

in his household and is not the personal representative of a person who was operating or riding in such a vehicle;

(ii) The claimant was not, at the time of the accident, operating a motor vehicle in violation of an order of suspension, cancellation, or revocation with respect to a certificate of registration or an operator's license, and is not the personal representative or a member of the family residing in the household of a person so operating;

(iii) The claimant has a cause of action against the operator or owner, or both, of the motor vehicle whose whereabouts cannot be ascertained;

(iv) All reasonable efforts have been made to ascertain the whereabouts of the operator or owner, or both, of the vehicle; and

(v) The motor vehicle was, at the time of the accident, uninsured or it is impossible to ascertain, after all reasonable efforts have been made, whether the motor vehicle was insured or uninsured.

(3) Claims for the death of or personal injury to a qualified person or for damage to property in excess of \$100 arising out of the ownership, maintenance or use of a motor vehicle in the State and caused by an uninsured operator or owner whose whereabouts are ascertainable for the purpose of serving process; provided that:

(i) The claimant is not a spouse or a member of the family residing in the household of the uninsured operator or the personal representative of such a spouse;

(ii) The claimant was not, at the time of the accident, operating or riding in an uninsured motor vehicle owned by him or a member of his family residing in his household and is not the personal representative of a person who was operating or riding in such a vehicle;

(iii) The claimant was not, at the time of the accident, operating a motor vehicle in violation of an order of suspension, cancellation, or revocation with respect to a certificate of registration or an operator's license, and is not the personal representative or a member of the family residing in the household of a person so operating;

(iv) The claim is not being made for damage to or destruction of an uninsured motor vehicle owned wholly or partly by him;

(v) The claim is not made by or on behalf of any insurer by reason of the existence of a policy of insurance whereby the insurer is liable to pay, in whole or in part, the amount of the claim or by or on behalf of any insurer for any amount sought or claimed for damages to or destruction to the claimant's or an insured's real or personal property including automobiles by reason of collision with an automobile or object or by upset of the automobile, or by reason of coverage afforded the insured providing indemnification from injury or damages caused by uninsured motorists, and that no part of the amount to be paid out of the Fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of such a policy of