

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

In Re: Lincoln General Insurance Company :  
in Liquidation :  
: No. 1 LIN 2015  
:

*IN RE: Liquidator's Application for Approval of Report and Recommendations on Lincoln Insurance Company Claims Undisputed and Resolved from November 6, 2015 to December 31, 2016*

**MEMORANDUM and ORDER**

Presently before the Court is the Liquidator's Application for Approval of Report and Recommendations on Lincoln General Insurance Company (Lincoln) Claims Undisputed and Resolved from November 6, 2015 to December 31, 2016.<sup>1</sup> Specifically, the Liquidator is seeking approval of 106 claims against the Lincoln estate.

Pursuant to Pa. R.A.P. 3784(a) and Section 545(a) of the Insurance Department Act of 1921 (Act), added by the Act of December 14, 1977, P.L. 280, 40 P.S. § 221.45(a), the Liquidator is required to present to the Court a report of the claims against the Lincoln estate along with her recommendations. The report should include the name and address of each claimant, the particulars of the claim, the priority classification assigned, the amount allowed, if any, and whether the claim is resolved. Rule 3784(a); Section 545(a) of the Act. Prior to making her recommendations, the Liquidator is statutorily charged with reviewing all claims filed and making further investigation if necessary. Section 545(a) of the Act.

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<sup>1</sup> Lincoln was placed into liquidation by Order dated November 5, 2015.

The Liquidator's required report is attached to her application as Exhibit A. According to the Liquidator, Exhibit A addresses claims that were determined and finalized without objection and the objection period for the claims listed has expired. As noted, 106 claims are included in the report, with a total allowed amount of \$232,489.14. The Liquidator avers that, "[i]n fulfilling her statutory requirements, [she] carefully reviewed all documentation submitted by the claimants in support of the claims and independently determined the merit, classification and value of each claim, as required by Article V." Application, ¶ 6. The Liquidator has further represented that:

[T]he classification and amounts she has determined for the reported claims are appropriate, fair and equitable, and consistent with the relevant provisions of Article V. The Liquidator further believes that the approval of the claims listed in the attached Report is in the best interests of the Lincoln estate, claimants and other creditors.

Application, ¶ 7.

Considering these averments and that the Liquidator is statutorily authorized to "comport, compromise or in any other manner negotiate the amount for which claims will be recommended to the court," *see* Section 545(a) of the Act, the Court will grant the Application and approve and allow the claims as directed in the following order.

**AND NOW**, this **17th** day of **March, 2017**, the Liquidator's Application is **GRANTED** as follows:

1. The claims listed in the Undisputed and Resolved Claims Report covering the period November 6, 2015 to December 31, 2016 (Report) are approved and allowed both as to classification and amount as listed;

2. The Report is incorporated herein by reference;
3. The Claimants listed in the Report or their lawful assignees shall receive a distribution in accordance with Section 544 of the Act, added by the Act of December 14, 1977, P.L. 280, *as amended*, 40 P.S. § 221.44, at the time and in the manner as approved by this Court.

*Renée Cohn Jubelirer*

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RENÉE COHN JUBELIRER, Judge

**Certified from the Record**

**MAR 17 2017**

**And Order Ext**