## IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

In re the Receivership of Windhaven Insurance Company

CASE NO.: 2019 CA 002861

## MOTION FOR ORDER TO LI UIDATE WINDHAVEN INSURANCE COMPANY EFFECTIVE JANUARY 6 2020

The Florida Department of Financial Services, as Receiver of Windhaven Insurance Company ("Department"), by and through its undersigned counsel, files this *Motion for Order to* 

states as follows:

- 1. Pursuant to section 631.021(1), Florida Statutes, this Court has jurisdiction over these proceedings and is authorized to enter all necessary and/or proper orders to carry out the purpose of the Florida Insurers Rehabilitation and Liquidation Act, sections 631.001 *et seq.*, Florida Statutes.
- 2. On December 9, 2019, the Department filed a Petition for Consent Order Appointing the Department as Receiver of Windhaven Insurance Company ("WIC") for Purposes of Rehabilitation, Injunction, and Notice of Automatic Stay ("Petition").
- 3. On December 12, 2019, this Court entered an Amended Consent Order Appointing the Florida Department of Financial Services as Receiver of Windhaven for Purposes of

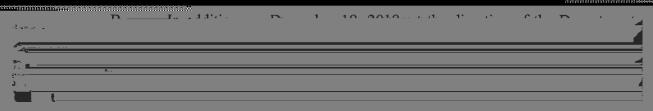
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	В.	The Co	urt found	Windha	ven to b	oe insolvent	within t	he meaning	of section
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- C. The Office of Insurance Regulation ("OIR") found that Windhaven's further transaction of insurance is hazardous to policyholders creditors stockholders or the public. § 631.051(3), Fla. Stat.
- D. The Court found that Windhaven, through a majority of its directors,
- 6. The Department has determined that any further efforts to rehabilitate Windhaven would be useless and that the financial condition of Windhaven makes liquidation necessary. The Department's determination is based on the following:

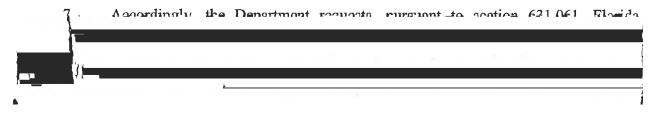
Florida Statutes. Windhaven filed its September 30, 2019 quarterly financial statement with Office of Insurance Regulation which reflects surplus as regards to policyholder of (\$1,742,146.00) which is \$6,837,181 below the surplus required by section 624.407, Florida Statutes to continue to transact business as a property and casualty insurer.



2019 but have not yet been cashed by the recipients.

C. In Paragraph 16 of the Consent Order for Administrative Supervision,
Windhaven consented to the Department obtaining a subsequent Order appointing the Department

as Receiver for purposes of Liquidation, should the Department, at any time in its sole discretion, determine that Rehabilitation" is not feasible. Rehabilitation Order, DFS Exhibit B-1 at 5.



claimants, and the public.

WHEREFORE, the Florida Department of Financial Services, Division of Rehabilitation



RESPECTFULLY SUBMITTED this the 23rd day of December, 2019.

/s/ Yamile Benitez-Torviso, Senior Attorney

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## **CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that Department counsel conferred with opposing					
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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she served all parties who have entered an appearance on the ECF system with a copy of this Motion.

/s/	
Yamile Benitez-Torviso	