

(4) In any action which is the subject of this section in which a default judgment has been taken for want of a plea by a defendant other than the Fund, or in which the judgment was obtained with the consent of the defendant without the knowledge and approval of the Fund, the Fund shall have 30 days after receipt of actual notice of the entry of the judgment to answer or to make application for relief against the judgment and leave to answer and defend the action.

(5) The Fund may elect to intervene or defend any action brought under this section, and the Fund shall have available to it any and all defenses which would have been, or are, available to the uninsured owner or operator.

(6) In any case in which the Fund has intervened under this subsection, the defendant shall cooperate with the Fund in the defense of the action. If the defendant fails to cooperate, the Fund may apply to the court for an order directing cooperation or proceed as provided for under this subsection.

(7) Any final order, decree, or judgment of any court rendered under this section and the rules adopted by the Fund and the Court of Appeals which debars a claimant from further proceeding against the Fund or denies the claim or which awards or allows the claimant less than that to which the claimant believes he is entitled and, except as provided for in paragraph (3)(iii) of this subsection, any final order, decree, or judgment of any court by which the uninsured or the Fund or any other party is aggrieved shall be appealable to the appropriate court including the Court of Appeals in the manner provided by law and rule of court.

(c) As a condition precedent to the right to apply or sue for payment from the Fund under this section, notice of a claim for damages must be filed with the Fund as provided for in this section within 180 days of the accident out of which the cause of action accrues. If notice of claim is not filed within the time period specified in this subsection, no claim or suit may be filed or maintained unless the claimant provides proof that:

(1) He was physically incapable of giving the notice within the required period and that he gave notice within 30 days after he became physically capable of doing so, or in the event that he did not become so capable that a notice was given on his behalf within a reasonable period;

(2) He gave the required notice within 30 days of receiving notice that an insurer has disclaimed on a policy of insurance so as to remove or withdraw liability insurance coverage for his claim against a person or persons who allegedly caused him to suffer damages; or