

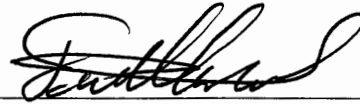


POCs have been compounded or split based on the claim asserted, resulting in a total of 1,825 POCs received.

5. 1,279 Class 3 claims have now been completely adjudicated pursuant to SDCL Ch. 58-29B and approved by the Court in its Orders regarding the First Claims Report in the Liquidator's Application No. 13 ("First Claims Report") and the Second Claims Report in the Liquidator's Application No. 15 ("Second Claims Report"). At the time the Order was approved for Application No. 15, 30 remaining Class 3 POCs were under further evaluation or pending under the Procedures Governing Special Referee's Proof of Claim Adjudication process.
6. Since the Order was approved for Application No. 15, 4 Class 3 claims have been withdrawn by Claimants for various reasons.
7. An additional 30 Class 3 claims have now been adjudicated pursuant to SDCL Ch. 58-29B and are comprised as follows:
  - a) 29 Class 3 denied claims and
  - b) 1 Class 3 approved.
  - c) One denied Class 3 claim has been referred to the Special Referee. Upon completion, the Special Referee's recommendation will be filed with the Court.
8. This Third Claims Report concludes all Class 3 claims. The Liquidator proposes that further applications will be filed to approve subordinate claims presently under evaluation.
9. The Liquidator has commenced the evaluation of the 454 Class 4 claims. The remaining subordinate classes of claims, 55 Class 6 claims, and 7 Class 8 claims, are yet to be valued. Classes subordinate to Class 4 will not be evaluated on their merits, as we anticipate Class 4 claims will exhaust the resources available.
10. Pursuant to SDCL 58-29B-125, attached hereto as Exhibit A and incorporated herein is the Third Claims Report that contains a schedule listing the names and addresses of these 34 claimants holding a priority Class 3 claim as defined by SDCL 58-29B-124, the POC number assigned by the Liquidator, and the valuation of the claim proposed by the Liquidator.
11. Exhibit A evidences the Liquidator's recommended aggregate claim valuation of \$96,327.78, premiums due ReliaMax from certain of these claimants in the amount of \$0, withdrawals of previously approved POC's amounting to \$40,193.48, and the proposed net amount due these Class 3 claimants of \$96,327.78.

12. In support of this Application No. 16 for Order Approving the Third Claims Report and Recommendation, the Liquidator has attached the affidavit of Michael J. FitzGibbons, Special Deputy Liquidator as Exhibit B.
13. The Liquidator recommends the proposed net payments as set forth above at 10 and as shown in Exhibit A and seeks the Court's approval of the same.

WHEREFORE the Liquidator respectfully requests that the court enter an Order approving the Third Claims Report and recommendation to allow payment of distributions for uncontested claims by the Liquidator as contained in this Application and set forth in Exhibit A. Respectfully submitted this 15<sup>th</sup> day of July 2020.



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Frank A. Marnell  
Attorney for Liquidator of ReliaMax Surety  
124 S. Euclid Avenue, 2<sup>nd</sup> Floor  
Pierre, SD 57501  
(605) 773-3563



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Lisa M. Harmon  
Attorney for Liquidator of ReliaMax Surety  
124 S. Euclid Avenue, 2<sup>nd</sup> Floor  
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#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that copy of the Liquidator's Application No. 16 was served upon ReliaMax Surety Company in Liquidation via regular U.S. Mail, postage prepaid, to the company's mailing address at 3801 W. Technology Circle, Sioux Falls, SD 57106.

Dated this 15<sup>th</sup> day of July 2020 in Pierre, South Dakota.



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Lisa M. Harmon  
Attorney for Liquidator of ReliaMax Surety  
124 S. Euclid Avenue, 2<sup>nd</sup> Floor  
Pierre, SD 57501  
(605) 773-3563

ReliaMax Surety Company in Liquidation  
Third Claims Report of Class 3 Claims

Withdrawn POCs

POC No.	Claimant Name	Contact	Address 1	Address 2	City	State	Zip	Liquidator's Recommended Value	Premiums Due	Funds returned by Claimant	Net Amount Due to Claimant
100771	Credit Human, a Federal Credit Union	Monica M. Benavides	6061 W Interstate Hwy 10		San Antonio	TX	78201	\$ 41,091.81	\$ 11,821.30	\$ 29,270.51	\$ -
100553	Educational Services of America, Inc.	Nixon Peabody, LLP	James V. Hatem	900 Elm Street	Machester	NH	03101	\$ 35,225.00	\$ 35,225.00	\$ -	\$ -
100573	Educational Services of America, Inc.	Nixon Peabody, LLP	James V. Hatem	900 Elm Street	Machester	NH	03101	\$ 8,993.70	\$ -	\$ 8,993.70	\$ -
100586	Educational Services of America, Inc.	Nixon Peabody, LLP	James V. Hatem	900 Elm Street	Machester	NH	03101	\$ 1,929.27	\$ -	\$ 1,929.27	\$ -
Total:								\$ 87,239.78	\$ 47,046.30	\$ 40,193.48	\$ -

New POCs

POC No.	Claimant Name	Contact	Address 1	Address 2	City	State	Zip	Liquidator's Recommended Value	Premiums Due	Recoveries Reported By Claimant	Net Amount Due to Claimant
100819	American Heritage Federal Credit Union	Bryan L. Eichenbaum	2060 Red Lion Road		Philadelphia	PA	19115	\$ -	\$ -	\$ -	\$ -
100820	American Heritage Federal Credit Union	Bryan L. Eichenbaum	2060 Red Lion Road		Philadelphia	PA	19115	\$ -	\$ -	\$ -	\$ -
100821	American Heritage Federal Credit Union	Bryan L. Eichenbaum	2060 Red Lion Road		Philadelphia	PA	19115	\$ -	\$ -	\$ -	\$ -
100908	American Heritage Federal Credit Union	Bryan L. Eichenbaum	2060 Red Lion Road		Philadelphia	PA	19115	\$ -	\$ -	\$ -	\$ -
100529	Chrome Federal Credit Union	James E. Naser	P.O. Box 658		Canonsburg	PA	15317	\$ 96,327.78	\$ -	\$ -	\$ 96,327.78
100731	Coastal States Bank fka Foothills Community Bank	Lauren Hemby	3350 Riverwood Pkwy SE, Ste. 750		Atlanta	GA	30339	\$ -	\$ -	\$ -	\$ -
100766	Credit Human, a Federal Credit Union	Monica M. Benavides	6061 W Interstate Hwy 10		San Antonio	TX	78201	\$ -	\$ -	\$ -	\$ -
100767	Credit Human, a Federal Credit Union	Monica M. Benavides	6061 W Interstate Hwy 10		San Antonio	TX	78201	\$ -	\$ -	\$ -	\$ -
100768	Credit Human, a Federal Credit Union	Monica M. Benavides	6061 W Interstate Hwy 10		San Antonio	TX	78201	\$ -	\$ -	\$ -	\$ -
100769	Credit Human, a Federal Credit Union	Monica M. Benavides	6061 W Interstate Hwy 10		San Antonio	TX	78201	\$ -	\$ -	\$ -	\$ -
100772	Credit Human, a Federal Credit Union	Monica M. Benavides	6061 W Interstate Hwy 10		San Antonio	TX	78201	\$ -	\$ -	\$ -	\$ -
100437	Day Air Credit Union, Inc.	Michael D. Stultz	Meyer & Kerschner, Ltd.	PO Box 400	Tiffin	OH	44883	\$ -	\$ -	\$ -	\$ -
100438	Day Air Credit Union, Inc.	Michael D. Stultz	Meyer & Kerschner, Ltd.	PO Box 400	Tiffin	OH	44883	\$ -	\$ -	\$ -	\$ -
101018	Duke University	William T. Tricomi	Duke Univeristy	310 Blackwell St., 4th Floor	Durham	NC	27710	\$ -	\$ -	\$ -	\$ -
101019	Duke University	William T. Tricomi	Duke Univeristy	310 Blackwell St., 4th Floor	Durham	NC	27710	\$ -	\$ -	\$ -	\$ -
101020	Duke University	William T. Tricomi	Duke Univeristy	310 Blackwell St., 4th Floor	Durham	NC	27710	\$ -	\$ -	\$ -	\$ -
101021	Duke University	William T. Tricomi	Duke Univeristy	310 Blackwell St., 4th Floor	Durham	NC	27710	\$ -	\$ -	\$ -	\$ -
101022	Duke University	William T. Tricomi	Duke Univeristy	310 Blackwell St., 4th Floor	Durham	NC	27710	\$ -	\$ -	\$ -	\$ -
100158	Healthcare Associates Credit Union	Todd Neidermeier	1151 East Warrenville Road		Naperville	IL	60563	\$ -	\$ -	\$ -	\$ -
100602	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100603	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100605	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100606	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100607	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100608	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100609	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100610	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100611	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100612	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
100614	Wright-Patt Credit Union, Inc.	Thomas J. Welk	Boyce Law Firm, LLP	300 S. Main Ave., PO Box 5015	Sioux Falls	SD	57117	\$ -	\$ -	\$ -	\$ -
Total:								\$ 96,327.78	\$ -	\$ -	\$ 96,327.78

STATE OF SOUTH DAKOTA ) IN CIRCUIT COURT  
 )  
 ) ss:  
COUNTY OF HUGHES ) SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, EX REL. )  
LARRY DEITER, DIRECTOR OF )  
INSURANCE OF THE STATE OF SOUTH )  
DAKOTA, )  
Petitioner, )  
v. )  
RELIAMAX SURETY COMPANY, )  
Respondent. )  
)  
)  
)

32CIV18-125

**AFFIDAVIT OF MICHAEL J.  
FITZGIBBONS  
IN SUPPORT OF LIQUIDATOR'S  
APPLICATION NO. 16**

STATE OF ARIZONA )  
 ) ss:  
COUNTY OF MARICOPA )

1. I am the duly appointed Special Deputy Liquidator of ReliaMax Surety Company ("ReliaMax"). Under the general supervision of the Court and the Liquidator, my staff and I oversee the day-to-day operations of ReliaMax to timely and efficiently wind down the ReliaMax liquidation estate. I am familiar with the claims process and with the claims that have been filed. Therefore, I have personal knowledge of the matters addressed in this Affidavit.
2. I have reviewed and support the Liquidator's Application No. 16 for Order Approving Liquidator's Third Claims Report & Recommendation ("Application No. 16") and its exhibits that pertains to 30 newly adjudicated Class 3 claims and 4 withdrawn Class 3 claims previously approved by this Court (collective total of 34), as prescribed by SDCL 58-29B-124 to SDCL 58-29B-126. This Affidavit is provided in support of Application 16.
3. The Liquidator's Third Claims Report and Recommendation should be approved by the Court for the reasons listed below.

- a. Notice of ReliaMax's liquidation was given in accordance with SDCL 58-29B-51.
- b. In accordance with SDCL 58-29B-51, the notice specified that the last date to file a timely proof of claim with the Liquidator was December 31, 2018. Timely proofs of claim must be postmarked no later than 5:00 P.M. Central Standard Time, on such date.
- c. The Liquidator's Proof of Claim ("POC") forms are in compliance with SDCL 58-29B-106 to 58-29B-110 and provided notice thereof in accordance with SDCL 58-29B-47 to 58-29B-51.
- d. As the duly-appointed Special Deputy Liquidator, I have considered each and every of the 30 POCs subject to this Third Claims Report, in accordance with the requirements of the SDCL Ch. 58-29B.
- e. I am administering the POC process. I have employed staff of ReliaMax to assist me in the adjudication of claims under policies for losses incurred. The employed staff make recommendations to the Liquidator as to the validity, valuation and priority of each POC. The Liquidator, and/or his duly appointed Special Deputy, then independently approves or denies the employed staff recommendations in whole or in part and submit the same to this Court for approval.
- f. Each and every POC subject to this Claims Report contains the necessary claim file documentation for the Liquidator's recommendation thereon.
- g. To the extent this Claims Report includes claims that were denied in whole or in part, notice of such denial complying with SDCL 58-29B-119 was provided to the affected claimants and either no timely objection was made by the affected claimants, the objection was resolved by mutual agreement or the Claim was referred to the Special Referee.
- h. All claim disputes have been and will be adjudicated pursuant to the Procedures Governing Special Referee's Proof of Claim Adjudication as approved by the Court in its Order regarding the Liquidator's Application No. 8 process.

**Notice to Policyholders, Third-Party Claimants, and Other  
Potential Claimants or Creditors**

- 4. Between the entry of the Liquidation Order on June 27, 2018 and December 31, 2018, I caused to be issued approximately 15,057 Notices of Liquidation and POC forms, with

instructions to policyholders, third-party claimants, and other potential claimants and/or creditors of ReliaMax.

5. Starting on July 7, 2018, I caused to be published Notice of the liquidation in the New York Times, a newspaper of countywide circulation in the United States, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim. Starting on July 27, 2018, I caused to be published notice in the Argus Leader, a newspaper of state circulation in South Dakota, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.

### **Completed and Adjudicated Priority Class 3 Proof of Claims**

6. On or before the Bar Date of December 31, 2018, the Liquidator received 1,771 timely filed POCs, and 3 late-filed POC's. The late filed claims are pending review. Throughout my review of the filed POCs, certain POCs have been compounded or split based on the claim asserted, resulting in a total of 1,825 POCs received.
7. In addition to the claims adjudicated on the First Claims Report and Second Claims Report, 30 additional Class 3 claims have now been adjudicated and 4 Class 3 claims were withdrawn by the claimant(s). All Class 3 claims have now been fully adjudicated or referred to the Special Referee.
8. Attached to Application No. 16 and incorporated by reference as Exhibit A is a listing of the names and addresses of the 30 Class 3 claimants subject to this application as defined in SDCL 58-29B-124, the assigned POC for each of these claimants, and the amount of the claim recommended and now proposed as the Liquidator's final valuation pursuant to SDCL 58-29B-125. Actual distributions will be determined and made at the appropriate time in accordance with SDCL 58-29B-126 and SDCL 58-29B-127.
9. To the best of my knowledge and belief, the claims subject to this Report and Application are not subject to modification. If any additional factors hereafter come to my attention which may require any modification, such as third-party payments or releases of any such claims, I will notify the Liquidator, and he and/or I will promptly bring those matters to the attention of this Court in an application to modify such claims.
10. It is my opinion that the Liquidator's Application No. 16 contains an accurate Third Claims Report and valuations should be approved as recommended in accordance with Exhibit A attached hereto.

Dated this 14<sup>th</sup> day of July 2020.



Michael J. FitzGibbons, Special Deputy Liquidator  
ReliaMax Surety Company, in Liquidation

Subscribed and sworn to before me this 14<sup>th</sup> day of July 2020.



Notary Public

(SEAL)



SARAH E. ALEXANDER  
Notary Public - Arizona  
Maricopa Co. / #551135  
Expires 09/15/2022

My commission expires: 09/15/2022



