COMPARED

C. A. Horner, Clerk Dist. Court, #3952 Filed for record the 3rd day of December A. D. 1934 at 11:32 o'clock A. M.

To Fee $1.90 ✓

The Public. Maggie Reese Hobbs, Recorder.

CERTIFIED COPY

IN THE DISTRICT COURT OF IOWA IN AND FOR POLK COUNTY AT DES MOINES

STATE OF IOWA, EX REL EDWARD L. O'CONNOR, ATTORNEY GENERAL,

Plaintiff,

vs.

NATIONAL LIFE INSURANCE COMPANY OF THE UNITED STATES OF AMERICA,

Defendant

EQUITY

NO. 48233-89

ORDER

On this 6th day of April, A. D. 1934, this cause came on to be heard on the intervening petition of Patrick J. Lucey as receiver of the National Life Insurance Company of the United States of America, and no answers to said petition having been filed herein, the complainant, State of Iowa, ex rel, Edward L. O'Connor, Attorney General, appearing by the Honorable Edward L. O'Connor, Attorney General and Walter F. Maley, assistant Attorney General, its attorneys, and the Ancillary Receiver appearing by his Deputy Commissioner, L. M. Penquite, and it appearing to the court that notice of the filing of said intervening petition and of the hearing thereon has been given to all parties and there being no objection to said petition and the court having read and considered said intervening petition and the evidence adduced in open court upon the hearing thereof and now being fully advised in the premises, and it appearing to the satisfaction of the court that the prayers in said intervening petition should be granted, the court having jurisdiction of the subject matter and the parties, it is hereby ORDERED, ADJUDGED AND DECREED:

(a) That by virtue of the appointment and qualification of said intervening petitioner,

Patrick J. Lucey, as Receiver of the National Life, as alleged in his said intervening petition, and the aforesaid order of liquidation entered by the Superior Court of Cook County, Illinois, on October 17, 1933, mentioned in said intervening petition and the Act of the General Assembly of the State of Illinois, entitled, "An Act in Relation to Delinquent Insurance Companies, Associations and Societies", approved on June 26, 1925, as amended by an Act of the General Assembly of the State of Illinois approved on May 29, 1929 and as amended in 1933, (a copy of which said Act, as so amended, is attached to said intervening petition of said intervening petitioner, marked "Exhibit B" thereof), said intervening petitioner on October 17, 1933, became and ever since has been and is now seized in fee simple of all real estate belonging to the National Life on October 17, 1933, located in the State of Iowa, with power to enter into possession thereof, to receive and collect the rents, issues and profits thereof, and to manage and operate the same, subject only to such limitations and restrictions as are imposed upon the said intervening petitioner's ownership thereof under the provisions of the last mentioned Act of the General Assembly of the State of Illinois, and that on October 17, 1933, said intervening petitioner, Patrick J. Lucey, as Receiver of the National Life, became, ever since has been, and now is the owner of all indebtedness owing the National Life on October 17, 1933, whether then due or not, secured by mortgages or trust deeds in the nature of mortgages (excepting only the indebtedness secured by mortgages or trust deeds in the nature of mortgages on deposit with the Commissioner of Insurance of the State of Iowa in connection with the policies of the National Life & Trust Company and the Des Moines Life Insurance Company,) conveying real estate in the State of Iowa, with full right, power and authority to collect and enforce the payment of such indebtedness and to perform all acts, and to institute, prosecute and maintain such proceedings, and to take such other steps authorized by law, necessary or proper for the purpose of enforcing the payment of said indebtedness, or to dispose of or enforce the security afforded by such mortgages or trust deeds, subject only to such restrictions and limitations as are imposed upon said intervening petitioner's ownership thereof by virtue of the last mentioned Act of the General Assembly of the State of Illinois, and that on October 17, 1933, said intervening petitioner became, ever since has been and now is the owner of all indebtedness owing on October 17, 1933, whether then due or not, to the National Life from residents of the State of Iowa (excepting only the indebtedness secured by mortgages or trust deeds in the nature of mortgages on deposit with the Commissioner of Insurance of the State of Iowa in connection with the policies of the National Life & Trust Company and the Des Moines Life Insurance Company), with full right, power and authority to collect and receive the same, to prosecute any appropriate remedies for the collection of the same, either in the courts of the State of Iowa, or elsewhere, subject only to such restrictions and limitations as are imposed upon said intervening petitioner's ownership thereof by virtue of the last mentioned Act of the General Assembly of the State of Illinois.

(b) That said contracts between said intervening petitioner and Hercules Life Insurance Company, an Illinois corporation, dated February 8, 1934 (a copy of which is attached to said intervening petition, marked Exhibit E thereof), was duly executed and delivered by the parties thereto pursuant to the decree of the Superior Court of Cook County, Illinois, (a copy of which is attached to said intervening petition, marked "Exhibit D", and made a part thereof); that said contract was duly approved by the Director of Insurance of the State of Illinois on February 12, 1934, and thereby became effective.

(c) That said Ancillary Receiver be and he is hereby directed forthwith to turn over possession to said intervening petitioner, Patrick J. Lucey, as Receiver of the National

Life, of all real estate owned by the National Life on October 17, 1933, located in the State of Iowa, of which said Ancillary Receiver has taken possession, and to assign to said intervening petitioner any leases thereof which said Ancillary Receiver may have made, and direct all tenants and occupiers thereof to pay all rents and other compensation for the use or occupancy thereof, whether accrued or to accrue, to said intervening petitioner.

(d) That such Ancillary Receiver be and he is hereby directed forthwith to turn over and assign to said intervening petitioner, Patrick J. Lucey, as Receiver of the National Life, all other assets and claims of any character, to be listed in the final account and report of said Ancillary Receiver, and upon request to execute such assignments or bills of sale as may be necessary to vest and/or confirm title thereto in said Patrick J. Lucey as Receiver.

(e) That said Ancillary Receiver be and he is hereby ordered and directed to file within 5 days of the entry of this decree his final report and account of all receipts and disbursements made by him in the administration of the receivership herein and that notice of the time and place of the hearing on said final report and account be given by one publication in Des Moines Daily Record a newspaper of general circulation in Polk County, Iowa, said publication to be three days prior to said hearing, that said hearing is hereby set for April 14, 1934, at 10:00 A. M.

(f) It further appearing to the court that the state of Iowa has filed claim herein for $5481.82 for taxes on premiums collected by said National Life from its Iowa business up to and including October 17, 1933, and therein further claims preference for the payment thereof, it is ordered that if upon the hearing of said claim it shall be concluded that such claim shall be allowed or that such claim is entitled to preference, then in such event the same judgment shall be entered against Patrick J. Lucey as Receiver of the National Life Insurance Company of the United States of America as might have been entered against E. W. Clark, Ancillary Receiver herein, such judgment to have the same force and effect as if the Ancillary Receiver herein had not been discharged and such judgment had been entered against said Ancillary Receiver and this court hereby retains jurisdiction of said intervening petitioner to determine the validity and amount of the claim of the said state of Iowa, and whether it is entitled to any preference for the payment thereof and for the purpose of entering a proper order of judgment upon such determination, but said Patrick J. Lucey shall have all rights of defense and review which the Ancillary Receiver would have had, to all of which the said Patrick J. Lucey, as Receiver of the National Life, now here in open court consents.

(g) And the court further reserves jurisdiction for the purpose of approving and confirming the Ancillary Receiver's final report and account to be filed herein as aforesaid and upon such confirmation and approval to provide for the disposition of the balance of money shown to be in the hands of said Ancillary Receiver and further to discharge the Ancillary Receiver herein and release his bond.

4-6-34
O.K. as to form
Edward L. O'Connor
Attorney General

Loy Ladd
JUDGE

STATE OF IOWA, }
POLK COUNTY } ss.

I, C. A. HORNER, Clerk of the District Court, within and for the County and State aforesaid, do hereby certify the foregoing to be a full, true and complete copy of Order in the case of State of Iowa, ex rel Edward L. O'Connor, Attorney General vs. National Life Insurance Company of the United States of America being Equity No. 48233-89 and entered in Journal No. 195 page 395, as full, true, correct and complete, as the same remains of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said District

Court this 9th day of April, 1934.

C. A. Horner
Clerk of said Court.

(DISTRICT COURT SEAL)

COMPARED

By M. J. Rennie
Deputy.