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

CIVIL ACTION NO.: 2012-CA-001400

In Re: The Receivership of
AVAHEALTH, INC. d/b/a KEY INSURANCE PLAN,

_____/

PETITION FOR ORDER OF LIQUIDATION, INJUNCTION AND NOTICE OF AUTOMATIC STAY

The Florida Department of Financial Services (hereinafter the "Department") as Receiver of AvaHealth, Inc. (herein "Respondent"), by counsel, applies to this Court for the entry of an Order of Liquidation, Injunction and Notice of Automatic Stay, appointing the Department as Receiver of Respondent for purposes of liquidation, and as grounds therefore says:

1.   Respondent is a corporation authorized pursuant to the Florida Insurance Code to transact business in the State of Florida as a life and health insurer since March 22, 2005. Respondent's principal place of business is located at 5440 Mariner Street, Suite 110, Tampa, FL 33609.

2.   On May 3, 2012, the Department initiated receivership proceedings against Respondent by filing its Application for Order to Show Cause, Injunction, and Notice of Automatic Stay for Purposes of Rehabilitation and Request for Hearing.

3.   On May 8, 2012, the Court entered its Order to Show Cause, Injunction and Notice of Automatic Stay for Purposes of Rehabilitation. The Court found that the Department made a prima facie case showing that the Respondent met one or more of the statutory grounds for the appointment of the Department as Receiver. A hearing was set before the Court for June 15, 2012.

4.   On June 26, 2012, Respondent filed its Second Notice and Response to Amended Order in which it consented to the entry into Receivership for purposes of rehabilitation.

5.   On June 27, 2012, the Court entered an Order Appointing the Florida Department of Financial Services as Receiver for Purposes of Rehabilitation, Injunction and Notice of Automatic Stay (herein "Rehabilitation Order"). The Rehabilitation Order had an effective date of July 2, 2012.

6.   The Receiver has been on-site at the Respondent's place of business since the effective date of the Rehabilitation Order and has been conducting an investigation as authorized by this Court pursuant to chapter 631, Florida Statutes.

7.   Section 631.051, Florida Statutes, authorizes the Department to apply to this Court for an order directing it to liquidate a domestic insurer upon the existence of any of the grounds specified therein. Sections 631.061 and 631.051(11), Florida Statutes, authorize the Department to apply to this Court for an order directing it to liquidate a domestic insurer upon the grounds that the insurer is impaired or insolvent.

8.   Pursuant to the directives in the Rehabilitation Order, the Receiver has been examining the books and records of Respondent. In the course of that examination the Receiver has determined that Respondent is insolvent and cannot be rehabilitated.

9.   The Receiver has determined that Respondent is insolvent in that it is unable to pay its debts as they become due in the usual course of business and accordingly Respondent is insolvent within the meaning of section 631.011(11), Florida Statutes.

10.   Respondent is in such condition that any further attempts at rehabilitation would be futile.

11.   The Department has consulted with counsel for Respondent and Respondent does not object to the granting of the Petition of the State of Florida, Department of Financial Services for entry of an Order of liquidation of AvaHealth, Inc.

WHEREFORE, the Receiver requests the entry of an order appointing the Department

Receiver of Respondent for purposes of liquidation as set out in Exhibit "A" attached.

RESPECTFULLY SUBMITTED on this ⹂⹂ day of August, 2012.

ERIC S. SCOTT, SENIOR ATTORNEY
Florida Bar No. 911496
LOURDES M. CALZADILLA, SENIOR ATTORNEY
Florida Bar No. 139408
Florida Department of Financial Services
Division of Rehabilitation and Liquidation
2020 Capital Circle SE, Suite 310
Tallahassee, Florida 32301
(850) 413-4513 – Telephone
(850) 413-3992 – Facsimile
Eric.Scott@myfloridacfo.com
Lourdes.Calzadilla@myfloridacfo.com