

SERFF Tracking Number: BALB-125776314 State: Arkansas
Filing Company: Balboa Insurance Company State Tracking Number: EFT \$50
Company Tracking Number: FOH_08-6765 & FOH_08-6737
TOI: 01.0 Property Sub-TOI: 01.0001 Commercial Property (Fire and Allied Lines)
Product Name: Blanket Mortgage Fire & Lender's Protection Program
Project Name/Number: TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737

Filing at a Glance

Company: Balboa Insurance Company
Product Name: Blanket Mortgage Fire & Lender's Protection Program
TOI: 01.0 Property
Sub-TOI: 01.0001 Commercial Property (Fire and Allied Lines)
Filing Type: Form

SERFF Tr Num: BALB-125776314 State: Arkansas
SERFF Status: Closed
Co Tr Num: FOH_08-6765 & FOH_08-6737
Co Status:
Author: Tonia Burleigh
Date Submitted: 08/26/2008

State Tr Num: EFT \$50
State Status: Fees verified and received
Reviewer(s): Betty Montesi, Llyweyia Rawlins, Brittany Yielding
Disposition Date: 08/27/2008
Disposition Status: Approved
Effective Date (New): 09/30/2008
Effective Date (Renewal): 09/30/2008

State Filing Description:

General Information

Project Name: TRIA Re-Authorization
Project Number: FOH_08-6765 & FOH_08-6737
Reference Organization:
Reference Title:
Filing Status Changed: 08/27/2008
State Status Changed: 08/27/2008
Corresponding Filing Tracking Number:
Filing Description:

Status of Filing in Domicile:
Domicile Status Comments:
Reference Number:
Advisory Org. Circular:
Deemer Date:

This filing is being submitted as an independent filing on behalf of Balboa Insurance Company. The last applicable filing to Balboa's Blanket Mortgage Fire program was filed and approved effective January 1, 2008 under our company file number FOH_08-6146. The last applicable filing to Balboa's Lender's Protection program was filed and approved effective January 1, 2008 under our company file number FOH_08-6198.

SERFF Tracking Number: BALB-125776314 State: Arkansas
Filing Company: Balboa Insurance Company State Tracking Number: EFT \$50
Company Tracking Number: FOH_08-6765 & FOH_08-6737
TOI: 01.0 Property Sub-TOI: 01.0001 Commercial Property (Fire and Allied Lines)
Product Name: Blanket Mortgage Fire & Lender's Protection Program
Project Name/Number: TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737

In compliance with the Terrorism Risk Insurance Program Re-Authorization Act of 2007, please find attached the revised Non-Certified Acts of Terrorism Exclusion Endorsement, form number 01A09-00ED0324-R0708 which will replace the previously filed and approved form number 01A09-00ED324-E0308 and the revised Non-Certified Acts of Terrorism Exclusion Endorsement, form number 01A09-00ED0326-R0708 which will replace the previously filed and approved form numbers 01A09-00ED0326-E0308.

Pursuant to Arkansas filing requirements, there is a filing fee associated with this filing in the amount of \$50.00 which has been issued via EFT.

Thank you for your attention to this matter, and please contact me with any questions.

Sincerely,
Tonia Burleigh

Company and Contact

Filing Contact Information

Tonia Burleigh, Filing Compliance Analyst II tonia_burleigh@balboainsurance.com
3349 Michelson Drive (800) 854-6115 [Phone]
Irvine, CA 92612 (949) 222-8717[FAX]

Filing Company Information

Balboa Insurance Company CoCode: 24813 State of Domicile: California
3349 Michelson Drive, Suite 200 Group Code: 1330 Company Type:
Irvine, CA 92612-8893 Group Name: Balboa Insurance State ID Number:
Group
(800) 854-6115 ext. [Phone] FEIN Number: 95-6027860

Filing Fees

Fee Required? Yes
Fee Amount: \$50.00

SERFF Tracking Number: *BALB-125776314* *State:* *Arkansas*
Filing Company: *Balboa Insurance Company* *State Tracking Number:* *EFT \$50*
Company Tracking Number: *FOH_08-6765 & FOH_08-6737*
TOI: *01.0 Property* *Sub-TOI:* *01.0001 Commercial Property (Fire and Allied Lines)*

Product Name: *Blanket Mortgage Fire & Lender's Protection Program*
Project Name/Number: *TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737*

Retaliatory? *No*
Fee Explanation: *\$50.00 per filing.*
Per Company: *No*

SERFF Tracking Number: BALB-125776314 State: Arkansas
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Project Name/Number: TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Balboa Insurance Company	\$50.00	08/26/2008	22139955

SERFF Tracking Number: BALB-125776314 State: Arkansas
Filing Company: Balboa Insurance Company State Tracking Number: EFT \$50
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TOI: 01.0 Property Sub-TOI: 01.0001 Commercial Property (Fire and Allied Lines)
Product Name: Blanket Mortgage Fire & Lender's Protection Program
Project Name/Number: TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737

Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Approved	Llyweyia Rawlins	08/27/2008	08/27/2008

SERFF Tracking Number: *BALB-125776314* *State:* *Arkansas*
Filing Company: *Balboa Insurance Company* *State Tracking Number:* *EFT \$50*
Company Tracking Number: *FOH_08-6765 & FOH_08-6737*
TOI: *01.0 Property* *Sub-TOI:* *01.0001 Commercial Property (Fire and Allied Lines)*

Product Name: *Blanket Mortgage Fire & Lender's Protection Program*
Project Name/Number: *TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737*

Disposition

Disposition Date: 08/27/2008

Effective Date (New): 09/30/2008

Effective Date (Renewal): 09/30/2008

Status: Approved

Comment:

Rate data does NOT apply to filing.

SERFF Tracking Number: BALB-125776314 State: Arkansas
 Filing Company: Balboa Insurance Company State Tracking Number: EFT \$50
 Company Tracking Number: FOH_08-6765 & FOH_08-6737
 TOI: 01.0 Property Sub-TOI: 01.0001 Commercial Property (Fire and Allied Lines)
 Product Name: Blanket Mortgage Fire & Lender's Protection Program
 Project Name/Number: TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737

Item Type	Item Name	Item Status	Public Access
Supporting Document	Uniform Transmittal Document-Property & Casualty	Approved	Yes
Supporting Document	Filing Schedule Form	Approved	Yes
Supporting Document	Side by Side Comparison	Approved	Yes
Supporting Document	Side by Side Comparison	Approved	Yes
Form	Non-Certified Act of Terrorism Exclusion Endorsement	Approved	Yes
Form	Non-Certified Act of Terrorism Exclusion Endorsement	Approved	Yes

SERFF Tracking Number: BALB-125776314 State: Arkansas
 Filing Company: Balboa Insurance Company State Tracking Number: EFT \$50
 Company Tracking Number: FOH_08-6765 & FOH_08-6737
 TOI: 01.0 Property Sub-TOI: 01.0001 Commercial Property (Fire and Allied Lines)
 Product Name: Blanket Mortgage Fire & Lender's Protection Program
 Project Name/Number: TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737

Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	Non-Certified Act of Terrorism Exclusion Endorsement	01A09-00ED0324-R0708		Endorsement/Amendment/Conditions	Replaced Form #: 01A09-00ED0324-E0308 Previous Filing #: FOH_08-6146		01A0900ED0324R0708.pdf
Approved	Non-Certified Act of Terrorism Exclusion Endorsement	01A09-00ED0326-R0708		Endorsement/Amendment/Conditions	Replaced Form #: 01A09-00ED0326-E0308 Previous Filing #: FOH_08-6198		01A0900ED0326R0708.pdf

BALBOA INSURANCE COMPANY

NON-CERTIFIED ACTS OF TERRORISM EXCLUSION ENDORSEMENT

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

- I. Unless stated otherwise herein, terms defined in the Policy shall have the same meaning for purposes of this Endorsement.
- II. This endorsement amends the Policy issued to YOU. To the extent any provision of this endorsement conflicts with that form, including without limitation the nuclear exclusion, and war risk exclusion, the provisions of this endorsement control.
- III. For purposes of this endorsement, the following definition is ADDED:

“Certified Act of Terrorism” means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States to be an act of terrorism pursuant to the Terrorism Risk Insurance Act. The Terrorism Risk Insurance Act sets forth the following criteria for a “Certified Act of Terrorism”:

1. The act resulted in aggregate insured losses in excess of \$5 million, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
2. The act is a violent act or act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

“Non-Certified Act of Terrorism” means an act of terrorism in which is not a Certified Act of Terrorism.

- IV. The following exclusions is ADDED:

WE will not pay for LOSS caused directly or indirectly by, consisting of, or resulting from any “Non-Certified Act of Terrorism”. Such LOSS is excluded regardless of any other cause or event resulting from, contributing to or aggravating the LOSS. This exclusion shall apply only when:

1. the terrorism involves the use, release, dispersal, escape or application of any nuclear material, contaminant or pollutant, or that directly or indirectly results in any nuclear reaction, nuclear discharge, nuclear radiation, nuclear or radioactive pollution, or nuclear or radioactive contamination;
2. the terrorism is carried out by the means of the use, release, dispersal, escape or application of any pathogenic or poisonous biological or chemical material, contaminant or pollutant; or
3. The amount of loss and damage to all property, including loss of use and business interruption losses in the United States attributable to one or more losses, which occurs within a 72 hour period, exceeds \$25,000,000, in the aggregate period.

However, ensuing loss or damage by fire will be covered. WE will pay for the loss or damage caused by that fire, subject to all applicable policy provisions including the Limit of Insurance on the affected insured property.

V. The following provision is ADDED:

When the aggregate insured losses due to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and WE have met OUR insurer deductible under the Terrorism Risk Insurance Act, WE shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case the insured losses up to that amount are subject to pro rata allocation in accordance with the procedures established by the Secretary of the Treasury.

Nothing herein contained shall be held to vary, alter, waive, or extend any of the terms, conditions, or limitations of the Policy to which this endorsement is attached other than as stated above. Unless stated otherwise herein, terms defined in the Policy shall have the same meaning for purposes of this Endorsement,

This endorsement is attached to and forms a part of Policy Number. _____

Issued to _____

Effective Date of this Endorsement _____ Endorsement Number _____

BALBOA INSURANCE COMPANY

NON-CERTIFIED ACTS OF TERRORISM EXCLUSION ENDORSEMENT

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

- I. Unless stated otherwise herein, terms defined in the Policy shall have the same meaning for purposes of this Endorsement.
- II. This endorsement amends the Policy issued to YOU. To the extent any provision of this endorsement conflicts with that form, including without limitation the nuclear exclusion, and war risk exclusion, the provisions of this endorsement control.
- III. For purposes of this endorsement, under the **Commercial Property Fire Insurance Form** issued to YOU, the following definition is AMENDED:

“Certified Act of Terrorism” means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States to be an act of terrorism pursuant to the Terrorism Risk Insurance Act. The Terrorism Risk Insurance Act sets forth the following criteria for a “Certified Act of Terrorism”:

1. The act resulted in aggregate insured losses in excess of \$5 million, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
2. The act is a violent act or act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

“Non-Certified Act of Terrorism” means an act of terrorism which is not a Certified Act of Terrorism.

- IV. Under the **Commercial Property Fire Insurance Form** issued to YOU, **EXCLUSIONS**, Subsection 1, NON-CERTIFIED ACT OF TERRORISM, is DELETED in its entirety.
- V. Under the **Commercial Property Fire Insurance Form** issued to you, the following exclusion is ADDED:

WE will not pay for LOSS caused directly or indirectly by, consisting of, or resulting from any “Non-Certified Act of Terrorism”. Such LOSS is excluded regardless of any other cause or event resulting from, contributing to or aggravating the LOSS. This exclusion shall apply only when:

1. the terrorism involves the use, release, dispersal, escape or application of any nuclear material, contaminant or pollutant, or that directly or indirectly results in any nuclear reaction, nuclear discharge, nuclear radiation, nuclear or radioactive pollution, or nuclear or radioactive contamination;
2. the terrorism is carried out by the means of the use, release, dispersal, escape or application of any pathogenic or poisonous biological or chemical material, contaminant or pollutant; or
3. The amount of loss and damage to all property, including loss of use and business interruption losses in the United States attributable to one or more losses, which occurs within a 72 hour period, exceeds \$25,000,000, in the aggregate period.

However, ensuing loss or damage by fire will be covered. WE will pay for the loss or damage caused by that fire, subject to all applicable policy provisions including the Limit of Insurance on the affected insured property.

VI. Under the Commercial Property Fire Insurance Form issued to YOU, the following condition is ADDED:

When the aggregate insured losses due to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and WE have met OUR insurer deductible under the Terrorism Risk Insurance Act, WE shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case the insured losses up to that amount are subject to pro rata allocation in accordance with the procedures established by the Secretary of the Treasury.

Nothing herein contained shall be held to vary, alter, waive, or extend any of the terms, conditions, or limitations of the Policy to which this endorsement is attached other than as stated above. Unless stated otherwise herein, terms defined in the Policy shall have the same meaning for purposes of this Endorsement,

This endorsement is attached to and forms a part of Policy Number. _____

Issued to _____

Effective Date of this Endorsement _____ Endorsement Number _____

SERFF Tracking Number: *BALB-125776314* *State:* *Arkansas*
Filing Company: *Balboa Insurance Company* *State Tracking Number:* *EFT \$50*
Company Tracking Number: *FOH_08-6765 & FOH_08-6737*
TOI: *01.0 Property* *Sub-TOI:* *01.0001 Commercial Property (Fire and Allied Lines)*

Product Name: *Blanket Mortgage Fire & Lender's Protection Program*
Project Name/Number: *TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737*

Rate Information

Rate data does NOT apply to filing.

SERFF Tracking Number: BALB-125776314 State: Arkansas
Filing Company: Balboa Insurance Company State Tracking Number: EFT \$50
Company Tracking Number: FOH_08-6765 & FOH_08-6737
TOI: 01.0 Property Sub-TOI: 01.0001 Commercial Property (Fire and Allied Lines)
Product Name: Blanket Mortgage Fire & Lender's Protection Program
Project Name/Number: TRIA Re-Authorization/FOH_08-6765 & FOH_08-6737

Supporting Document Schedules

Satisfied -Name: Uniform Transmittal Document-Property & Casualty	Review Status: Approved	08/27/2008
Comments:		
Attachment: ARPCTD-1.pdf		
Satisfied -Name: Filing Schedule Form	Review Status: Approved	08/27/2008
Comments:		
Attachment: ARFFS-1.pdf		
Satisfied -Name: Side by Side Comparison	Review Status: Approved	08/27/2008
Comments:		
Attachment: 01A0900ED0324E0308 side by side.pdf		
Satisfied -Name: Side by Side Comparison	Review Status: Approved	08/27/2008
Comments:		
Attachment: 01A0900ED0326E0308 side by side.pdf		

Property & Casualty Transmittal Document

1. Reserved for Insurance Dept. Use Only	2. Insurance Department Use only	
	a. Date the filing is received:	
	b. Analyst:	
	c. Disposition:	
	d. Date of disposition of the filing:	
	e. Effective date of filing:	
	New Business	
	Renewal Business	
	f. State Filing #:	
	g. SERFF Filing #:	
h. Subject Codes		

3.	Group Name	Group NAIC #
	BALBOA INSURANCE GROUP	1330

4.	Company Name(s)	Domicile	NAIC #	FEIN #	State #
	BALBOA INSURANCE COMPANY	CA	24813	95-6027860	

5.	Company Tracking Number	FOH_08-6765 & FOH_08-6737
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Contact Info of Filer(s) or Corporate Officer(s) [include toll-free number]

6.	Name and address	Title	Telephone #s	FAX #	e-mail
	Tonia Burleigh 3349 Michelson Drive Ste. 200 Irvine, CA 92612-8893	Compliance Analyst	800-854-6115 ext. 7367 or 949-222-7367	949-222-8717	tonia_burleigh@balboainsurance.com

7.	Signature of authorized filer	
8.	Please print name of authorized filer	Tonia Burleigh

Filing information (see General Instructions for descriptions of these fields)

9.	Type of Insurance (TOI)	1.0000 Property
10.	Sub-Type of Insurance (Sub-TOI)	1.0001 Commercial Property (Fire & Allied Lines)
11.	State Specific Product code(s)(if applicable)[See State Specific Requirements]	N/A
12.	Company Program Title (Marketing title)	Blanket Mortgage Fire & Lender's Protection Program
13.	Filing Type	<input type="checkbox"/> Rate/Loss Cost <input type="checkbox"/> Rules <input type="checkbox"/> Rates/Rules <input checked="" type="checkbox"/> Forms <input type="checkbox"/> Combination Rates/Rules/Forms <input type="checkbox"/> Withdrawal <input type="checkbox"/> Other (give description)
14.	Effective Date(s) Requested	New: 09-30-2008 Renewal: 09-30-2008

Property & Casualty Transmittal Document---

15.	Reference Filing?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
16.	Reference Organization (if applicable)	N/A	
17.	Reference Organization # & Title	N/A	
18.	Company's Date of Filing	08-26-2008	
19.	Status of filing in domicile	<input checked="" type="checkbox"/> Not Filed <input type="checkbox"/> Pending <input type="checkbox"/> Authorized <input type="checkbox"/> Disapproved	

20.	This filing transmittal is part of Company Tracking #	FOH_08-6765 & FOH_08-6737
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21.	Filing Description [This area can be used in lieu of a cover letter or filing memorandum and is free-form text]
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This filing is being submitted as an independent filing on behalf of Balboa Insurance Company. The last applicable filing to Balboa's Blanket Mortgage Fire program was filed and approved effective January 1, 2008 under our company file number FOH_08-6146. The last applicable filing to Balboa's Lender's Protection program was filed and approved effective January 1, 2008 under our company file number FOH_08-6198.

In compliance with the Terrorism Risk Insurance Program Re-Authorization Act of 2007, please find attached the revised Non-Certified Acts of Terrorism Exclusion Endorsement, form number 01A09-00ED0324-R0708 which will replace the previously filed and approved form number 01A09-00ED324-E0308 and the revised Non-Certified Acts of Terrorism Exclusion Endorsement, form number 01A09-00ED0326-R0708 which will replace the previously filed and approved form numbers 01A09-00ED0326-E0308.

Pursuant to Arkansas filing requirements, there is a filing fee associated with this filing in the amount of \$50.00 which has been issued via EFT.

Pursuant to the Terrorism Risk Insurance Program Re-Authorization Act of 2007 which is effective immediately, the above filing will be effective the date of your approval.

Sincerely,
Tonia Burleigh

22.	Filing Fees (Filer must provide check # and fee amount if applicable) [If a state requires you to show how you calculated your filing fees, place that calculation below]
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Check #:
Amount: 50.00
Form filings \$50.00 for each filing. Issued via EFT.

Refer to each state's checklist for additional state specific requirements or instructions on calculating fees.

*****Refer to each state's checklist for additional state specific requirements (i.e. # of additional copies required, other state specific forms, etc.)**

Effective March 1, 2007

FORM FILING SCHEDULE

(This form must be provided **ONLY** when making a filing that includes forms)
 (Do **not** refer to the body of the filing for the forms listing, unless allowed by state.)

1.	This filing transmittal is part of Company Tracking #	FOH_08-6765 & FOH_08-6737			
2.	This filing corresponds to rate/rule filing number <small>(Company tracking number of rate/rule filing, if applicable)</small>	N/A			
3.	Form Name /Description/Synopsis	Form # Include edition date	Replacement Or withdrawn?	If replacement, give form # it replaces	Previous state filing number, if required by state
01	Terrorism Exclusion Endorsement	01A09-00ED0324-R0708	<input type="checkbox"/> New <input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn	01A09-00ED0324-E0308	FOH_08-6146
02	Terrorism Exclusion Endorsement	01A09-00ED0326-R0708	<input type="checkbox"/> New <input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn	01A09-00ED0326-E0308	FOH_08-6198
03			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
04			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
05			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
06			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
07			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
08			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
09			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
10			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		

BALBOA INSURANCE COMPANY

NON-CERTIFIED ACTS OF TERRORISM EXCLUSION ENDORSEMENT

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- I. Unless stated otherwise herein, terms defined in the Policy shall have the same meaning for purposes of this Endorsement.
- II. This endorsement amends the Policy issued to YOU. To the extent any provision of this endorsement conflicts with that form, including without limitation the nuclear exclusion, and war risk exclusion, the provisions of this endorsement control.
- III. For purposes of this endorsement, the following definition is ADDED:

“Certified Act of Terrorism” means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States to be an act of terrorism pursuant to the Terrorism Risk Insurance Act. The Terrorism Risk Insurance Act sets forth the following criteria for a “Certified Act of Terrorism”:

- 1. The act resulted in aggregate insured losses in excess of \$5 million, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- 2. The act is a violent act or act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

“Non-Certified Act of Terrorism” means an act of terrorism in which is not a Certified Act of Terrorism.

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- IV. The following exclusions is ADDED:

WE will not pay for LOSS caused directly or indirectly by, consisting of, or resulting from any “Non-Certified Act of Terrorism”. Such LOSS is excluded regardless of any other cause or event resulting from, contributing to or aggravating the LOSS. This exclusion shall apply only when:

- 1. the terrorism involves the use, release, dispersal, escape or application of any nuclear material, containment or pollutant, or that directly or indirectly results in any nuclear reaction, nuclear discharge, nuclear radiation, nuclear or radioactive pollution, or nuclear or radioactive contamination; or
- 2. the terrorism is carried out by the means of the use, release, dispersal, escape or application of any pathogenic or poisonous biological or chemical material, containment or pollutant.
- 3. The amount of loss and damage to all property, including loss of use and business interruption losses in the United States attributable to one or more losses, which occurs within a 72 hour period, exceeds \$25,000,000, in the aggregate period.

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However, ensuing loss or damage by fire will be covered. WE will pay for the loss or damage caused by that fire, subject to all applicable policy provisions including the Limit of Insurance on the affected insured property.

V. The following provision is ADDED:

When the aggregate insured losses due to act of terrorist exceed \$100 billion and WE have met OUR insurer deductible under the Terrorism Risk Insurance Act, WE shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case the insured losses up to that amount are subject to pro rata allocation in accordance with the procedures established by the Secretary of the Treasury.

Nothing herein contained shall be held to vary, alter, waive, or extend any of the terms, conditions, or limitations of the Policy to which this endorsement is attached other than as stated above. Unless stated otherwise herein, terms defined in the Policy shall have the same meaning for purposes of this Endorsement,

This endorsement is attached to and forms a part of Policy Number. _____

Issued to _____

Effective Date of this Endorsement _____ Endorsement Number _____

BALBOA INSURANCE COMPANY

NON-CERTIFIED ACTS OF TERRORISM EXCLUSION ENDORSEMENT

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- I. Unless stated otherwise herein, terms defined in the Policy shall have the same meaning for purposes of this Endorsement.
- II. This endorsement amends the Policy issued to YOU. To the extent any provision of this endorsement conflicts with that form, including without limitation the nuclear exclusion, and war risk exclusion, the provisions of this endorsement control.
- III. For purposes of this endorsement, under the **Commercial Property Fire Insurance Form** issued to YOU, the following definition is AMENDED:

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- 1. The act resulted in aggregate insured losses in excess of \$5 million, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- 2. The act is a violent act or act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

"Non-Certified Act of Terrorism" means an act of terrorism which is not a Certified Act of Terrorism.

- V. Under the **Commercial Property Fire Insurance Form** issued to YOU, **EXCLUSIONS**, Subsection 1, **NON-CERTIFIED ACT OF TERRORISM**, is DELETED in its entirety.

- VI. Under the **Commercial Property Fire Insurance Form** issued to you, the following exclusion is ADDED:

WE will not pay for LOSS caused directly or indirectly by, consisting of, or resulting from any "Non-Certified Act of Terrorism". Such LOSS is excluded regardless of any other cause or event resulting from, contributing to or aggravating the LOSS. This exclusion shall apply only when:

- 1. the terrorism involves the use, release, dispersal, escape or application of any nuclear material, containment or pollutant, or that directly or indirectly results in any nuclear reaction, nuclear discharge, nuclear radiation, nuclear or radioactive pollution, or nuclear or radioactive contamination; or
- 2. the terrorism is carried out by the means of the use, release, dispersal, escape or application of any pathogenic or poisonous biological or chemical material, containment or pollutant.
- 3. The amount of loss and damage to all property, including loss of use and business interruption losses in the United attributable to one or more losses, which occurs within a 72 hour period, exceeds \$25,000,000, in the aggregate period.

However, ensuing loss or damage by fire will be covered. WE will pay for the loss or damage caused by that fire, subject to all applicable policy provisions including the Limit of Insurance on the affected insured property.

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Deleted: Under the **Commercial Property Fire Insurance Form** issued to YOU, the definition of "NON-CERTIFIED ACT OF TERRORISM" is DELETED in its entirety.¶

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VII. Under the Commercial Property Fire Insurance Form issued to YOU, the following condition is ADDED:

When the aggregate insured losses due to act of terrorist exceed \$100 billion and WE have met OUR insurer deductible under the Terrorism Risk Insurance Act, WE shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case the insured losses up to that amount are subject to pro rata allocation in accordance with the procedures established by the Secretary of the Treasury.

Nothing herein contained shall be held to vary, alter, waive, or extend any of the terms, conditions, or limitations of the Policy to which this endorsement is attached other than as stated above. Unless stated otherwise herein, terms defined in the Policy shall have the same meaning for purposes of this Endorsement,

This endorsement is attached to and forms a part of Policy Number. _____

Issued to _____

Effective Date of this Endorsement _____ Endorsement Number _____