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FILED 

DEC 11 2009

Department of Insurance  
State of Idaho

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

**STATE OF IDAHO**

In the Matter of: )  
)  
IMERICA LIFE AND HEALTH )  
INSURANCE COMPANY )  
)  
Certificate of Authority No. 1483 )  
NAIC No. 63533 )  
\_\_\_\_\_ )

Docket No. 18-2578-09  
**ORDER OF SUSPENSION  
OF CERTIFICATE OF  
AUTHORITY**

WHEREAS, IMERICA LIFE AND HEALTH INSURANCE COMPANY (“IMERICA”), an Arkansas domiciled company, licensed to transact life insurance in the state of Idaho, was placed into rehabilitation on November 18, 2009, by an order agreed to by IMERICA of the Pulaski County Circuit Court, State of Arkansas, Cause No. CV 09-7305, based on findings and a petition from the Arkansas Insurance Commissioner that the company was in hazardous financial condition;

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to the provisions of Idaho Code § 41-327(3), that Certificate of Authority No. 1483, issued to IMERICA be SUSPENDED

effective immediately, and that IMERICA comply with each of the requirements of Idaho Code § 41-329, including § 41-329(2) which states: “During the suspension period the insurer shall not solicit or write any new business in this state, but shall file its annual statement, pay fees, licenses, and taxes as required under this code, and may service its business already in force in this state, as if the certificate of authority had continued in full force,” and that, pursuant to this section, said suspension be continued for a period of one (1) year from the date of this order. The Director may terminate the suspension sooner if the cause for said suspension is terminated and IMERICA is otherwise in compliance with the provisions of Title 41, Idaho Code.

IT IS FURTHER ORDERED, pursuant to the provisions of Idaho Code § 41-330, that IMERICA, within four (4) days after notice of this suspension is received, notify, by any available means, every person authorized to write business by said insurance company in the state of Idaho, to immediately cease any further writing of such business.

IT IS FURTHER ORDERED, that IMERICA promptly return Certificate of Authority No. 1483 to the Idaho Department of Insurance, as required by Idaho Code § 41-323.

IT IS FURTHER ORDERED, that within 60 days of the date of this order IMERICA file with the Director a complete listing of its policies owned by or issued to residents of the state of Idaho. Such list shall include the name and address of each policyholder and insured, policy type, face amount, and cash surrender value of the policy, as applicable.

### **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 of (a) this final order, (b) 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 this 11<sup>TH</sup> day of December 2009.

  
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WILLIAM W. DEAL  
Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have on this 11th day of December 2009, caused a true and correct copy of the foregoing order to be served upon the following by the designated means:

America Life and Health Insurance Co.  
ATTN: Robert Stewart Moss  
304 Inverness Way South, Suite 405  
Englewood, CO 80112

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

Arkansas Department of Insurance  
Jay Bradford - Commissioner  
1200 West Third Street  
Little Rock, AR 72201-1904

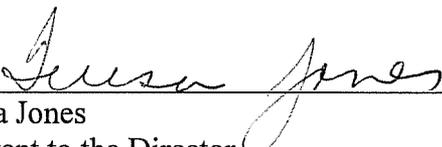
- first class mail
- certified mail
- hand delivery
- via facsimile

Candie Kinch  
Idaho Life & Health Guaranty Association  
4700 N. Cloverdale Rd., Ste 204  
Boise, ID 83713-1068  
[ckinch@idlifega.org](mailto:ckinch@idlifega.org)

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

Thomas A. Donovan  
Deputy Attorney General  
Idaho Department of Insurance  
P.O. Box 83720  
Boise, ID 83720-0043

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

  
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Teresa Jones  
Assistant to the Director