## IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

| CHLORA LINDLEY-MYERS, DIRECTOR, | ) |
| :--- | :--- |
| DEPARTMENT OF COMMERCE AND INSURANCE | ) |
| OF THE STATE OF MISSOURI, | ) |
| Plaintiff, | ) |
| v. | ) |
| GUARANTEE TITLE INSURANCE COMPANY, $08 \mathrm{AC}-\mathrm{CC} 00618$ |  |
|  | ) |
| Defendant. | ) |

## MOTION FOR APPROVAL OF AN INTERIM DISTRIBUTION

Chlora Lindley-Myers, Director of the Missouri Department of Commerce and Insurance ("DCI"), in her capacity as Liquidator of Defendant Guarantee Title Insurance Company, ("GTIC" or the "Estate"), respectfully requests that this Court enter an order approving an interim distribution of assets to Class 2 claimants of GTIC.

In support of this motion, the Liquidator states:

1. On October 3, 2008, this Court entered its Judgment, Decree and Order of Liquidation with Finding of Insolvency (the "Liquidation Order") against GTIC and placed GTIC into liquidation.
2. Under the Liquidation Order and the Insurers Supervision, Rehabilitation and Liquidation Act, $\S \S 375.1150$ to 375.1246 , RSMo (the "Liquidation Act"), the Liquidator acts for and on behalf of GTIC and is vested by operation of law with title to all the property, contracts, rights of action, books and records or GTIC, and is administering it under the general supervision of the Court. The Liquidation Order and the Liquidation Act also direct the Liquidator to: (a) identify, marshal, and liquidate the assets of the Estate; (b) process and
evaluate claims to determine the liabilities of the Estate; and (c) distribute assets to claimants of the Estate in accordance with § 375.1218 , RSMo.
3. The Liquidator is working on finalizing her review of claims submitted to the Liquidator.
4. Section 375.1218 , RSMo, sets forth the priority of distribution of claim s from the Estate and requires that "[e]very claim in each class shall be paid in full or adequate funds retained for such payment before the members of the next class receive any payment. No subclasses shall be established within any class. No claim by a shareholder, policyholder or other creditor shall be permitted to circumvent the priority class through the use of equitable remedies."
5. Class 1 claims are for " $[t]$ he costs and expenses of administration during rehabilitation and liquidation . . ."§ 375.1218.1, RSMo.
6. Class 2 claims are for "[a]ll claims under policies .....for losses incurred ("loss claims") including third party claims . . ."§ 375.1218.2, RSMo.
7. Pursuant to § $375.1222, \mathrm{RSMo}$, "[u]nder the direction of the court, the liquidator shall pay distributions in a manner that will assure the proper recognition of the priorities and a reasonable balance between the expeditious completion of the liquidation and the protection of unliquidated and undetermined claims, including third party claims."
8. As of February 22, 2024, 2024, GTIC had unrestricted estimated assets of $\$ 1,117,377.00$, subject to current payable administrative expenses. GTIC currently budgets approximately $\$ 3,000.00$ per month for expenses, which should not change significantly as GTIC moves toward closure of the Estate and final distribution. Therefore, the Liquidator believes sufficient funds are available to allow an interim distribution to Class 2 claimants.
9. This interim distribution is proposed only for Class 2 claims because it does not appear that sufficient assets will be available to make any distribution on claims with priority below Class 2.
10. This interim distribution does not include a distribution for Claim No. 1136. The claimant received payments authorized under previous court orders which exceeds our current recommendation for interim distribution.
11. The Liquidator recommends a distribution of $15 \%$ on allowed Class 2 claims. The allowed amount of Class 2 claims currently totals $\$ 2,764,627.80$. Fifteen percent of the amount of the allowed Class 2 claims, less the amount distributed for Claim No. 1136, is \$286,444.17.
12. This interim distribution does not include a small number of Class 2 claims that have not been fully adjudicated. The proposed interim distribution has taken this fact into account. The Liquidator will be able to make a distribution to those claimants if their claims are allowed.
13. After payment of the interim distribution of $\$ 286,444.17$, a balance of $\$ 830,932.83$ would remain in the Estate. This amount would exceed the anticipated needs of the Estate for administrative expenses.
14. A spreadsheet showing the proposed distribution by proof of claim number is attached hereto as Exhibit A. It shows the proposed distribution amount for each allowed proof of claim ("POC") in Class 2.
15. Each claimant has received prior notice from the Liquidator of the approved amount of their claim. The proposed distribution does not alter that approval, but, instead, pays
a partial amount of the approved claim, subject to further potential payment upon final distribution.
16. The Liquidator will provide notice of this motion through DCI's website (insurance.mo.gov/companies/receiv.php).

WHEREFORE, the Liquidator prays that this Court to enter an Order approving an interim distribution of $15 \%$ for allowed Class 2 claimants as listed in Exhibit A attached hereto.

February 22, 2024
Respectfully submitted,
/s/ Lewis E. Melahn
Lewis E. Melahn
Mo. Bar No. 25396
Lewis E. Melahn, Attorney-at-Law
127 A East High Street
PO Box 275
Jefferson City, MO 65102
Telephone: 573.636.5057
Facsimile: 573.635.9004
/s/ Shelley L. Forrest
Shelley L. Forrest
Mo. Bar No. 46455
Receivership Counsel
Department of Commerce and Insurance
PO Box 690
Jefferson City, MO 65102
Telephone: 573-751-3121
Shelley.Forrest@insurance.mo.gov
ATTORNEYS FOR CHLORA LINDLEYMYERS, DIRECTOR, DEPARTMENT OF
COMMERCE \& INSURANCE, AS LIQUIDATOR

| POC No | Amt Claimed | Amt Allowed | 15\% Allowed |  |
| :---: | :---: | :---: | :---: | :---: |
| 101 | 49,600.00 | 25,735.00 | 3,860.25 |  |
| 102 | 65,250.00 | 65,250.00 | 9,787.50 |  |
| 103 | 301,000.00 | 216,000.00 | 32,400.00 |  |
| 104 | 2,337.79 | 1,496.54 | 224.48 |  |
| 105 | 4,763.65 | 2,287.90 | 343.19 |  |
| 108 | 7,190.80 | 4,264.05 | 639.61 |  |
| 109 | 2,196.00 | 1,174.00 | 176.10 |  |
| 110 | 1,515.00 | 940.00 | 141.00 |  |
| 112 | 5,377.50 | 3,978.50 | 596.78 |  |
| 113 | 3,886.62 | 1,549.87 | 232.48 |  |
| 116 | 60,300.00 | 32,000.00 | 4,800.00 |  |
| 123 | 4,999.98 | 4,999.98 | 750.00 |  |
| 125 | 10,109.82 | 722.25 | 108.34 |  |
| 126 | 2,013.75 | 861.00 | 129.15 |  |
| 127 | 1,324.90 | 536.00 | 80.40 |  |
| 128 | 2,198.21 | 1,538.71 | 230.81 |  |
| 129 | 4,371.55 | 1,078.55 | 161.78 |  |
| 130 | 1,694.90 | 985.50 | 147.83 |  |
| 131 | 4,881.00 | 3,182.25 | 477.34 |  |
| 135 | 3,543.50 | 763.50 | 114.53 |  |
| 137 | 1,650.00 | 1,650.00 | 247.50 |  |
| 138 | 8,799.19 | 4,892.50 | 733.88 |  |
| 139 | 2,844.50 | 1,739.00 | 260.85 |  |
| 140 | 3,026.20 | 1,540.00 | 231.00 |  |
| 141 | 1,659.00 | 823.50 | 123.53 |  |
| 144 | 2,110.00 | 1,252.50 | 187.88 |  |
| 146 | 13,952.08 | 7,635.00 | 1,145.25 |  |
| 147 | 2,967.12 | 1,438.00 | 215.70 |  |
| 148 | 51,500.00 | 51,500.00 | 7,725.00 |  |
| 149 | 4,197.50 | 3,059.00 | 458.85 |  |
| 150 | 8,706.70 | 7,341.70 | 1,101.26 |  |
| 152 | 2,919.70 | 1,034.70 | 155.21 |  |
| 155 | 3,053.70 | 1,227.70 | 184.16 |  |
| 157 | 3,630.00 | 793.00 | 118.95 |  |
| 158 | 2,480.90 | 738.25 | 110.74 |  |
| 159 | 4,115.19 | 4,115.19 | 617.28 |  |
| 162 | 1,987.00 | 1,152.75 | 172.91 |  |
| 163 | 1,364.50 | 806.50 | 120.98 |  |
| 164 | 130,828.07 | 128,604.55 | 19,290.68 |  |
| 165 | 1,740.10 | 1,284.60 | 192.69 |  |
| 166 | 2,616.60 | 1,922.80 | 288.42 |  |
| 169 | 1,607.05 | 310.00 | 46.50 |  |
| 173 | 1,555.55 | 1,101.00 | 165.15 |  |
| 181 | 2,312.15 | 1,777.40 | 266.61 |  |
| 183 | 1,374.90 | 155.00 | 23.25 |  |
| 184 | 1,462.35 | 646.85 | 97.03 |  |


| 185 | 2,725.68 | 2,725.68 | 408.85 |
| :---: | :---: | :---: | :---: |
| 186 | 3,495.18 | 1,818.30 | 272.75 |
| 188 | 1,190.60 | 723.35 | 108.50 |
| 189 | 9,500.00 | 9,500.00 | 1,425.00 |
| 191 | 350,880.21 | 350,000.00 | 52,500.00 |
| 200 | 4,657.29 | 455.00 | 68.25 |
| 201 | 25,057.10 | 24,025.00 | 3,603.75 |
| 203 | 125.00 | 125.00 | 18.75 |
| 205 | 1,602.95 | 996.20 | 149.43 |
| 206 | 6,172.55 | 325.00 | 48.75 |
| 207 | 6,492.02 | 1,583.00 | 237.45 |
| 211 | 4,694.70 | 853.20 | 127.98 |
| 219 | 673.50 | 121.00 | 18.15 |
| 220 | 1,444.10 | 783.10 | 117.47 |
| 222 | 568.00 | 420.00 | 63.00 |
| 229 | 2,615.80 | 1,243.50 | 186.53 |
| 230 | 1,893.32 | 868.10 | 130.22 |
| 231 | 1,246.90 | 780.90 | 117.14 |
| 233 | 783.00 | 350.00 | 52.50 |
| 240 | 2,203.40 | 1,795.90 | 269.39 |
| 241 | 2,669.25 | 1,914.75 | 287.21 |
| 242 | 1,370.60 | 1,370.60 | 205.59 |
| 246 | 300.00 | 330.00 | 49.50 |
| 252 | 9,576.80 | 9,567.50 | 1,435.13 |
| 255 | 2,880.58 | 1,827.00 | 274.05 |
| 257 | 603.50 | 603.50 | 90.53 |
| 258 | 1,145.50 | 800.00 | 120.00 |
| 259 | 1,200.00 | 1,200.00 | 180.00 |
| 261 | 1,354.10 | 1,354.10 | 203.12 |
| 262 | 1,254.40 | 1,254.40 | 188.16 |
| 263 | 999.40 | 945.40 | 141.81 |
| 264 | 710.82 | 710.82 | 106.62 |
| 268 | 99,226.31 | 25,000.00 | 3,750.00 |
| 269 | 2,083.60 | 556.00 | 83.40 |
| 270 | 250.00 | 250.00 | 37.50 |
| 271 | 3,979.40 | 3,105.90 | 465.89 |
| 274 | 437.00 | 437.00 | 65.55 |
| 275 | 123,209.92 | 117,603.92 | 17,640.59 |
| 277 | 428.25 | 428.25 | 64.24 |
| 279 | 1,356.40 | 1,356.40 | 203.46 |
| 280 | 17,523.74 | 17,185.39 | 2,577.81 |
| 283 | 1,241.50 | 963.50 | 144.53 |
| 285 | 1,162.80 | 912.80 | 136.92 |
| 286 | 114.00 | 60.00 | 9.00 |
| 287 | 1,462.20 | 117.00 | 17.55 |
| 290 | 1,063.70 | 1,063.70 | 159.56 |
| 292 | 700.00 | 82.00 | 12.30 |


| 295 | 1,167.70 | 1,167.70 | 175.16 |
| :---: | :---: | :---: | :---: |
| 296 | 850.00 | 631.00 | 94.65 |
| 298 | 976.00 | 976.00 | 146.40 |
| 299 | 1,252.25 | 1,067.25 | 160.09 |
| 301 | 1,407.70 | 1,407.70 | 211.16 |
| 310 | 902.50 | 902.50 | 135.38 |
| 311 | 96.00 | 96.00 | 14.40 |
| 312 | 647.00 | 86.00 | 12.90 |
| 314 | 128.00 | 128.00 | 19.20 |
| 315 | 322.00 | 53.00 | 7.95 |
| 316 | 1,000.00 | 1,000.00 | 150.00 |
| 319 | 319.75 | 319.75 | 47.96 |
| 326 | 3,623.50 | 3,623.50 | 543.53 |
| 333 | 115,000.00 | 85.00 | 12.75 |
| 335 | 636.40 | 636.40 | 95.46 |
| 336 | 1,583.80 | 1,583.80 | 237.57 |
| 337 | 229.80 | 229.80 | 34.47 |
| 338 | 396.99 | 337.99 | 50.70 |
| 339 | 828.60 | 828.60 | 124.29 |
| 340 | 854.50 | 768.50 | 115.28 |
| 342 | 3,449.43 | 3,449.43 | 517.41 |
| 344 | 1,110.75 | 1,110.75 | 166.61 |
| 348 | 1,228.88 | 1,228.88 | 184.33 |
| 354 | 3,263.20 | 490.12 | 73.52 |
| 355 | 523.00 | 471.00 | 70.65 |
| 356 | 955.50 | 309.50 | 46.43 |
| 357 | 2,047.50 | 1,368.50 | 205.28 |
| 359 | 2,035.25 | 1,208.00 | 181.20 |
| 360 | 1,668.75 | 1,204.50 | 180.68 |
| 361 | 1,192.50 | 905.50 | 135.83 |
| 363 | 1,045.90 | 1,045.90 | 156.89 |
| 364 | 114.00 | 114.00 | 17.10 |
| 366 | 1,372.70 | 1,372.70 | 205.91 |
| 367 | 137.25 | 137.25 | 20.59 |
| 368 | 187.00 | 187.00 | 28.05 |
| 369 | 109.00 | 109.00 | 16.35 |
| 373 | 1,082.50 | 155.00 | 23.25 |
| 375 | 2,247.50 | 2,171.00 | 325.65 |
| 377 | 1,415.53 | 1,415.53 | 212.33 |
| 378 | 2,343.50 | 1,487.25 | 223.09 |
| 380 | 30.00 | 30.00 | 4.50 |
| 383 | 1,788.00 | 1,273.75 | 191.06 |
| 384 | 1,651.65 | 1,178.90 | 176.84 |
| 386 | 3,043.48 | 2,183.48 | 327.52 |
| 390 | 300.00 | 150.00 | 22.50 |
| 395 | 8,055.31 | 3,251.50 | 487.73 |
| 402 | 39.00 | 39.00 | 5.85 |


| 404 | 595.50 | 595.50 | 89.33 |  |
| :---: | :---: | :---: | :---: | :---: |
| 405 | 78.00 | 78.00 | 11.70 |  |
| 407 | 325.85 | 325.85 | 48.88 |  |
| 408 | 745.00 | 745.00 | 111.75 |  |
| 411 | 49.00 | 49.00 | 7.35 |  |
| 412 | 1,390.75 | 1,256.00 | 188.40 |  |
| 414 | 43.00 | 43.00 | 6.45 |  |
| 415 | 1,633.25 | 1,178.00 | 176.70 |  |
| 416 | 1,106.00 | 661.50 | 99.23 |  |
| 417 | 13,514.75 | 5,146.75 | 772.01 |  |
| 419 | 47,000.00 | 10,000.00 | 1,500.00 |  |
| 422 | 800.00 | 530.00 | 79.50 |  |
| 427 | 5,471.66 | 493.50 | 74.03 |  |
| 431 | 7,292.22 | 283.25 | 42.49 |  |
| 432 | 2,300.48 | 1,480.50 | 222.08 |  |
| 433 | 11,196.01 | 8,353.25 | 1,252.99 |  |
| 435 | 4,736.86 | 689.50 | 103.43 |  |
| 437 | 16,380.00 | 7,631.25 | 1,144.69 |  |
| 441 | 91,152.54 | 86,199.78 | 12,929.97 |  |
| 442 | 350,391.20 | 58,645.00 | 8,796.75 |  |
| 443 | 750.93 | 220.00 | 33.00 |  |
| 447 | 1,376.50 | 1,224.00 | 183.60 |  |
| 448 | 127,500.00 | 65.00 | 9.75 |  |
| 1001 | 2,546.35 | 1,398.75 | 209.81 |  |
| 1003 | 2,127.50 | 1,095.00 | 164.25 |  |
| 1008 | 153.00 | 153.00 | 22.95 |  |
| 1013 | 107,497.10 | 68,617.00 | 10,292.55 |  |
| 1015 | 15,269.38 | 9,668.78 | 1,450.32 |  |
| 1016 | 2,508.50 | 1,498.00 | 224.70 |  |
| 1019 | 381,329.83 | 98,520.00 | 14,778.00 |  |
| 1108 | 1,522.50 | 1,522.50 | 228.38 |  |
| 1114 | 68,000.00 | 36,096.49 | 5,414.47 |  |
| 1115 | 57,800.00 | 36,096.49 | 5,414.47 |  |
| 1123 | 29,377.57 | 17,465.19 | 2,619.78 |  |
| 1125 | 248,400.00 | 183,977.41 | 27,596.61 |  |
| 1126 | 3,000.00 | 3,000.00 | 450.00 |  |
| 1127 | 4,000.00 | 250.00 | 37.50 |  |
| 1131 | 3,071.76 | 2,521.25 | 378.19 |  |
| 1132 | 0.00 | 30.00 | 4.50 |  |
| 1133 | 308.90 | 308.90 | 46.34 |  |
| 1136 | 0.00 | 855,000.00 | 128,250.00 | See paragraph 10 of motion. |
| 1139 | 42,072.56 | 29,162.23 | 4,374.33 |  |
|  |  |  |  |  |
|  | 3,338,814.11 | 2,764,627.80 | 414,694.17 |  |
|  |  |  | 128,250.00 |  |
|  |  | 286,444.17 |  |  |
|  |  |  |  |  |

