

D-1-GV-13-000384

THE STATE OF TEXAS
Plaintiff

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v.

UNIVERSAL HMO OF TEXAS, INC.
Defendant

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345th JUDICIAL DISTRICT

THE SDR’S MOTION TO APPROVE ASSIGNMENT FORMS

TO THE HONORABLE JUDGE OF SAID COURT:

Jean Johnson, Special Deputy Receiver (“the SDR”) of Universal HMO of Texas, Inc., (hereinafter collectively referred to as “Universal Texas”), now files this *Motion to Approve Assignment Forms* (the “Motion”). In support of this Motion, the SDR respectfully shows the Court the following:

THE RELIEF SOUGHT BY THIS MOTION

The SDR anticipates requesting approval to make distributions. To assist with clerical matters in a potential distribution and provide protections for assignors of claims, the SDR now requests approval of the form to be used by an assignee of a claim in order for that assignment to be recognized. In addition, the SDR requests an order that any assignment must be received on the proper form by no later than the entry of an order approving the distribution of the respective assignor’s claim, or the SDR may direct payment to the original claimant.

I. BACKGROUND

1. Pursuant to Chapter 443 of the Texas Insurance Code (hereinafter the “Code”), this Court placed Universal Texas into receivership on April 18, 2013, for purposes of rehabilitation and appointed Eleanor Kitzman, the Commissioner of the Texas Department of

Insurance, as Receiver. The Receiver is now David Mattax, the current Commissioner of the Texas Department of Insurance.

2. Jean Johnson was appointed as SDR on April 29, 2013, and she is fully authorized to file this Motion pursuant to Section 443.154 of the Code.

3. In anticipation of a distribution, the SDR now seeks an order approving an assignment form for claim assignments.

II. AUTHORITY

4. This Court has jurisdiction over the subject matter of this Motion pursuant to Chapter 443 of the Code.

5. Under Section 443.154(a) of the Code, the Texas SDR has all the powers of the Receiver, unless specifically limited by the Receiver.

6. The subject matter of the Application has been referred to the Special Master appointed in this proceeding in accordance with Section III, Paragraphs 13 and 15 of the Order of Reference to Master entered on May 22, 2013.

III. ANALYSIS AND RECOMMENDATION

7. The SDR makes this motion on the basis that requiring an approved form for assignments of claims and a deadline for the receipt of such form will streamline the distribution process, help minimize payment errors, and provide protection for assignors of claims. The SDR offers her affidavit supporting this agreement; that affidavit is attached as Exhibit "A" and incorporated herein for all purposes. The requested form to be used by any assignee in order for that assignment to be recognized is attached as Exhibit "A-1" to the affidavit of Jean Johnson.

IV. NOTICE

8. The SDR sent notice of the submission of this Motion to all known parties of interest shown on the Certificate of Service (which includes all who have requested to be placed on the Certificate of Service). The SDR will also post this Motion at <http://universalmotexasreceiver.com>.

V. RELIEF REQUESTED

1. Based on the foregoing, the SDR respectfully requests that the Court enter an order approving the use of the assignment form attached as Exhibit "A-1" to the affidavit of Jean Johnson.

2. The SDR also requests an order that any assignment must be received on the proper form by no later than the entry of an order approving the distribution of the respective assignor's claim, or the SDR may direct payment to the original claimant.

3. The SDR also requests all other just and equitable relief.

Respectfully submitted,

Wisener Nunnally Roth L.L.P.

Original signed by

By: _____

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing document has been served on the following interested parties in accordance with Tex. Ins. Code §443.007(d) and the Rehabilitation Order this the 15th day of March, 2017.

Mr. Tom Collins, Receivership Master
by serving his Docket Clerk
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/s/ Michael C. Roth
Michael C. Roth

Exhibit A

THE STATE OF TEXAS
Plaintiff

v.

UNIVERSAL HMO OF TEXAS, INC.
Defendant

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IN THE DISTRICT COURT OF
TRAVIS COUNTY, TEXAS
345th JUDICIAL DISTRICT

AFFIDAVIT OF JEAN JOHNSON IN SUPPORT OF THE SDR'S MOTION TO
APPROVE ASSIGNMENT FORMS

TO THE HONORABLE JUDGE OF SAID COURT:

Came before me, a notary public, Jean Johnson, Special Deputy Receiver ("SDR") of Universal HMO of Texas, Inc., who, being duly sworn, did subscribe and swear that:

1. I am Jean Johnson. I am the SDR of Universal HMO of Texas, Inc. (hereinafter collectively referred to as "Universal Texas"). I have personal knowledge of the facts to which I attest. I obtained my knowledge in my role as SDR.
2. I attach as Exhibit "A-1" the assignment form. I recommend the approval of the use of the assignment form as in the best interests of the estate.
3. I further recommend that the SDR should be authorized to make the payment to the original claimant, unless written notice of the assignment on the proper form has been provided to the SDR no later than the entry of an order approving the distribution of the respective assignor's claim.
4. I recommend this process because requiring an approved form for assignments of claims and a deadline for the receipt of such form will streamline the distribution process, help

minimize payment errors, and provide protection for assignors of claims.

Original signed by

Jean Johnson

Subscribed and sworn to on this 23 day of February 2017, by Jean Johnson, before me, a notary public.

Original signed by

Notary Public

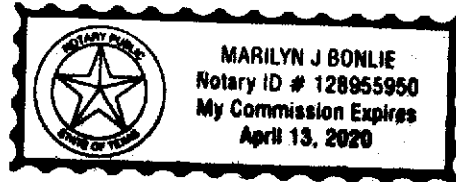


Exhibit A-1

