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FILED  
JUN 11 2007  
Department of Insurance  
State of Idaho

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Attorneys for Department of Insurance

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:	)	Docket No. 18-2253-07
	)	
CUMBERLAND CASUALTY & SURETY	)	<b>ORDER OF</b>
COMPANY	)	<b>REVOCATION OF</b>
	)	<b>CERTIFICATE OF</b>
NAIC No. 24660	)	<b>AUTHORITY</b>
Certificate of Authority No. 2537	)	
_____	)	

WHEREAS, CUMBERLAND CASUALTY & SURETY COMPANY ("CUMBERLAND CASUALTY") a Florida domiciled company, licensed for property and casualty in the state of Idaho, has been suspended by the Department of Insurance, state of Idaho by orders dated May 5, 2004, July 20, 2005, and July 17, 2006 pursuant to the provisions of Idaho Code § 41- 326(1)(b); and

WHEREAS, CUMBERLAND CASUALTY remains in receivership for the purposes of rehabilitation in the state of Florida; and

WHEREAS, CUMBERLAND CASUALTY's certificate of authority has been suspended in the state of Florida; and

WHEREAS, CUMBERLAND CASUALTY is required to have a surplus (in addition to \$1 million paid-up capital stock or basic surplus) of at least \$1 million, and as of March 31, 2007, the surplus as regards policyholders is a negative (\$3,949,107), and therefore the Company continues to not meet the requirement for capital and surplus as set forth at Idaho Code § 41-313.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to the provisions of Idaho Code §§ 41-326(1)(b) and 41-326(1)(d), that Certificate of Authority No. 2537, issued to CUMBERLAND CASUALTY, be REVOKED effective immediately.

### **NOTIFICATION OF RIGHTS**

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5246(4), Idaho Code.


Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of this final order, (b) of an order denying any petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho

Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED and EFFECTIVE this 11<sup>th</sup> day of June 2007.

  
WILLIAM W. DEAL, Director  
Idaho Department of Insurance

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of June 2007, I caused a true and correct copy of the foregoing document to be served upon the following individuals by the designated means:

Cumberland Casualty & Surety Company  
4311 W. Waters Ave., Suite 401  
Tampa, FL 33614

- first class mail
- certified mail
- hand delivery
- via facsimile

Florida Department of Financial Services  
Divn. of Rehabilitation & Liquidation  
Deputy Receiver  
PO Box 110  
Tallahassee, FL 32302-0110

- first class mail
- certified mail
- hand delivery
- via facsimile

David Edwards  
Idaho Guaranty Association  
Western Guaranty Fund Services  
1720 S. Bellaire, Suite 408  
Denver, CO 80222  
dedwards@wgfs.org

- first class mail
- certified mail
- hand delivery
- via facsimile

Thomas A. Donovan  
Deputy Attorney General  
Idaho Department of Insurance  
PO Box 83720  
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- first class mail
- certified mail
- hand delivery
- via facsimile

  
Teresa Jones  
Assistant to the Director