

PART C – AFFIDAVIT BY PRODUCING BROKER

AFFIDAVIT NO. _____

1. PRODUCING BROKER INFORMATION

| | | | | |
|---------|--|-----------------|-------|----------|
| Name | | License No. BR- | | |
| Address | | City | State | Zip Code |

2. RISK INFORMATION:

Name of the Insured _____

(The name of the insured must be precisely the same in this affidavit and the declarations page, binder, cover note or confirmation of coverage.)

3. DISCLOSURE INFORMATION

Yes No Did you personally provide a written Notice of Excess Line Placement (Form: NELP/2011) to the insured as required by Section 2118 of the New York Insurance Law and Regulation 41?

4. DECLINATION INFORMATION

- (a) Yes No Has the Superintendent determined that declinations are not required for this type of risk? IF ANSWER TO QUESTION (a) IS "YES", SKIP QUESTIONS (b) AND (c) GO ON TO THE AFFIRMATION SECTION.
- (b) Yes No Does the insured qualify as an "Exempt Commercial Purchaser" that made a written request consistent with the requirements of New York Insurance Law Section 2118(b)(3)(F)? IF ANSWER TO QUESTION (b) IS "YES", SKIP QUESTION (c) GO ON TO THE AFFIRMATION SECTION.
- (c) Yes No Was the risk described above submitted by the producing broker to companies: (1) each authorized in New York to write coverages of the kind requested; (2) which the licensee has reason to believe might consider writing the type of coverage or class of insurance involved; and (3) was such risk declined by each such company? If the answer to QUESTION (c) above is "YES", COMPLETE THE FOLLOWING SCHEDULE:

AUTHORIZED COMPANIES DECLINING THE RISK

1. Name of company _____ Date of Declin.: _____
NAIC Code _____

The insurer declined to underwrite the risk because:

- Insurer presently lacks adequate capacity to write this risk.
- Specific underwriting reason.
- Other (Specify) _____

Affiliation of Representative: Company Employee Agent Other (specify) _____

Name of Representative Declining Risk

I believed this insurer would consider underwriting this risk because:

- Recent acceptance by the insurer of a risk, requiring that type of coverage or class of Insurance.
- Advertising by the insurer or its agent indicating it entertains that type of risk/coverage.
- Media communications (Newspapers, Trade Magazines, Radio) which indicate the insurer will underwrite that type of coverage.
- Communications with other professionals, such as brokers, agents, risk managers, insurance department or ELANY Personnel indicating the insurer entertains such risks.
- Any other valid basis you can document. _____

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AUTHORIZED COMPANIES DECLINING THE RISK

2. Name of Company Date Declin.:
NAIC Code

The insurer declined to underwrite the risk because:

1. Insurer presently lacks adequate capacity to write this risk.
2. Specific underwriting reason.
3. Other (Specify) _____

Affiliation of Representative: Company Employee Agent Other (specify) _____

Name of Representative Declining Risk

I believed this insurer would consider underwriting this risk because:

- Recent acceptance by the insurer of a risk, requiring that type of coverage or class of Insurance.
- Advertising by the insurer or its agent indicating it entertains that type of risk/coverage.
- Media communications (Newspapers, Trade Magazines, Radio) which indicate the insurer will underwrite that type of coverage.
- Communications with other professionals, such as brokers, agents, risk managers, insurance department or ELANY Personnel indicating the insurer entertains such risks.
- Any other valid basis you can document. _____

3. Name of Company Date Declin.:
NAIC Code

The insurer declined to underwrite the risk because:

1. Insurer presently lacks adequate capacity to write this risk.
2. Specific underwriting reason.
3. Other (Specify) _____

Affiliation of Representative: Company Employee Agent Other (specify) _____

Name of Representative Declining Risk

I believed this insurer would consider underwriting this risk because:

- Recent acceptance by the insurer of a risk, requiring that type of coverage or class of Insurance.
- Advertising by the insurer or its agent indicating it entertains that type of risk/coverage.
- Media communications (Newspapers, Trade Magazines, Radio) which indicate the insurer will underwrite that type of coverage.
- Communications with other professionals, such as brokers, agents, risk managers, insurance department or ELANY Personnel indicating the insurer entertains such risks.
- Any other valid basis you can document. _____

AFFIRMATION

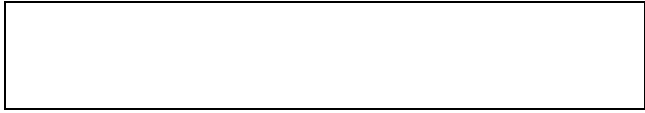
I, _____, am the licensee or sublicensee of the named broker
in Section 1 of this affirmation and I hereby affirm under penalties of perjury that all of the
information contained herein is true to the best of my knowledge and belief.

Signature of Affiant _____ Date _____



NOTICE OF EXCESS LINE PLACEMENT

Date:



Consistent with the requirements of New York Insurance Law and Regulation 41 _____ is hereby advised that all or a portion of the required coverages have been placed by _____ with insurers not authorized to do an insurance business in New York and which are not subject to supervision by this State. Placements with unauthorized insurers can only be made under one of the following circumstances:

- a) A diligent effort was first made to place the required insurance with companies authorized in New York to write coverages of the kind requested; or
- b) NO diligent effort was required because i) the coverage qualifies as an "Export List" risk, or ii) the insured qualifies as an "Exempt Commercial Purchaser."

Policies issued by such unauthorized insurers may not be subject to all of the regulations of the Superintendent of Insurance pertaining to policy forms. In the event of insolvency of the unauthorized insurers, losses will not be covered by any New York State security fund.

TOTAL COST FORM (TAX ALLOCATED PREMIUM TRANSACTION)

[Applies only to policies with effective dates of on or before July 20, 2011 with risks located both inside and outside New York.]

In consideration of your placing my insurance as described in the policy referenced below, I agree to pay the total cost below which includes all premiums, inspection charges⁽¹⁾ and a service fee that includes taxes, stamping fees, and (if indicated) a fee⁽¹⁾ for compensation in addition to commissions received, and other expenses⁽¹⁾.

I further understand and agree that all fees, inspection charges and other expenses denoted by ⁽¹⁾ are fully earned from the inception date of the policy and are non-refundable regardless of whether said policy is cancelled. Any policy changes which generate additional premium are subject to additional tax and stamping fee charges. The excess line tax and stamping fees denoted by ⁽²⁾ below are only charged against the portion of premium and other taxable charges, where applicable, (Insurer policy or inspection fees) for the portion of the insured risk located in New York.

| Re: Policy No. | Insurer | |
|---|--------------------------|-----------------|
| Policy Premium ⁽²⁾ | | \$ |
| <u>Insurer Imposed Charges:</u> | | |
| Policy Fees ⁽¹⁾⁽²⁾ | | \$ |
| Inspection Fees ⁽¹⁾⁽²⁾ | | \$ |
| <u>Services Fee Charges:</u> | | |
| Excess Line Tax (3.6%) ⁽²⁾ | | \$ |
| Stamping Fee ⁽²⁾ | | \$ |
| Broker Fee ⁽¹⁾ | | \$ |
| Inspection Fee ⁽¹⁾ | | \$ |
| Other Expenses (specify) ⁽¹⁾ _____ | | \$ _____ |
| | Total Policy Cost | \$ _____ |

(Signature of Insured)

⁽¹⁾= Fully earned ⁽²⁾= Taxes and stamping fees are calculated on the portion of the risk located in N.Y. only