

(3) AT ALL TIMES, THE SECRETARY SHALL RESERVE FUNDS THAT THE SECRETARY BELIEVES ARE SUFFICIENT FOR EXPENSES OF ADMINISTRATION.

(4) THE PRIORITY REQUIRED UNDER THIS SUBSECTION IS INSTEAD OF ANY OTHER SIMILAR PRIORITY THAT MAY BE AUTHORIZED BY LAW AS TO WAGES OR COMPENSATION.

(C) PRIORITY OVER ALL OTHER CLAIMS IN A LIQUIDATION PROCEEDING, OTHER THAN CLAIMS FOR WAGES SPECIFIED IN SUBSECTION (B) OF THIS SECTION, EXPENSES OF ADMINISTRATION, AND TAXES, SHALL BE GIVEN TO CLAIMS BY SUBSCRIBERS THAT ARISE FROM CONTINUING CARE AGREEMENTS WITH THE CONTINUING CARE PROVIDER, INCLUDING CLAIMS TO THE STATUTORY REFUND MANDATED BY § 15 OF THIS SUBTITLE.

(D) (1) THE OWNER OF A SECURED CLAIM AGAINST A CONTINUING CARE PROVIDER FOR WHICH A RECEIVER HAS BEEN APPOINTED IN THIS STATE OR ANOTHER STATE MAY:

(I) SURRENDER THE SECURITY AND FILE THE CLAIM AS A GENERAL CREDITOR; OR

(II) HAVE THE CLAIM DISCHARGED BY RESORT TO THE SECURITY.

(2) IF THE OWNER OF A SECURED CLAIM HAS THE CLAIM DISCHARGED BY RESORT TO THE SECURITY, ANY DEFICIENCY SHALL BE TREATED AS A CLAIM AGAINST THE GENERAL ASSETS OF THE CONTINUING CARE PROVIDER ON THE SAME BASIS AS THE CLAIMS OF UNSECURED CREDITORS.

(3) THE AMOUNT OF A DEFICIENCY IS CONCLUSIVE IF ADJUDICATED:

~~(H) IN AN ANCILLARY PROCEEDING UNDER THIS SUBTITLE; OR~~

~~(H) BY A COURT OF COMPETENT JURISDICTION IN A PROCEEDING IN WHICH THE DOMICILIARY RECEIVER HAS BEEN GIVEN NOTICE AND AN OPPORTUNITY TO BE HEARD.~~

(4) IF THE AMOUNT OF A DEFICIENCY IS NOT CONCLUSIVE, THE AMOUNT SHALL BE DETERMINED IN A DELINQUENCY PROCEEDING IN THE DOMICILIARY STATE.

~~(E) (1) IN A DELINQUENCY PROCEEDING AGAINST A CONTINUING CARE PROVIDER DOMICILED IN THE STATE, CLAIMS OWING TO RESIDENTS OF ANCILLARY STATES ARE PREFERRED CLAIMS IF SIMILAR CLAIMS ARE PREFERRED UNDER THE LAWS OF THIS STATE.~~

~~(2) ALL CLAIMS OWING TO RESIDENTS OF ANCILLARY STATES OR NONRESIDENTS HAVE EQUAL PRIORITY OF PAYMENT FROM GENERAL ASSETS REGARDLESS OF WHERE THE GENERAL ASSETS ARE LOCATED.~~

~~(F) IN A DELINQUENCY PROCEEDING AGAINST A CONTINUING CARE PROVIDER DOMICILED IN A RECIPROCAL STATE, CLAIMS OWING TO RESIDENTS OF THIS STATE ARE PREFERRED CLAIMS IF SIMILAR CLAIMS ARE PREFERRED UNDER THE LAWS OF THAT STATE.~~