

# OHIO MINE SUBSIDENCE INSURANCE UNDERWRITING ASSOCIATION

## ASSUMPTION AGREEMENT

Company: \_\_\_\_\_

NAIC # \_\_\_\_\_ Group \_\_\_\_\_

Assured: Various named insureds provided with Mine Subsidence coverage on or in connection with Mine Subsidence coverage issued or renewed on and after the date of this agreement.

Date: July 1, 2009

Amount: The "Amount" of the Reinsurance provided to Members of the Ohio Mine Subsidence Insurance Underwriting Association by the Ohio Mine Subsidence Insurance Underwriting Association is 100%, but not to exceed the compensable limits of liability per the Ohio Mine Subsidence Insurance Coverage Form, OH-MSI-2 (7/2009). Those compensable amounts for mine subsidence damage may include:

1. The Member Company's policy limit of liability for any dwelling insured by the OMSIUA Member Company's policy to which the mine subsidence insurance coverage form attaches or \$300,000, whichever is less,
2. A limit of liability for all sidewalks and driveways for an amount of up to 10% of the mine subsidence coverage limit of liability for the insured structure. In no case will this limit of liability exceed the amount actually and necessarily expended by the insured in repairing or replacing any sidewalks and driveways for which the insured has the responsibility for repair or replacement.
3. A total limit of liability for all private garages for an amount of up to 10% of the mine subsidence coverage limit of liability for the insured structure. In no case will this limit of liability exceed the amount actually and necessarily expended in repairing or replacing the private garages with modern building material and payment will be made only if the repair is made intending that the building(s) be private garage(s) after repaired or replaced.
4. An amount of coverage of up to \$5,000 for additional living expense and/or fair rental value if the insured structure is not fit to live in due to a mine subsidence occurrence. Payment will be for the shortest time required for repair of the mine subsidence damage.

The total of all amounts of coverage compensable to an insured will not exceed \$300,000.

These amounts are subject to the conditions, definitions, provisions, and terms of OH-MSI-2 (7/2009).

In consideration of the provisions and stipulations herein or added hereto, and of premiums ceded by the above-named insurance company, the Ohio Mine Subsidence Insurance Underwriting Association and not otherwise, does reinsure and assume from the above-named insurance company, all Ohio Mine Subsidence losses and allocated loss adjustment expense reasonably incurred, for coverages provided pursuant to the requirements of the Mine Subsidence Insurance Law, enacted as sections of the Ohio Revised Code, sections 3929.50 *et seq.*

It is understood and agreed that the Association shall pay the named insured from the Fund for claims resulting from mine subsidence; and shall pay the costs of administration incurred by the Board, to the Board.

It is further understood and agreed that the above-named insurance company shall charge and collect premium from its insureds who have Mine Subsidence Insurance in accordance with the Ohio Mine Subsidence Insurance Law, Plan of Operations, and Rates as filed and approved by the Superintendent of the Ohio Insurance Department. Such premiums will be deposited with the Ohio Mine Subsidence Insurance Underwriting Association in accordance with their directions. A 30% ceding commission may be retained by the above-named insured for Mine Subsidence coverage provided through the Ohio Mine Subsidence Insurance Underwriting Association in counties designated as "optional counties" via the Plan of Operations for the Mine Subsidence Insurance Program of Ohio.

This agreement shall remain in effect unless and until terminated by one of the following:

- 1) It may be terminated, upon written notice thereof by the above-named insurance company, accompanied by written approval of the Superintendent of the Ohio Insurance Department.
- 2) An insurer may file an exemption certificate that indicates it has no obligation to participate since it writes no basic property, homeowners, farm owners or mobile homeowners insurance to which an obligation of notice attaches.
- 3) It will terminate upon repeal of the Ohio Mine Subsidence Insurance Law; provided, however, that the obligations hereunder will continue as to any coverages provided under the Ohio Mine Subsidence Insurance Law.

Any prior reinsurance agreement shall be superseded as of the effective date of this reinsurance agreement.

Ohio Mine Subsidence Insurance Underwriting Association

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

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(Name of Insurance Company)

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

Title: \_\_\_\_\_

**Each Member Insurer must complete, sign, and mail this Agreement to the Ohio Mine Subsidence Insurance Underwriting Association:**

**OHIO MINE SUBSIDENCE INSURANCE UNDERWRITING ASSOCIATION  
2500 Corporate Exchange Drive-Suite 250  
Columbus, Ohio 43231**

**You should make a copy of this signed document for your company's records.**

(07/2009)