

IN THE CIRCUIT COURT OF
THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

In Re: The Receivership of
DOCTORCARE, INC.,
a Florida corporation.

CASE NO.: 2006-CA-2965

**RECEIVER'S MOTION FOR ORDER APPROVING DISCHARGE ACCOUNTING
STATEMENT, DIRECTING FINAL DISCHARGE OF RECEIVER, DIRECTING
DISPOSITION OF REMAINING ASSETS, AND CLOSING ESTATE**

The Florida Department of Financial Services, as Receiver of DoctorCare, Inc., (hereinafter "Receiver"), by and through the undersigned counsel, hereby files this Motion for Order Approving Discharge Accounting Statement, Directing Final Discharge of Receiver, Authorizing Destruction of Obsolete Records, Directing Disposition of Remaining Assets, and Closing Estate, and in support thereof states as follows:

1. DoctorCare, Inc., ("DoctorCare"), was a Florida corporation previously authorized to transact the business of a Medicare-approved health maintenance organization in the State of Florida.

2. On November 27, 2006, this Court entered an Order Appointing the Florida Department of Financial Services as Receiver of DoctorCare for Purposes of Liquidation, Injunction, and Notice of Automatic Stay.

3. Pursuant to section 631.021(1), Florida Statutes, this Court has jurisdiction over the Receivership and is "authorized to make all necessary or proper orders to carry out the purposes of the Florida Insurers Rehabilitation and Liquidation Act."

4. On January 18, 2013, the Court entered an Order Approving Receiver's Discharge Accounting Statement, Directing Final Discharge, and Authorizing Destruction of Obsolete Records.

5. On October 21, 2014, the Court entered an Order Granting the Department of Financial Services Motion to Reopen the DoctorCare, Inc., Receivership (“Reopening Order”), following the identification of additional assets belonging to DoctorCare, in the amount of \$785,836.98.

6. On April 7, 2015, this Court entered its Order Approving Final Claims Report, Claims Distribution Report, Distribution Accounting Statement, and Authorizing Distribution. The Receiver subsequently made the appropriate distributions pursuant to said Order.

7. Despite the Receiver’s best efforts, some approved claims may have inadequate current address information and/or may not have provided the Receiver with a form W-9, required by the Internal Revenue Service. The total unclaimed property in the estate is \$199,340.95. The Receiver plans to transfer said unclaimed funds to the Department of Financial Services, Bureau of Unclaimed Property (“Bureau”), pursuant to section 717.119. A copy of the Discharge Accounting Statement, Projected for Discharge in June 2015, is attached as **Exhibit A**.

8. Pursuant to the Discharge Accounting, the estimated value of all DoctorCare assets is \$202,562.70.

9. In accordance with the Discharge Accounting, **Schedule D**, in **Exhibit A**, a sum of \$1,550 shall be reserved for the Receiver’s wind-up expenses of administration.

10. The Receiver receives an annual budget from the State of Florida’s Insurance Regulatory Trust Fund (“RTF”), which funds a portion of the Receiver’s costs and expenses of administration. The Receiver funds the majority and remainder of its budget from the assets of the receiverships it supervises. The portion funded by the RTF supports state funded positions within the Division of Rehabilitation and Liquidation and includes their direct labor and a portion of the Receiver’s overhead. Each receivership is allocated a portion of these state funded costs

and expenses based on certain allocation formulas. It is the Receiver's policy to record these state funded expenditures as "Contributed Equity" on each receivership financial statement. If the receiver determines that there are sufficient assets available at the end of the receivership, it is the policy of the Receiver to reimburse the RTF for Contributed Equity as the Receiver's costs and expenses of administration, as well as the claims of state and local governments pursuant to section 631.271. The projected Contributed Equity balance through June 30, 2015 was calculated at \$52,407.86. Additionally, the receiver's policy authorizes the utilization of alternative plans for reimbursing the regulatory Trust Fund when it is in the best interest of the estate. For a copy of the Contributed Equity Balance, please see **Schedule E**, in **Exhibit A**.

11. After the Receiver transfers the unclaimed funds to the Bureau of Unclaimed Property, and pays the wind-up expenses of administration, it is estimated that there will be approximately \$1,671.75 remaining in the estate. The Receiver requests the authority to transfer the actual remaining amount to the RTF pursuant to the Receiver's policy and section 631.271.

12. All mortgages, notes, judgments, or other liens in favor of DoctorCare recorded with the Clerk of Circuit Courts in the State of Florida, upon property located in the State of Florida, not sold, transferred or assigned by the Receiver, are hereby assigned to RTF.

13. Although such recovery is unlikely, the Receiver requests an order authorizing the Division of Rehabilitation and Liquidation to remit the RTF any assets which may be recovered following the discharge of this receivership if, in the Division's sole discretion, the value of the recovered assets does not justify the reopening of this receivership estate.

14. The Receiver requests an Order that it shall be fully and finally discharged of its responsibilities in this Receivership and the receivership closed as of 12:01 a.m. on June 30, 2015.

WHEREFORE, the Receiver respectfully requests this Court grant its Motion and enter an Order:

- A. Approving the Receiver's Discharge Accounting Statement;
- B. Authorizing and directing the Receiver to transfer unclaimed funds to the Department of Financial Services, Bureau of Unclaimed Property pursuant to section 717.119, Florida Statutes;
- C. Authorizing and directing the Receiver to retain \$1,550 as a reserve for the Receiver's wind-up expenses of administration;
- D. Authorizing and directing the Receiver to reimburse the Regulatory Trust Fund for Contributed Equity used to fund a portion of the costs and expenses of administering the estate;
- E. Authorizing and directing the Receiver to transfer any surplus expense funds remaining after discharge and the balance of the estate's assets to the Regulatory Trust Fund;
- F. Authorizing and directing the Receiver to assign all mortgages, notes, judgments, or other liens, in favor of the Florida Insurance Regulatory Trust Fund;
- G. Authorizing the Division of Rehabilitation and Liquidation to remit to the Regulatory Trust Fund any assets which may be recovered following the June 30, 2015 closure of this receivership estate if, in the Division's sole discretion, the value of the recovered assets does not justify the reopening of this receivership; and
- H. Directing, without further order of this Court, the final discharge of the Receiver of its responsibilities in this receivership estate and the receivership closes as of 12:01 a.m. on June 30, 2015.

RESPECTFULLY SUBMITTED this 15th day of June, 2015.

/s/ Helena Cruz Sánchez

HELENA CRUZ SÁNCHEZ

Senior Attorney

Florida Bar No.: 61250

Florida Department of Financial Services

Division of Rehabilitation and Liquidation

2020 Capital Circle, S.E., Suite 310

Tallahassee, FL 32301

Telephone: (850) 413-4474

Facsimile: (850) 413-3990

Helena.Sanchez@myfloridacfo.com

DoctorCare, Inc.
Discharge Accounting Statement
Projected for Discharge in June 2015

ASSETS

Cash	<u>Amount</u>	
	\$ 202,562.70	Schedule A
Total Assets	<u><u>\$ 202,562.70</u></u>	

LIABILITIES

	<u>Recommended</u>	
	<u>Disbursement</u>	
Payable to Fla. Dept. Financial Services Bureau of Unclaimed Property	\$ 199,340.95	
Total Liabilities	<u><u>\$ 199,340.95</u></u>	

WINDUP SUMMARY

Funds Available for Windup Expenses	3,221.75	
Projected Windup Expenses	<u>(1,550.00)</u>	Schedule D
Balance (Any Remaining Funds to the Florida Insurance Regulatory Trust Fund)	<u><u>1,671.75</u></u>	

Index to Attached Schedules:

- Schedule A - Available Cash Projection
- Schedule B - Allocated State Funds Expensed
- Schedule C - Interest Earnings Projection
- Schedule D - Receiver Windup Expenses
- Schedule E - Contributed Equity and Advances from the Regulatory Trust Fund

DoctorCare, Inc.
Available Cash Projection
Projected for Discharge in June 2015

	Cash Balance as of April 30, 2015	May-15	Jun-15
Beginning Cash Balance		\$ 40,173.96	\$ 207,061.70
Outstanding Distribution Checks Voided		\$ 170,837.35	
Sub-total		<u>211,011.31</u>	<u>207,061.70</u>
Direct Receiver Expenses			
Storage, Utilities, Postage, Misc.		50.00	50.00
Sub-total		<u>50.00</u>	<u>50.00</u>
Allocated Receiver Expenses			
Labor & Benefits		4,419.00 ¹	4,419.00 ¹
Indirect Expenses		30.00 ²	30.00 ²
Sub-total		<u>4,449.00</u>	<u>4,449.00</u>
Cash Balance Before Interest Earnings		<u>206,512.31</u>	<u>202,562.70</u>
Interest Earnings			
Actual interest earned on SPIA APR on the previous month's average Pooled Cash		549.39	
Estimate based on assumed SPIA APR on the previous month's average Pooled Cash			-
Ending Cash Balance	<u>\$ 40,173.96</u>	<u>\$ 207,061.70</u>	<u>\$ 202,562.70</u>

Assumptions for Allocated Receiver Expenses:

¹ Labor & Benefits: This estimate is based on a four month actual average.

January actual	357.53
February actual	933.12
March actual	8,688.38
April actual	7,696.00
Sub-total	<u>17,675.03</u>
4 month actual average (rounded)	<u>4,419.00</u>

² Indirect Expenses: This estimate is DoctorCare's estimated pro rata share of the Receiver's estimated total indirect expenses. The pro rata share calculation is based on DoctorCare's estimated total assets divided by the Receiver's estimated total assets for all receiverships.

Estimated Total Asset %	0.01%
Estimated Total for the Receiver	\$ 150,000.00
Estimated Expense (doubled for increased activity)	<u>\$ 30.00</u>

DoctorCare, Inc.
Allocated State Funds Expensed (Contributed Equity)
Projected for Discharge in June 2015

	<u>May-15</u>	<u>June-15</u>	<u>Totals</u>
Estimated Accrual of Allocated State of Florida Expenses			
Labor & Benefits	\$ - ¹	\$ - ¹	\$ -
Indirect Expenses	- ²	- ²	-
Total	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Total Estimated State of Florida Expenses			<u><u>\$ -</u></u>

Assumptions for Allocated State of Florida Expenses:

¹ Labor & Benefits: This estimate is based on a four month actual average.

January actual	-
February actual	-
March actual	-
April actual	-
Sub-total	<u>-</u>
4 month actual average (rounded)	<u><u>-</u></u>

² Indirect Expenses: This estimate is DoctorCare's estimated pro rata share of the Receiver's estimated total indirect State expenses. The pro rata share calculation is based on DoctorCare's estimated total assets divided by the Receiver's estimated total assets for all receiverships.

Estimated Total Asset %	0.01%
Estimated Total for the State	<u>\$ 15,000.00</u>
Estimated Expense (rounded)	<u><u>\$ -</u></u>

DoctorCare, Inc.
Interest Earnings Projection
Projected for Discharge in June 2015

Interest accrued for May 2015

Beginning cash balance at 5/01/2015	\$ 40,173.96
Ending cash balance at 5/31/2015	207,061.70
Average cash balance for May	123,617.83
Assumed SPIA interest rate (Annualized)	2.00%
Subtotal (Annualized)	2,472.36
Accrual for May (Rounded)	<u><u>\$ -</u></u>

Interest accrued for June 2015

Beginning cash balance at 6/01/2015	\$ 207,061.70
Ending cash balance at 6/30/2015	202,562.70
Average cash balance for June	204,812.20
Assumed SPIA interest rate (Annualized)	2.00%
Subtotal (Annualized)	4,096.24
Accrual for June (Rounded)	<u><u>\$ -</u></u>

DoctorCare, Inc.
Receiver Windup Expenses
Projected for Discharge in June 2015

Windup Expenses (Projected)

Records storage, records destruction, bank fees tax returns for 2014 & 2015	\$ 1,550.00
Total	<u>\$ 1,550.00</u>

DoctorCare, Inc.
Statement of Contributed Equity and Advances from Regulatory Trust Fund Estimated Balances
Projected for Discharge in June 2015

I. Contributed Equity Balance as of 4/30/2015	\$ 52,407.86
May - June Accrual (Estimate from Schedule B)	<u>\$ -</u>
Total	<u>\$ -</u>
Projected Contributed Equity Balance as of 6/30/2015	<u><u>\$ 52,407.86</u></u>