

507C.5 Injunctions and orders.

1. A receiver appointed in a proceeding under [this chapter](#) may at any time apply for, and any court of general jurisdiction may grant, restraining orders, preliminary and permanent injunctions, and other orders as necessary to prevent any of the following:

- a. The transaction of further business.
- b. The transfer of property.
- c. Interference with the receiver or with a proceeding under [this chapter](#).
- d. Waste of the insurer's assets.
- e. Dissipation and transfer of bank accounts.
- f. The institution or further prosecution of any actions or proceedings.
- g. The obtaining of preferences, judgments, attachments, garnishments, or liens against the insurer, its assets or its policyholders.
- h. The levying of execution against the insurer, its assets or its policyholders.
- i. The making of a sale or deed for nonpayment of taxes or assessments that would lessen the value of the assets of the insurer.
- j. The withholding from the receiver of books, accounts, documents, or other records relating to the business of the insurer.
- k. Any other threatened or contemplated action that might lessen the value of the insurer's assets or prejudice the rights of policyholders, creditors, or shareholders, or the administration of a proceeding under [this chapter](#).

2. A receiver may apply to a court outside of the state for the relief described in [subsection 1](#).

3. a. Notwithstanding any other provision to the contrary, after the seventh day following the filing of a delinquency proceeding a federal home loan bank shall not be stayed or prohibited from exercising its rights regarding collateral pledged by an insurer-member.

b. If a federal home loan bank exercises its rights regarding collateral pledged by an insurer-member who is subject to a delinquency proceeding, the federal home loan bank shall repurchase any outstanding capital stock that is in excess of that amount of federal home loan bank stock that the insurer-member is required to hold as a minimum investment, to the extent the federal home loan bank in good faith determines the repurchase to be permissible under applicable laws, regulations, regulatory obligations, and the federal home loan bank's capital plan, and consistent with the federal home loan bank's current capital stock practices applicable to its entire membership.

c. Following the appointment of a receiver for an insurer-member, the federal home loan bank shall, within ten business days after a request from the receiver, provide a process and establish a timeline for all of the following:

(1) The release of collateral that exceeds the amount required to support secured obligations remaining after any repayment of loans as determined in accordance with the applicable agreements between the federal home loan bank and the insurer-member.

(2) The release of any of the insurer-member's collateral remaining in the federal home loan bank's possession following repayment of all outstanding secured obligations of the insurer-member in full.

(3) The payment of fees owed by the insurer-member and the operation of deposits and other accounts of the insurer-member with the federal home loan bank.

(4) The possible redemption or repurchase of federal home loan bank stock or excess stock of any class that an insurer-member is required to own.

d. Upon request from a receiver, the federal home loan bank shall provide any available options for an insurer-member subject to a delinquency proceeding to renew or restructure a loan to defer associated prepayment fees, subject to market conditions, the terms of any loans outstanding to the insurer-member, the applicable policies of the federal home loan bank, and the federal home loan bank's compliance with federal laws and regulations.

[84 Acts, ch 1175, §5](#); [2014 Acts, ch 1008, §2](#)