

FEB 16 2016

At 4:00 p.m.  
Velva L. Price, District Clerk

GV 204523

THE STATE OF TEXAS

v.

AMCARE HEALTH PLANS OF TEXAS,  
INC. and AMCARE MANAGEMENT, INC.

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

200<sup>th</sup> JUDICIAL DISTRICT

**ORDER APPROVING THE SDR'S  
MOTION FOR PERMISSION TO IMPLEMENT  
PROCEDURES FOR UNCLAIMED PROPERTY  
AND RELATED DISTRIBUTION MATTERS**

On this day came to be heard the SDR's MOTION FOR PERMISSION TO IMPLEMENT PROCEDURES FOR UNCLAIMED PROPERTY AND RELATED DISTRIBUTION MATTERS ("Motion") filed by Jean Johnson, Special Deputy Receiver ("SDR") under contract to the Permanent Receiver of AmCare Health Plans of Texas, Inc., and AmCare Management, Inc., (hereinafter collectively referred to as "AmCare"), Having considered the Motion, the Court finds as follows:

1. This Court has jurisdiction over the subject matter of this Motion under TEX. INS. CODE Chapter 443;
2. The *Amended Order of Reference to Master* ("Order of Reference") entered by this Court on November 3, 2005, provides under Section III that the subject matter of this Motion is referred to the Special Master appointed in this proceeding;
3. The Motion was submitted to the Special Master in accordance with the Order of Reference;
4. Notice of the Motion was provided in accordance with TEX. INS. CODE §443.007(d) and the Order of Reference, and no objections to the Motion were filed;

5. The Special Master has issued a recommendation that the Motion should be granted pursuant to Rule 171 of the Texas Rules of Civil Procedure; and

6. The recommendation of the Special Master should be confirmed, and the Motion should be granted in all respects.

**It is therefore ORDERED, ADJUDGED, and DECREED that:**

1. The Motion is GRANTED in all respects;
2. The Special Deputy Receiver may take all the steps set forth in the motion, as well as such other steps as may be reasonably necessary to accomplish those steps;
3. The Court orders that that the claimants described in the motion shall be treated as unclaimed property within the meaning of Section 443.304 of the Texas Insurance Code. The Special Deputy Receiver is authorized to permits these claimants, within thirty days of the service of this order, to take the steps to cure those omissions in the information they provided to the SDR.
4. The Court orders that any claimant whose inaccurate, omitted or incomplete information has resulted in a penalty being imposed upon the estate by the Internal Revenue Service shall be subject to a deduction from any distribution in the amount of such penalty paid. The Special Deputy Receiver is authorized, but not required, to elect to pay such penalty as to each such claimant and to withhold the amount of the penalty from the claimant's distributions. The Court authorizes the use of the attached notice to claimants who have not returned their forms to advise them of the requirements of this order.

SIGNED this 16<sup>th</sup> day of February, 2016.

Original signed by

JUDGE PRESIDING

TIM SULAK

PROPER NOTICE GIVEN  
NO OBJECTION FILED.

SUBMITTED

RECOMMENDED

SIGNED ON 15<sup>th</sup> DAY OF Feb, 2016

Original signed by

TOM COLLINS, RECEIVERSHIP SPECIAL MASTER

Exhibit A to Order

GV 204523

|   |   |                                     |
|---|---|-------------------------------------|
| THE STATE OF TEXAS  | § | IN THE DISTRICT COURT OF            |
|   | § |                                     |
| v.  | § | TRAVIS COUNTY, TEXAS                |
|   | § |                                     |
| AMCARE HEALTH PLANS OF TEXAS,<br>INC. and AMCARE MANAGEMENT, INC. | § | 200 <sup>th</sup> JUDICIAL DISTRICT |

**Notice to Claimants about Deadline to Return Forms**

PLEASE READ THIS NOTICE AS IT MAY AFFECT YOUR RIGHTS TO DISTRIBUTIONS FROM THE RECEIVERSHIP ESTATE OF AMCARE HEALTH PLANS OF TEXAS, INC.

This notice is sent by Jean Johnson, the Special Deputy Receiver of AmCare Health Plans of Texas, Inc.

The records of the Special Deputy Receiver indicate that claimant:

\_\_\_\_\_  
[Claimant's Name]

may be entitled to further distributions from the receivership estate of AmCare Health Plans of Texas, Inc. However, these distributions cannot be processed and sent because of the following issues:

\_\_\_\_\_ The Special Deputy Receiver needs a current fully-completed W-9 form from the claimant.

\_\_\_\_\_ The Special Deputy Receiver needs the claimant to return the provider confirmation forms required to be completed prior to distribution.

\_\_\_\_\_ Other:

\_\_\_\_\_

Please be advised that the Court set forth in the caption above has issued an order which permits the Special Deputy Receiver to provide claimants with an opportunity to cure the required deficiencies within the next thirty days. Should the claimant fail to do so, then the Special Deputy Receiver may treat these distributions as unclaimed property within the meaning of the Texas Insurance Code.

Please contact the Special Deputy Receiver's staff at the following address and telephone number(s) to comply with this notice, to obtain blank forms, or to ask any questions or express any concerns. The address and telephone number to contact the Special Deputy Receiver is:

Jean Johnson, Special Deputy Receiver  
AmCare Health Plans of Texas, Inc.  
11700 Preston Road, Suite 660-364  
Dallas, TX 75230  
(888) 907-1212

Should the Claimant fail to act within thirty days, then the Special Deputy Receiver reserves the right to treat the distribution as unclaimed, which may require the claimant in the future to timely follow the unclaimed property statutes.

Respectfully submitted,

Jean Johnson, Special Deputy Receiver of AmCare Health Plans of Texas, Inc.

\_\_\_\_\_ Date: \_\_\_\_\_