

## **FACILITATION PLAN SUMMARY – FOR ELNY SSA OWNERS**

The Facilitation Plan, which is discussed in Section 3.1 and Article 8 of the Restructuring Agreement, is an optional bilateral agreement between GABC and each ELNY SSA owner that chooses to become party to it. Owners that do so are referred to as "Participating SSA Contractowners" in the Restructuring Agreement and in the Facilitation Plan. (Capitalized terms used but not defined in this summary are defined in the Facilitation Plan.)

ELNY SSA Owners that become parties to the Facilitation Plan will have the option to direct supplemental payments to their SSA payees through Alliance-One Services, Inc. ("Alliance-One"), pursuant to the Owner Payment Administration Agreement attached as Exhibit A to the Facilitation Plan. Alliance-One is the third-party administrator that has contracted with GABC to make benefit payments to SSA Payees on behalf of GABC. SSA Owners that enter into the Owner Payment Administration Agreement will be responsible for making funds available from which Alliance-One can make Owner Payments to the appropriate SSA Payees. Neither GABC nor Alliance-One will bear any responsibility for funding any Owner Payments. Participating SSA Contractowners need not enter into the Owner Payment Administration Agreement if they would rather make other arrangements for making payments to SSA Payees. It takes approximately 90 days to set up an owner under the Owner Payment Administration Agreement.

Some key terms of the Facilitation Plan are:

- **Owner Payment Schedule** – As soon as practicable after execution of the Facilitation Plan, GABC will provide the Participating SSA Contractowner with contract record data for each ELNY SSA of which the Participating SSA Contractowner is identified as the Contractowner and which is expected to have a benefit reduction in liquidation. The data will include (but not be limited to) the amounts and due dates of all payments due under the SSA; the name and address of each payee; the name of each designated beneficiary; and the Total Percentage of Contract Protected. This information will be contained in the GABC/Owner Payment Schedule. GABC will update the GABC/Owner Payment Schedule and provide it to the Participating SSA Contractowner as amendments are made and on an annual basis. (Section 2.1)
- **Cooperation/Records** – Each Participating SSA Contractowner and GABC will cooperate to maintain complete, accurate, current and consistent records pertaining to the Participating SSA Contractowner's GABC Contracts. (Section 3.1)
- **Coordination on Matters Affecting Owner Payments** – GABC will (and will use reasonable business efforts to cause the GABC TPA to) consult and cooperate with the Participating SSA Contractowner with respect to all matters affecting the amounts and disposition of their payments to payees (e.g., address change requests, changes in payment amounts based on COLAs, redirection of payments following a payee's death, responding to structured settlement factoring petitions and resolving competing claims to payments). (Section 3.3)

- **Reporting** – GABC will use reasonable business efforts to provide Participating SSA Contractowners with information that they may need for accounting purposes and information concerning GABC's financial condition, including copies of statutory financial statements and copies of certain notices required under the Restructuring Agreement and other documents as set forth in the Facilitation Plan. (Section 3.4)

The Facilitation Plan was drafted and negotiated by representatives of GABC and a group of ELNY SSA owners who have been monitoring the ELNY receivership for several years. The Facilitation Plan is not subject to negotiation by individual ELNY SSA owners.

If you are an ELNY SSA owner and are interested in entering into the Facilitation Plan and becoming a Participating SSA Contractowner, or if you have any questions about the Facilitation Plan, please contact Dick Freije at [dick.freije@FaegreBD.com](mailto:dick.freije@FaegreBD.com) or Caryn Glawe at [caryn.glawe@FaegreBD.com](mailto:caryn.glawe@FaegreBD.com).