

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

In Re: the Receivership of
Guarantee Insurance Company,
a Florida corporation

CASE NO.: 2017 CA 2421

**DEPARTMENT'S MOTION FOR ORDER SETTING BAR DATE FOR NON-
INSURANCE POLICY RELATED CLAIMS**

The Florida Department of Financial Services, as Receiver for Guarantee Insurance Company ("GIC" or "the Department"), files this *Motion for Order Setting Bar Date for Non-Insurance Policy Related Claims* and states as follows:

1. On November 27, 2017, this Court entered a *Consent Order Appointing the Florida Department of Financial Services as Receiver of Guarantee Insurance Company for Purposes of Liquidation, Injunction, and, Notice of Automatic Stay* ("Liquidation Order").

2. Pursuant to section 631.021(1), Florida Statutes, this Court has jurisdiction over the GIC receivership and is authorized to enter all necessary and/or proper orders to carry out the purpose of the Florida Insurers Rehabilitation and Liquidation Act, sections 631.001 *et seq.*, Florida Statutes.

3. The Liquidation Order directed that all claims be filed with the Department "on or before the date that is six months from the date this Order is entered" which effectively set a claims filing deadline of May 29, 2018.

4. On September 7, 2018, upon consideration of a Motion filed by the Department, this Court entered an *Order Extending the Deadline for Filing Claims*, extending the deadline to file a Proof of Claim to November 27, 2018. The Order also provided that "[a]ny claim filed with the Department after November 27, 2018, will be considered a late-filed claim unless such claim meets the requirements of section 631.181(1), Florida Statutes."

5. Section 631.181(5), Florida Statutes, provides that the Department may petition the receivership court to set a date certain after which no further claims may be filed. It has been over two years since the November 27, 2018, claims filing deadline and the Department requests the Court set a bar date in the GIC receivership for the filing of non-insurance policy related claims. For the purpose of this Motion “**non-insurance policy related claims**” are defined as **all claims except for the following**:

a. Class 1 claims of a guaranty association within the meaning of section 631.271, Florida Statutes;

b. Class 2 claims within the meaning of section 631.271, Florida Statutes, and Class 8 claims that would otherwise be considered Class 2 had they been timely filed; and

c. Class 3 claims within the meaning of 631.271, Florida Statutes, and Class 8 claims that would have qualified for Class 3 classification had they been timely filed.

6. The Department’s GIC Statement of Affairs as of June 30, 2020, shows a deficiency of assets over liabilities in an amount that makes it impossible for the Department to make any distributions to claimants with non-insurance policy related claims.

7. Having a claims bar date for non-insurance policy related claims will reduce additional costs to the estate incurred from processing and adjudicating claims filed late in the receivership and will enable the Department to efficiently undertake the remaining activities in the GIC receivership without additional delay.

8. The proposed bar date for **non-insurance policy related claims** is December 31, 2020.

WHEREFORE the Department of Financial Services as Receiver for GIC, requests the Court to grant this Motion and enter an Order setting December 31, 2020, as the date after which no further non-insurance policy related claims may be filed.

Respectfully submitted this 18th day of December 2020.

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