

SEP 28 2017

At 2:00 p.m.
Velva L. Price, District Clerk

CAUSE NO. D-1-GV-12-001713

THE STATE OF TEXAS

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§
§

VS.

GRAMERCY INSURANCE COMPANY

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

53RD JUDICIAL DISTRICT

**ORDER APPROVING
APPLICATION TO APPROVE SETTLEMENT AGREEMENT
(Atlantis)**

On this day the Court considered the *Application to Approve Settlement Agreement (Atlantis) (Application)* filed by Resolution Oversight Corporation, Special Deputy Receiver of Gramercy Insurance Company (the Special Deputy Receiver and Gramercy, respectively). The *Application* requests an order pursuant to Tex. Ins. Code Ann. § 443.154(y) authorizing the Special Deputy Receiver to enter into a settlement agreement to resolve claims of the insurer. The Special Deputy Receiver appeared by and through its counsel. The Texas Property and Casualty Insurance Guaranty Association also appeared through its counsel of record. Although duly and timely notified of the *Application*, no one else appeared on behalf of any other party in interest.

In accordance with the *Supplemental Order of Reference to Master* entered on August 26, 2013 (*Supplemental Order of Reference*), the *Application* was properly submitted to the Master appointed in this cause. The Master has issued a report pursuant to Rule 171 of the Texas Rules of Civil Procedure, which is incorporated herein, finding and recommending as follows:

1. Notice of the hearing by submission (hearing) of the *Application* was in accordance with the notice requirements of Tex. Ins. Code Ann. §§ 443.004(a)(17) and 443.007, and the *Supplemental Order of Reference*.

2. Based on the pleadings and the evidence submitted, the Special Deputy Receiver's discretionary decisions detailed in the *Application* and Exhibit 2, relating to the terms set forth in the settlement agreement in Exhibit 1, are reasonable and not an abuse of discretion.

Having considered the pleadings, the evidence submitted, and the recommendation of the Master, the Court accepts the Master's report, and grants the *Application*.

It is therefore **ORDERED, ADJUDGED and DECREED** that:

1. Exhibits 1 and 2 are admitted into evidence;
2. The facts contained in the *Application* and authenticated and testified by Exhibit 2, are admitted into evidence as *prima facie* proof of the matters asserted pursuant to Tex. Ins. Code Ann. § 443.017(c);
3. The proposed settlement is approved, and the Special Deputy Receiver is authorized to execute an agreement substantially in the form of the settlement agreement attached as Exhibit 1 to the *Application*;
4. This Order constitutes a final judgment resolving all matters relating to the *Application*; and
5. The Special Deputy Receiver is authorized to execute any documents as necessary to effectuate the settlement and the purposes of the *Application* and this Order.

SIGNED this 28th day of September, 2017.

PROPER NOTICE GIVEN
ACKNOWLEDGMENT OF NOTICE AND WAIVER
OF OBJECTION PRESENTED
SUBMITTED
RECOMMENDED
SIGNED ON 27th DAY OF Sept., 2017
Tom Collins
TOM COLLINS, RECEIVERSHIP SPECIAL MASTER

Tim Sulak
TIM SULAK
DISTRICT JUDGE PRESIDING