

CAUSE NO. D-1-GN-18-001285

THE TEXAS DEPARTMENT OF	§	IN THE DISTRICT COURT OF
INSURANCE,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
ACCESS INSURANCE COMPANY,	§	
<i>Defendant.</i>	§	261 ST JUDICIAL DISTRICT

SPECIAL DEPUTY RECEIVER’S APPLICATION FOR APPROVAL OF CLAIM FILING DEADLINE, GUIDELINES FOR PROVIDING NOTICE, AND PROCEDURES FOR PROCESSING CLAIMS

TO THE HONORABLE JUDGE OF SAID COURT:

CANTILO & BENNETT, L.L.P., the Special Deputy Receiver (“SDR”) of Access Insurance Company (“AIC”), files this *Application for Approval of Claim Filing Deadline, Guidelines for Providing Notice, and Procedures for Processing Claims* (the “Application”).

I. INTRODUCTION

1.1 This Application is filed pursuant to TEX. INS. CODE (the “Code”) § 443.155. The SDR asks the Court to set September 13, 2019 as the deadline for creditors to file claims. In addition, the SDR requests that this Court approve how the SDR will provide notice of AIC’s liquidation and claims filing deadline to potential creditors. The SDR submits for approval the proposed form and instructions that creditors will use to file claims. Furthermore, the SDR asks the Court to approve how the SDR will receive and process claims.

II. BACKGROUND

2.1 On March 13, 2018, the Court entered an *Agreed Order Appointing Liquidator, Permanent Injunction, and Notice of Automatic Stay* (the “Liquidation Order”) putting AIC into liquidation. The Court appointed the Texas Commissioner of Insurance (the “Commissioner”) as

the Liquidator of AIC. Effective March 13, 2018, the Commissioner appointed CANTILLO & BENNETT, L.L.P. as the SDR of AIC.

2.2 The SDR is authorized to file this Application pursuant to § 443.151 of the Code. The Court appointed Mr. Tom Collins to act as the Special Master in this receivership. This Application has been referred to Mr. Collins in accordance with Paragraph III of the *Order of Reference to Master*. Accordingly, Mr. Collins will review this Application and make a recommendation to the Court on whether or not it should be granted.

III. JURISDICTION AND STATUTORY AUTHORITY

3.1 Section 443.155 of the Code requires the SDR to obtain Court approval to set the claim filing deadline. In addition, the Code requires that the method for providing notice of AIC's liquidation, the forms used to make claims, and the instructions on how to file those claims be approved by this Court.

3.2 In accordance with § 443.005 of the Code, this Court has exclusive subject matter jurisdiction over this Application.

3.3 This Court has personal jurisdiction over parties asserting claims ("Claimants") directly against AIC and/or property owned by AIC pursuant to § 443.005 of the Code. Specifically, this Court has personal jurisdiction over all Claimants against AIC and the property of the estate for one or more of the following reasons:

- AIC is domiciled in the State of Texas;
- This is a civil proceeding arising under, and related to, this proceeding under Chapter 443 of the Code;
- All Claimants fall under the Court's statutory personal jurisdiction set out in § 443.005(d) of the Code and/or Chapter 17 of the Texas Civil Practice & Remedies Code; and/or

- The assertion of jurisdiction by the Court complies with the constitutions of the United States and State of Texas. In addition, the Court’s assertion of jurisdiction meets the United States Supreme Court’s requirement that jurisdiction comport with customary standards of fair play and substantial justice.

3.4 Pursuant to § 443.005(g) of the Code, exclusive and mandatory venue for this proceeding is in Travis County, Texas.

IV. RELIEF SOUGHT

A. NOTICE OF LIQUIDATION AND CLAIM FILING DEADLINE

4.1 Section 443.155 of the Code requires the SDR to give notice to potential Claimants of the fact that AIC is in liquidation, and of the deadline and manner of filing claims (“Proofs of Claim” or “POCs”). The law requires that notice be sent by first class mail or electronic means. Notice must be sent to insurance guaranty associations, AIC’s insurance agents, all persons or entities known or reasonably expected to have claims against AIC, and all state and federal agencies with an interest in the proceeding. The form of the proposed notice, which includes instructions on how and when to file a POC, is attached as Exhibit 1 (the “Notice”). In addition, the Code requires the SDR to publish a notice of liquidation and the claims filing deadline in a newspaper of general circulation in the county in which AIC has its principal place of business, and in any other locations the Liquidator deems appropriate. The form of the newspaper notice is attached as Exhibit 2. The SDR provided notice of the liquidation to all then-current AIC insureds in late March 2018, when it served them with the notice of cancellation of all policies of insurance.

1. Statutory Requirements for Notice of Liquidation and Claims Filing Deadline

4.2 Section 443.155 of the Code sets out the specific requirements for a notice of liquidation. This section describes the categories of persons who must receive notice, the means for providing notice, and the contents of the notice. Section 443.155 (a) of the Code requires that, unless this Court directs otherwise, notice shall be given:

(1) 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.

As described more fully below, the SDR requests authority to deem certain categories of claims - subrogation claims and deductible/co-insurance claims - pursuant to section 443.251(a) of the Code. The Court is authorized to waive the SDR's obligation to provide notice to potential claimants pursuant to section 443.155 (a) of the Code. The SDR moves the Court to waive the SDR's obligation to provide notice to potential subrogation claimants and deductible/co-insurance claimants because their claims will be deemed timely filed.

2. First Class Mail or Electronic Notice to Identifiable Claimants

4.3 The SDR proposes to give notice of AIC's liquidation and claim filing deadline by first class mail or e-mail to potential Claimants listed below:

- First-party and third-party claimants, beneficiaries and their loss payees and/or their counsel who currently have claims and/or lawsuits pending for coverage for direct losses, unearned premium, or for defense or indemnity under AIC policies;
- All affected state insurance guaranty associations ("Guaranty Associations") and the National Conference of Insurance Guaranty Associations;
- All former independent agents;
- All vendors (including service providers), identified in AIC's accounts payable files

- from March 13, 2016 (2 years before liquidation) to present;
- All parties asserting direct claims against AIC in known litigation;
 - AIC's former officers and directors going back to January 1, 2014, its parent company and controlling entities;
 - All financial institutions which held AIC accounts, whose identity is reflected in the estate's books and records;
 - All reinsurers;
 - The U.S. Department of Treasury through the Internal Revenue Service; and
 - To the extent not already described above, all parties who have requested, in writing or by e-mail, an opportunity to file a claim.

4.4 The SDR is not providing the Notice to all former AIC insureds for a number of reasons. First, AIC's insureds generally will not have claims against the estate. All legitimate claims arising under AIC's policies will either be covered by the applicable Guaranty Association or by the Claimant's own insurance. Unearned premium ("UEP") claims will likewise be covered by Guaranty Associations. To the extent that a policyholder or Claimant under an AIC policy incurs a deductible, co-insurance requirement or similar limitation on recovery, the SDR proposes to deem such claims without the need to file a POC. The SDR has already complied with Code's requirement that notice of the liquidation be provided to policyholders. The SDR provided all then-policyholders with notice of the liquidation in late March 2018, when it mailed notices of cancellation to the policyholders' addresses contained in AIC's business records. However, tens of thousands of the notices of cancellation were returned as undeliverable even though they were sent to the policyholders' last known addresses in AIC's business records. Moreover, AIC sold only nonstandard auto insurance policies, and claims arising under such policies are typically filed very quickly after the accident giving rise to a claim. Finally, it is expensive to provide notice by mail, and the SDR does not have the e-mail addresses for all former insureds. Thus, money spent

on providing notice to parties who mostly likely do not have claims is money that will not be available to pay approved creditors. Therefore, the SDR believes that the expense of serving a larger pool greatly outweighs any potential benefit. Of course, the SDR will send the Notice to any AIC policyholder who requests it.

4.5 As required by law, the SDR intends to use the names and addresses found in AIC's business records to serve the Notice, unless a different address has been provided in writing to the SDR. The SDR requests that this Court approve the manner of providing notice and the list of recipients as described above. The SDR further requests that this Court find that the mailing or e-mailing of the Notice in such manner constitutes prima facie evidence of receipt by the recipient to whom the Notice is addressed.

3. Notice by Publication

4.6 AIC was licensed to sell insurance in 22 states. However, it had been actively selling policies in only 13 states at the time of liquidation and had largely stopped selling policies in all but 5 states. Approximately 73% of its 2017 premiums were collected in California, with Pennsylvania accounting for around 13%, and the remainder spread across other states. Overall, 5 states account for more than 98% of the business written in 2017 (in descending order): California, Pennsylvania, South Carolina, Alabama, and Georgia. Thus, the SDR proposes to publish notice of the liquidation, the POC filing deadline and procedures at least once in newspapers of general circulation in the major cities in these five states. The SDR plans to publish notices (in both English and Spanish) in Los Angeles; San Francisco; San Diego; Philadelphia; Charleston, South Carolina; Birmingham, Alabama; and Atlanta. The SDR will also publish notice in Austin, Texas because AIC is a Texas corporation. The publication will give unknown

Claimants notice of the liquidation, the need to file a POC with the SDR, and the deadline for doing so.

4.7 The SDR requests the Court enter an order authorizing the SDR to notice Claimants in this manner and deeming that such notice by publication to unknown Claimants and to parties with changed addresses is sufficient to comply with the notice provisions of the *Insurer Receivership Act*. The SDR's form of the publication notice is attached as Exhibit 2. The SDR requests that the publication notice be approved in this or a substantially similar form.

4. Internet Notice

4.8 The SDR will post all notices, claim filing information, POC forms and other relevant information on its web site at www.accessinsurancesdr.com. The SDR will also ask the Guaranty Associations to post the POC filing information on their web sites.

5. Deemed Claims

4.9 The law allows the SDR to request authority from the Court to deem certain categories of claims as timely filed. If the SDR deems a claim, it does not have to be filed by the Claimant. The SDR requests authority to dispense with the requirements for filing a POC for two categories of Claimants: 1) subrogation claims and 2) deductible/co-insurance claims. Section 443.251(a) of the Code provides that:

The receivership court, only upon application of the liquidator, may allow alternative procedures and requirements for the filing of proofs of claim or for allowing or proving claims. Upon application, if the receivership court dispenses with the requirements of filing a proof of claim by a person or a class or group of persons, a proof of claim for the person, class, or group is deemed to have been filed for all purposes, except that the receivership court's waiver of proof of claim requirements does not impact guaranty association proof of claim filing requirements or coverage determinations to the extent the guaranty fund statute or filing requirements are inconsistent with the receivership court's waiver of proof.

4.10 The SDR requests authority to deem subrogation claims as duly filed claims against

the estate. A subrogation claim arises when a party, typically an auto insurance company, pays a claim for an insured even though its insured was not at fault. This often happens when a Guaranty Association denies coverage for an otherwise valid claim under an AIC policy citing exceptions to coverage under its rules (such as the requirement that a claimant exhaust all remedies under other coverage. *See, e.g.*, § 462.251 of the Code). As a result, solvent carriers pay claims that would otherwise be AIC's liability and typically are entitled to seek reimbursement from AIC. However, based on experience in other estates, the SDR believes that a substantial number of such subrogation claims will not be filed. Omission of these claims may prejudice the SDR's recovery of reinsurance. Accordingly, the SDR proposes to file claims for unliquidated amounts for each known AIC claim for which a Guaranty Association has not reported and for which a POC has not been filed. Such claims will be deemed timely and properly filed and will be processed as described below.

4.11 The SDR further requests authority to deem claims for Guaranty Association deductibles or co-insurance as duly filed claims against the estate. Certain Guaranty Associations apply deductibles to their obligations to refund unearned premium ("UEP") and to pay "covered claims" as defined by their enabling statutes. The SDR moves for authority to deem UEP and covered claim deductibles as duly filed POCs against the estate.

6. Additional Notice

4.12 It is possible that, despite its best efforts and diligence, the SDR may miss sending the Notice to some Claimants or classes of Claimants. The SDR reserves the right to issue the Notice to such Claimants or classes of Claimants if it is warranted.

7. Proof of Claim Form

4.13 Section 443.155 of the Code requires that a POC must be submitted in a format approved by the Court. The proposed POC form is attached as Exhibit 3. The SDR requests the Court to approve the form and authorize the SDR to use it or a form that is substantially similar.

B. CLAIM PROCESSING

1. Referral of Claims and Claim Filing Deadline

4.14 Section 443.155 of the Code requires the Court to set a deadline by which all POCs must be filed. The SDR requests that this Court set **September 13, 2019** (eighteen (18) months after the entry of the Liquidation Order), as the POC filing deadline. The SDR further asks that the Court require that all POCs be received at the address designated by the SDR on or before 11:59 p.m. C.D.T. on that date. If the SDR receives a POC that may be paid by a Guaranty Association, it will send that POC to the correct association. The SDR will process any part of those claims to the extent they are not paid by a Guaranty Association.

2. Guaranty Associations

4.15 The Guaranty Associations that are paying claims on AIC policies will have claims against the receivership estate for certain expenses and claim payments. Section 443.252(d) of the Code provides that a Guaranty Association may submit a single POC combining all claims and related administrative expenses. The SDR proposes that each Guaranty Association be authorized to submit a single POC combining all claims and related administrative expenses, and to supplement the POC as needed.

3. Processing Claims

4.16 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(a).

4. Processing Class 1 and Class 2 Claims

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

5. Class 3 and Lower Priority Class Claims

4.18 At this time, the SDR cannot predict how much money will be available to pay claims or how much the total claims will be. It would be a waste of money to fully process POCs for Claimants who, ultimately, will not be paid. Therefore, to preserve the 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. Section 443.253(k) of the Code 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 will 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 adjudication of the claim, subject to the SDR's later determination that sufficient assets exist to justify processing claims with a priority lower than Class 2.

6. Late Claims

4.19 The SDR expects that some POCs will be filed after the claim filing deadline. These POCs, if approved as legitimate claims against AIC, will only be paid after all Class 1 through Class 7 claims are paid. Some Claimants are excused from the claim filing deadline. Any

Claimant who contends that it is not bound by the deadline must submit an affidavit to establish why the deadline should not apply. POCs submitted by Claimants who meet the requirements will be handled as if they were filed on time. If a claim is filed after the deadline and it does not meet the requirements discussed above, the claim shall be deemed a Class 8 claim and the SDR shall not process it unless it appears that there is enough money to pay all Class 1 through Class 7 claims.

7. Contingent and Unliquidated Claims

4.20 Some Claimants will not be able to state the amount that is owed by the deadline to file a claim. These are “unliquidated” claims. Other Claimants may have “contingent” claims against AIC that only become actual claims in the event something happens in the future. Claimants can file contingent or unliquidated claims. At some time in the future, the SDR will ask the Court to set a deadline by which all contingent and unliquidated claim must become liquidated or else they will be denied.

8. Waiver and Release of Claims against AIC Insureds

4.21 Section 443.256(h) of the Code provides that if someone has a claim against an AIC policyholder and files a POC with the SDR, that Claimant is deemed to have waived and released the claim against the AIC policyholder. The waiver and release is effective only up to the amount of the AIC policy. The law requires that a statement informing the Claimant of the waiver and release be included on the POC form. The SDR’s proposed POC form (Exhibit 3) complies with the requirements in § 443.256(h)(4) of the Code. POCs that are deemed filed by the SDR are also subject to the waiver and release.

V. NOTICE

5.1 The SDR has served this Application by e-mail to everyone listed on the attached Certificate of Service. Certain state and federal agencies were served by mail or overnight delivery.

VI. OFFER OF PROOF AND VERIFICATION

6.1 This Application is verified by the affidavit and certification of Susan E. Salch, designated representative of CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of AIC, pursuant to § 443.017(b) of the Code.

VII. NOTICE OF ELECTRONIC SERVICE REQUIREMENT

7.1 Any party who responds to this Application must file their response with the Court and send it by e-mail to the SDR's attorney 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 Access Insurance Company, prays that this Court:

1. Grant this Application;
2. Approve the notices and POC forms as described in this Application, and find that they comply with the requirements of § 443.155 of the Code and due process;
3. Establish September 13, 2019, as the claim filing deadline;
4. Approve the SDR's proposed claim processing procedures, and
5. Approve the SDR's proposal to deem certain categories of claims;
6. Rule that Claimants who assert third-party claims against AIC policyholders and who file, or are deemed to have filed, a POC with the SDR shall be deemed to have released and waived any such claim up to the amount of the AIC policy limits under § 443.256(h) of the Code; and
7. Grant the SDR such other and further relief to which it may justly be entitled.

Respectfully submitted,

FULLER LAW GROUP

By: /s/Christopher Fuller

Christopher Fuller
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Attorney for CANTILO & BENNETT, LLP,
Special Deputy Receiver of Access Insurance Co.

CERTIFICATE OF SERVICE

I certify that on February 25, 2019, the foregoing SPECIAL DEPUTY RECEIVER'S APPLICATION FOR APPROVAL OF CLAIM FILING DEADLINE, GUIDELINES FOR PROVIDING NOTICE, AND PROCEDURES FOR PROCESSING CLAIMS was served pursuant to the Court's order requiring electronic service, the Texas Rules of Civil Procedure and TEX. INS. CODE CHAPTER 443.007(d) on the following by electronic mail, except as specifically noted:

Via Email: specialmasterclerk@tdi.texas.gov
Special Master's Clerk
Rehabilitation & Liquidation Oversight
TEXAS DEPARTMENT OF INSURANCE
PO Box 149104
Austin, Texas 78714-9104

Via e-Service: James.Kennedy@tdi.texas.gov
James Kennedy
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Austin, Texas 78714-9104

Via Email: John.Alexander@tdi.texas.gov
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/s/Christopher Fuller

Christopher Fuller

APPLICANT'S NOTICE OF SUBMISSION

Pursuant to the terms of the Order of Reference to Master entered by the District Court in this cause, the *Special Deputy Receiver's Application for Approval of Claim Filing Deadline, Guidelines for Providing Notice, and Procedures for Processing Claims* is hereby set for written submission before the Special Master, Tom Collins, on March 11, 2019.

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, at specialmasterclerk@tdi.texas.gov;
 - (b) The undersigned counsel, Christopher Fuller at cfuller@fullerlaw.org; and
 - (c) All interested parties, including those listed on the SDR's Certificate of Service.
3. The objecting party shall coordinate with the SDR's counsel and the Docket Clerk [(512) 676-6915] 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. **Please note that if an objection is not filed as described in the Notice of Submission, the Master may consider the Application without a hearing.**
6. **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.**
7. Any Acknowledgment of Notice and Waiver to be filed by the Guaranty Association or other interested party should be filed at least three (3) calendar days before the submission or hearing date.

/s/Christopher Fuller
Christopher Fuller

**SPECIAL DEPUTY RECEIVER'S VERIFICATION AND CERTIFICATION
PURSUANT TO TEX. INS.CODE ANN. §443.017(b)**


AFFIDAVIT OF SUSAN E. SALCH

State of Texas

County of Travis

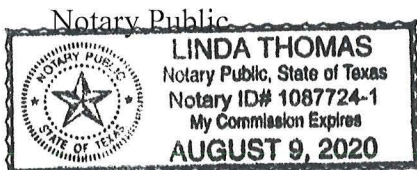
BEFORE ME, the undersigned authority appeared Susan E. Salch, who after being by me duly sworn, stated the following under oath:

1. "My name is Susan E. Salch. I am of sound mind, capable of making this affidavit, and am competent to testify to the matters contained in this affidavit.
2. I am a partner in CANTILO & BENNETT, L.L.P., the Special Deputy Receiver of Access Insurance Company (the "SDR" and "AIC" respectively), I am duly authorized to make this Affidavit on behalf of the SDR.
3. I have reviewed the *Application for Approval of Claim Filing Deadline, Guidelines for Providing Notice, and Procedures for Processing Claims* and the facts stated therein are true and correct based on my personal knowledge, my review of estate records and my consultation with the staff and subcontractors.
4. 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 § 443.017, are either true and correct copies of records of AIC and were received from the custody of AIC or found among its effects, or were created by and filed with the Receiver's office in connection with the receivership of this delinquent agency, and are held by the Special Deputy Receiver in its official capacity."

By: 
Susan E. Salch

SUBSCRIBED AND SWORN TO BEFORE ME on February 25, 2019, by Susan E. Salch, partner in CANTILO & BENNETT, L.L.P., Special Deputy Receiver of Access Insurance Company





**Filing Deadline:
11:59 p.m. CDT
September 13, 2019**

**Exhibit
1**

NOTICE OF LIQUIDATION AND DEADLINE TO FILE PROOF OF CLAIM

Access Insurance Company (“Access”) was placed in liquidation by order of the 261st Travis County District Court (the “Receivership Court”). CANTILO & BENNETT, L.L.P., the Special Deputy Receiver of Access (“SDR”), is handling the liquidation of Access. This notice explains how claims against Access can be filed.

Claims must be filed on a Proof of Claim form

A Proof of Claim (“POC”) is the claim form included with this notice. The contents of this form are required by law, and include information that the SDR needs to process a claim.

A POC must be filed, unless an exception applies

If you have an unpaid claim that Access was responsible for paying, you must file a POC to make a claim unless one of the exceptions described below applies. You do *not* need to file a POC if:

1. You had a claim under an insurance policy that was fully paid by a state insurance guaranty association (“Guaranty Fund”), or you settled your claim with a Guaranty Fund. You will not have an unpaid claim in the receivership, as your claim has been resolved.
2. You received a payment from a Guaranty Fund, but the payment was reduced by a deductible. If this happens, the Guaranty Fund will report the unpaid deductible to the SDR. The SDR will approve unpaid deductible claims reported by Guaranty Funds.
3. You have a subrogation claim against a person insured by Access.
4. You have a claim for goods or services provided to Access *on or after* March 13, 2018, and:
 - (a) the goods or services were provided at the request of the Liquidator or the SDR, and
 - (b) the Liquidator or the SDR approved the payment of goods or services.

If you do not know if one of these exceptions apply to your claim, you should file a POC.

Instructions on completing the POC

All applicable blanks on the POC form must be completed, and the form must be signed before a notary and notarized. You must provide sufficient information in your POC, and include any documents supporting your claim. A separate POC must be submitted for each person or each claim. If the POC form is submitted on behalf of another person, you must provide evidence that you are authorized to file the claim on behalf of that person. A POC form may be duplicated.

Filing deadline for POCs

The Receivership Court has established a deadline and procedure for filing claims against Access. To file a claim, you must complete and return the POC form as described below so that it is received by the SDR **no later than 11:59 p.m. CDT on September 13, 2019** (the “Filing Deadline”).

You may send your POC to the SDR by U.S Mail, courier (delivery service) or hand delivery. If you mail your POC, it does not need to be sent by registered or certified mail, unless you want proof of receipt. You should keep a copy of your POC and any proof that it was mailed or delivered. You should allow sufficient time to ensure that your POC is received by the SDR by the Filing Deadline. A POC postmarked by the Filing Deadline but received after the Filing Deadline is not timely filed.

You cannot send a POC by e-mail or fax. Any POC received by e-mail or fax will not be accepted.

The POC must be addressed to the SDR to one of the addresses below:

BY MAIL:

CANTILO & BENNETT, L.L.P.
Special Deputy Receiver
Access Insurance Company
P.O. Box 184
Austin, Texas 78767
ATTENTION: CLAIMS

BY COURIER OR HAND DELIVERY:

CANTILO & BENNETT, L.L.P.
Special Deputy Receiver
Access Auto Insurance Company
11401 Century Oaks Terrace, Suite 300
Austin, Texas 78758
ATTENTION: CLAIMS

What happens after you file your POC

The SDR will review your POC to determine if you have a claim against Access. If your claim is payable by a Guaranty Fund, your POC will be sent to the Guaranty Fund responsible for your claim. If the SDR finds that you have a valid claim against Access that is not payable by a Guaranty Fund, you will be notified.

Approved claims are paid according to their priority class. The SDR will notify you when it determines the priority class of your POC. A distribution on claims in a class can be made if there are funds available for that class. The SDR does not know whether there will be funds to pay claims, or when a distribution might be made. If your POC is approved, and funds are available to pay your claim, you will be notified.

It is important that you inform the SDR of any change to your address. If the SDR does not have your current address, you might not receive future notices or payments.

Additional information about the Access receivership is available on the SDR’s web site, www.accessinsurancesdr.com. The website will be updated periodically.

**ACCESS INSURANCE COMPANY (“ACCESS”) NOTICE OF LIQUIDATION AND
CLAIMS FILING DEADLINE**

Access has been placed in liquidation by court order. All insurance policies issued by Access were cancelled as of April 12, 2018. The deadline for filing claims against the Access receivership estate is **11:59 p.m. CDT, September 13, 2019**. See www.accessinsurancesdr.com for information about the claim filing process, and to download claim forms. To request a claim form call (toll free) 1-888-553-0021, e-mail accessinfo@cb-firm.com, or write Cantilo & Bennett, L.L.P., P.O. Box 184, Austin, TX 78767 ATTN: CLAIMS.

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

Filing Deadline: September 13, 2019 11:59 p.m. CDT

ACCESS INSURANCE COMPANY PROOF OF CLAIM

Return this completed Proof of Claim form and any supporting documents. A Proof of Claim must be **received** by the SDR no later than **September 13, 2019 11:59 p.m. CDT** at one of the addresses shown below.

BY MAIL:
 CANTILO & BENNETT, L.L.P.
 Special Deputy Receiver
 Access Insurance Company
 P.O. Box 184
 Austin, Texas 78767
 ATTENTION: CLAIMS

BY COURIER OR HAND DELIVERY:
 CANTILO & BENNETT, L.L.P.
 Special Deputy Receiver
 Access Insurance Company
 11401 Century Oaks Terrace, Suite 300
 Austin, Texas 78758
 ATTENTION: CLAIMS

Please read the Proof of Claim instructions carefully before 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

Texas law requires the following statement in a Proof of Claim

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 Access 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 Access 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)