pleadings filed in response to this Application shall be served by e-mail on the undersigned counsel and all parties shown in the attached Certificate of Service.

PRAYER

WHEREFORE, PREMISES CONSIDERED, CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Santa Fe Auto Insurance Company, prays that this Court

1. Grant this Application;
2. Approve notice to the parties described in this Application, and find that such notice complies with the requirements of TEX. INS. CODE § 443.155(a) and due process;
3. Approve the Liquidation Notice attached as Exhibit 1 and the Publication Notice attached as Exhibit 2, and find that notices substantially similar to such exhibits comply with the requirements of TEX. INS. CODE § 443.155(b);
4. Approve the POC form attached as Exhibit 3, and find that a form substantially similar to such exhibit complies with the requirements of TEX. INS. CODE § 443.252;
5. Set October 5, 2014 as the Claims Filing Deadline for the filing of POCs;
6. Approve the claims processing procedures as described in this Application;
7. Find that all claimants who assert a third party claim against a Santa Fe policyholder who file a POC with the SDR shall be deemed to have released and waived any claim against the Santa Fe policyholder up to the amount of policy limits of the Santa Fe insured's policy; and
8. Grant the SDR such other and further relief to which it may be justly entitled.

Respectfully submitted,

FULLER LAW GROUP

By: /s/Christopher Fuller
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**ATTORNEY FOR CANTILO & BENNETT,
LLP, SPECIAL DEPUTY RECEIVER OF
SANTA FE AUTO INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I certify that on July 1, 2013, a true and correct copy of this APPLICATION TO APPROVE NOTICE AND SET CLAIMS FILING DEADLINE was served pursuant to the Texas Rules of Civil Procedure and TEX. INS. CODE ANN. SEC. 443.007(d) on the following by email, except as specifically otherwise noted.

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Via Email: agonzales@winstead.com
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Peggy Willard-Ross
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Craig Dunbar
Deputy Superintendent
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Via Email: vramirez@keenan-assoc.com
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Fund Administrator
Vanessa Ramirez
New Mexico Insurance Guaranty Association
Keenan & Associates, Inc.
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Albuquerque, New Mexico 87191-4590

Via Fascimile: (212) 964-7963
New York Liquidation Bureau
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New York, New York 10038

Via Email: kelly.callahan@oid.ok.gov
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Via Email: allenm@utgf.org

Allen Muhlestein
Executive Director
Utah Property & Casualty Insurance Guaranty
Association
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Sandy, Utah 84091-1626

Via First Class Mail

Internal Revenue Service
Special Procedures Branch
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300 East 8th Street, Suite 352
Mail Stop 5022AUS
Austin, Texas 78701

Via Email: brentea@rentealaw.com

Bogdan Rentea
Rentea & Associates
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Austin, Texas 78701

Via Email: jim@insurancedepot.com

Jim Maxwell

Via Email: akoury@subrogatelaw.com

Aaron G. Koury
Carpenter & Schumacher, P.C.
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Via First Class Mail

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Centralized Insolvency Operation
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Via Email: lauras@downeycleveland.com

Laura Schaefer
Downey & Cleveland
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Marietta, Georgia 30060

/s/Christopher Fuller
Christopher Fuller

APPLICANT'S NOTICE OF SUBMISSION

Pursuant to the terms of the Amended Order of Reference to Master entered by the District Court in this cause, the SDR's *Application to Approve Notice and Set Claims Filing Deadline* is hereby set for written submission before the Special Master, Tom Collins, on **July 15, 2013**.

The Special Master has asked that the following rules be provided you:

1. Any objection must be filed with the Travis County District Clerk at least three (3) calendar days before the submission date.
2. A copy of any objection shall be served by email by such date on:
 - (a) The Special Master's Docket Clerk, Ms. Jean Sustaita at Jean.Sustaita@tdi.texas.gov;
 - (b) The undersigned counsel, Christopher Fuller at cfuller@fullerlaw.org; and
 - (c) All interested parties, including those listed on the Applicant's Certificate of Service.
3. The objecting party shall coordinate with the SDR's counsel and the Docket Clerk [(512)463-6450)] to obtain an oral hearing setting for argument on the Application and Objection, and complete and attach an "Objecting Party's Notice of Oral Hearing" to the objection.
4. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not stated in writing will not be considered orally.
5. **Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.**
6. Any Acknowledgment of Notice and Waiver to be filed by any Guaranty Association or other interested party should be filed at least three (3) calendar days before the submission or hearing date.

/Christopher Fuller/

Christopher Fuller

**SPECIAL DEPUTY RECEIVER'S CERTIFICATION PURSUANT TO
TEX. INS. CODE ANN. § 443.017(b)
AFFIDAVIT OF SUSAN E. SALCH**

State of Texas

County of Travis


BEFORE ME, the undersigned authority appeared Susan E. Salch, who after being by me duly sworn, stated the following under oath:

1. My name is Susan E. Salch. I am competent to make this affidavit. The statements of fact set forth herein are true and correct, and are within my personal knowledge.

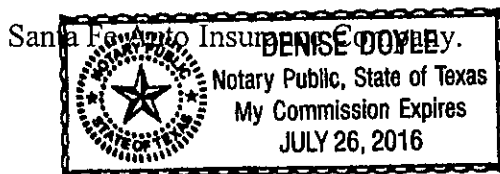
2. I am a partner in CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Santa Fe Auto Insurance Company (the "SDR" and "SFAIC" respectively). I am duly authorized to make this Certification and Affidavit on behalf of the SDR.

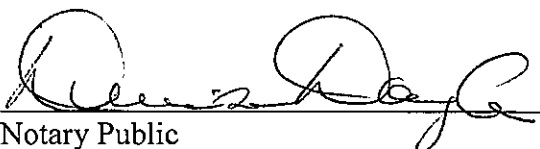
3. I certify that the exhibits, books, accounts, records, papers, correspondence, and/or other records and documents attached hereto were produced pursuant to TEX. INS. CODE ANN. § 443.017, are either true and correct copies of records of the insurer and were received from the custody of the insurer or found among its effects or were created by and filed with the Receiver's office in connection with the receivership of this delinquent insurer, and are held by the Special Deputy Receiver in its official capacity.

4. I have read the foregoing Application and the facts stated therein are true and correct based on my personal knowledge, my review of estate records and my consultation with my staff and sub-contractors.

By: 
Susan E. Salch

SUBSCRIBED AND SWORN TO BEFORE ME on June 28, 2013, by Susan E. Salch, on behalf of CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of




Notary Public

**SANTA FE AUTO INSURANCE COMPANY
NOTICE OF LIQUIDATION AND
DEADLINE TO FILE CLAIMS**

**FILING DEADLINE:
11:59 P.M. CDT, OCTOBER 5, 2014**

**THIS NOTICE PROVIDES IMPORTANT INFORMATION REGARDING
SANTA FE AUTO INSURANCE COMPANY (“SANTA FE”)**

Santa Fe has been placed in receivership for liquidation.

On April 5, 2013, the 419th District Court of Travis County, Texas entered an *Order Appointing Liquidator and Permanent Injunction*, placing Santa Fe into liquidation under Chapter 443 of the Texas Insurance Code. The Court appointed the Texas Commissioner of Insurance as Liquidator. The Liquidator appointed CANTILO & BENNETT, L.L.P. as the Special Deputy Receiver (“SDR”) of Santa Fe.

Santa Fe’s policies have been cancelled.

All insurance policies issued by Santa Fe were cancelled no later than May 5, 2013, as required by the Texas Insurance Code. Notices of cancellation were previously provided to Santa Fe’s policyholders of record.

Guaranty associations are paying “covered claims” under Santa Fe policies.

If you have a claim under an insurance policy issued by Santa Fe, you may have a “covered claim” that is payable by a state insurance guaranty association (“guaranty association”). Information regarding the Texas Property and Casualty Insurance Guaranty Association and contact information for other state guaranty associations is available at www.tpciga.org.

Claims not paid by guaranty associations may be filed in the Santa Fe receivership.

You may file a Proof of Claim (“POC”) in the Santa Fe receivership for any amount due from Santa Fe that is not covered, in whole or in part, by a guaranty association. **POCs must be received by the SDR no later than 11:59 p.m. CDT on October 5, 2014.** POC forms may be obtained as follows:

- | | |
|-----------------------------------|--|
| Download: | www.santafesdr.com |
| Request by e-mail: | santafesdr@cb-firm.com |
| Request by telephone (toll free): | 1-888-365-4201 |
| Request by mail: | Proof of Claim Department
EMKAY Associates, Inc.
P.O. Box 870
McDade, Texas 78650 |

A litigation stay is in effect.

Lawsuits against Santa Fe and persons insured by Santa Fe are stayed under Texas Insurance Code §§ 443.008 and 462.309. Lawsuits in other states may also be stayed under applicable law in those states.

Other information:

More information is available on the SDR’s website, www.santafesdr.com, including:

- Answers to frequently asked questions about the receivership process;
- Documents filed in the receivership proceeding; and
- Notices of hearings and status conferences.

EXHIBIT 2

**SANTA FE AUTO INSURANCE COMPANY (“SANTA FE”)
NOTICE OF LIQUIDATION AND CLAIMS FILING DEADLINE**

Santa Fe has been placed in receivership, and is in liquidation. All policies of insurance issued by Santa Fe were cancelled as of May 5, 2013. The deadline for filing claims against the assets of the Santa Fe receivership estate is **11:59 p.m. CDT on October 5, 2014**. See www.santafesdr.com for an explanation of the claim filing process, claim forms, and other important information about the receivership. To request a claim form call (toll free) 1-888-365-4201, e-mail santafesdr@cb-firm.com or write EMKAY Associates, Inc., P.O. Box 870, McDade, TX 78650 ATTN: CLAIMS.

**SANTA FE AUTO INSURANCE COMPANY (“SANTA FE”)
INSTRUCTIONS FOR PROOF OF CLAIM FORM**

A claim against the assets of the Santa Fe receivership estate must be made by filing a Proof of Claim (“POC”). Failure to follow these instructions could result in the denial of your claim.

1. You may file a POC if you:
 - a) are a policyholder, and have a claim under your Santa Fe policy;
 - b) have a claim against an insured of Santa Fe that is covered by a Santa Fe policy; or
 - c) are owed an amount of money by Santa Fe for any other reason.
2. A policy claim may be payable by a guaranty association. Information about the Texas Property and Casualty Insurance Guaranty Association (and links to other states’ guaranty associations) is available at www.tpciga.org. Do not use the Santa Fe POC form to file a claim with a guaranty association.
3. You may file a POC for any amount due under a Santa Fe policy that is not covered in whole or in part by a guaranty association, including unearned premium.
4. All applicable blanks on the POC form must be completed.
5. Each person making the claim must be identified clearly, and a separate POC form submitted for each person or claim. If a POC is submitted on behalf of another person, evidence of the authority to file the claim must be attached.
6. If the amount of the claim has not yet been determined, state “undetermined” in the blank for “Total Amount of Claim.”
7. Provide an explanation of your claim, and include any documents supporting your claim. If you are involved in a lawsuit against Santa Fe or an insured of Santa Fe, include the case name, docket number and the court in which it is pending.
8. The POC must be signed before a notary public. A POC that is not notarized will not be accepted.
9. You should keep a copy of the completed POC, and any proof that it was mailed or received.
10. POCs must be sent by U.S. Mail, courier service, or hand delivery to the address on the POC form and received by the SDR no later than 11:59 p.m. CDT on October 5, 2014. **POCs submitted by e-mail or fax will not be accepted.**

NOTICE TO PERSONS WITH CLAIMS AGAINST INSUREDS OF SANTA FE

Section 443.256 of the Texas Insurance Code contains requirements for claims against a person who was insured by Santa Fe (an “Insured”). By filing a POC, a claimant waives any right to pursue the personal assets of an Insured for the claim, to the extent of the coverage or policy limits provided by Santa Fe. A claimant who files a POC must seek satisfaction of the claim solely from any distribution from the receivership, and any payments from a guaranty association, to the extent of the coverage or policy limits. The waiver does not release an Insured with respect to a claim in excess of the coverage or policy limits. The waiver may be voided as described in Section 443.256 of the Texas Insurance Code.

**COMPLETED POCS MUST BE RECEIVED BY THE SDR
NO LATER THAN 11:59 P.M. CDT, OCTOBER 5, 2014.**

To Be Completed by SDR	
POC # _____	_____
Claim # _____	_____
Date Received _____	_____

Filing Deadline: October 5, 2014 11:59 p.m. CDT
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**SANTA FE AUTO INSURANCE COMPANY
PROOF OF CLAIM**

Return this completed Proof of Claim form and supporting documentation to the applicable address below. A Proof of Claim must be received by the SDR no later than **11:59 p.m. CDT on October 5, 2014.**

BY MAIL:
 CANTILO & BENNETT, L.L.P.
 Special Deputy Receiver
 Santa Fe Auto Insurance Company
 c/o EMKAY Associates, Inc.
 P.O. Box 870
 McDade, Texas 78650
 ATTENTION: CLAIMS

BY COURIER OR HAND DELIVERY:
 CANTILO & BENNETT, L.L.P.
 Special Deputy Receiver
 Santa Fe Auto Insurance Company
 c/o EMKAY Associates, Inc.
 913 Marlin Street
 McDade, Texas 78650
 ATTENTION: CLAIMS

Please read the Proof of Claim instructions carefully prior to completing this Proof of Claim. Please print or type.

Name of Claimant	\$ _____ Total Amount of Claim
Street Address	Soc. Sec. or Tax ID Number
City _____ State _____ Zip _____	Telephone Number _____
E-mail Address _____	Facsimile Number _____

If the claimant is represented by an attorney, please complete the following section, and attach a copy of the Power of Attorney:

Name of Attorney	State Bar No. _____
Name of Law Firm	Tax ID Number _____
Street Address	Telephone Number _____
City _____ State _____ Zip _____	Facsimile Number _____
E-mail Address _____	

Provide an explanation of your claim below. Attach additional pages if necessary.

NOTE: ATTACH DOCUMENTATION TO SUPPORT YOUR CLAIM

AFFIRMATION OF CLAIMANT

Unless noted herein: I alone am entitled to file this claim. No others have an interest in this claim. No payments have been made on the claim. No third party is liable on this debt. The sum claimed is justly owing, and there is no set-off. I declare, under penalty of perjury, that all of the statements made in this Proof of Claim and all documents attached to this form are true, complete, and correct. If I am making a claim against a person insured by Santa Fe Auto Insurance Company, I understand that I am waiving any right to pursue the personal assets of that person, to the extent of the coverage and limits provided by the policy issued by Santa Fe Auto Insurance Company.

Signature

Print Name

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 201__, by _____, who has executed this instrument on such individual's own behalf, who is personally known to me or who has produced a Driver License or other information as identification.

Notary Public

Printed Name

My Commission Expires: _____

(NOTARY SEAL)