

# NOTICE

**To: All Claimants of Amwest Surety Insurance Company, A Nebraska Insurer**

**NOTICE IS HEREBY GIVEN** that the District Court of Lancaster County, Nebraska, has entered an Order in Case No. CI 01-2102 authorizing the liquidation of **AMWEST SURETY INSURANCE COMPANY** (the "Company") and directing the Director of Insurance of the State of Nebraska, as Liquidator, to liquidate the assets of the Company.

All persons who may have claims against **AMWEST SURETY INSURANCE COMPANY** must file a verified original Proof of Claim (POC) with:

Claimant Services  
**AMWEST SURETY INSURANCE COMPANY**  
P.O. Box 4500  
Woodland Hills, CA 91365-4500.

Section 44-4836.1, Nebraska Revised Statutes, provides:

- 1) Proof of Claim shall consist of a statement signed by the claimant that includes all of the following that are applicable;
  - a) the particulars of the claim, including the consideration given for it;
  - b) the identity and amount of the security on the claim;
  - c) the payments made on the debt, if any;
  - d) that the sum claimed is justly owing and that there is no setoff, counterclaim, or defense to the claim;
  - e) any right of priority of payment or other specific right asserted by the claimants;
  - f) a copy of the written instrument which is the foundation of the claim; and
  - g) the name and address of the claimant and the attorney who represents him or her, if any.

An insured under a liability policy or principal on a bond and third party claimants may file a contingent claim for any specific loss or occurrence as to which the principal's or insured's liability was not determined as of the liquidation date. Whether or not the third party files a claim, the insured may file a claim on his or her own behalf in the liquidation. The insured's claim may be allowed after consideration of the probable outcome of any pending action against the insured on which the claim is based, the probable damages recoverable in the action, and the probable cost and expenses of defense.

The Company's obligation, if any, to defend or continue the defense of any claim or suit under an insurance policy issued by the Company was terminated upon the entry of the Order of Liquidation (Order). The rights of claimants to share in distribution of assets, if any, of **AMWEST SURETY INSURANCE COMPANY** are fixed as of the date of the entry of the Order, June 7, 2001, except as provided by Nebraska Revised Statute §§ 44-4818 and 44-4837 (Revised June 1998).

Claimants with a policy or bond claim may be entitled to the protection of their state Property and Casualty Insurance Guaranty Fund/Association and are directed to communicate directly with such Guaranty Fund/Association. All such claimants will have their Proof of Claim forwarded to the Guaranty Fund/Association by the Liquidator.

Attached to this Notice is the multi-part POC for use by persons who may have claims against the Company, along with instructions found on the back of the POC. If additional POC forms are required, they may be obtained by written request to Claimant Services at the address set forth above.

As cited above, Nebraska law requires that all claims against the Company shall be verified by a signed statement by the claimant, or someone authorized to act on the claimant's behalf. If the claimant is an individual, then the individual must sign. If the claimant is a corporation, then an officer must sign and identify capacity. If the claimant is a partnership, then a partner must sign. In the event a claim is filed by one person on behalf of another, such as attorney in fact, guardian, receiver, etc., attach to the POC evidence or explanation indicating your authorization to act. Additionally, the POC requires the claimant signature be notarized.

You will be advised of receipt of your completed POC and your POC number. You will be notified some time thereafter of the Liquidator's decision regarding your claim. If your claim is denied in whole or in part by the Liquidator, unresolved disputes will be decided by the Liquidation Court in Lancaster County, Nebraska.

Additionally, Amwest Surety Insurance Company's web site ([www.Amwest.com](http://www.Amwest.com)) is a source for news and information regarding the ongoing liquidation.

**THE LAST DAY FOR FILING CLAIMS TIMELY AGAINST AMWEST SURETY INSURANCE COMPANY** is 5:00 o'clock p.m., Central Daylight Savings Time, on June 7, 2002. Claims must be postmarked (not postage meter stamped) no later than 5:00 o'clock p.m., Central Daylight Savings Time on June 7, 2002.

**L. TIM WAGNER**, Director of Insurance of the State of Nebraska as  
Liquidator of **AMWEST SURETY INSURANCE COMPANY**

Dated: October 10, 2001  
Calabasas, CA

By: \_\_\_\_\_  
Michael J. FitzGibbons, Special Deputy Liquidator