

**MIKE WINSOR**  
Office of the Commissioner of Securities and  
Insurance, Montana State Auditor (CSI)  
840 Helena Avenue  
Helena, MT 59601  
(406) 444-2040

Attorney for the CSI

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
OFFICE OF THE STATE AUDITOR  
STATE OF MONTANA**

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IN THE MATTER OF HELENA	)	
ABSTRACT AND TITLE COMPANY,	)	CASE NO.: INS-2011-287
	)	
Respondent.	)	<b>CONSENT AGREEMENT</b>
	)	<b>AND FINAL ORDER</b>
	)	
	)	
	)	

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This Consent Agreement and Final Order is entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of Mont. Code Ann. § 2-4-603, and the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et. seq., (the Code); and Helena Abstract and Title Company (Respondent).

**RECITALS**

WHEREAS, the CSI received a consumer complaint in its Policyholder Services Bureau. Upon review of the complaint, it appeared to the CSI that Respondent had violated Admin. R. Mont. 6.6.2202 (May 16, 1986) in the conduct of providing closing services by accepting a personal check for earnest money from a buyer when the Buy-Sell Agreement required the earnest money check to be a cashier check and by failing to inform the seller when the personal check bounced.

WHEREAS, Respondent has fully and completely cooperated with the CSI;

WHEREAS, the CSI and Respondent agree that the parties' best interests would be served by entering into this agreement.

NOW, THEREFORE, in consideration of the mutual undertakings established herein, the CSI and the Respondent enter into the following:

**STIPULATIONS AND CONSENTS**

Without admitting or denying any of the CSI's allegations, Respondents stipulate and agree to the following:

1. Respondent agrees to pay an administrative penalty in the amount of \$1,000. The administrative penalty shall be due within ten days of the execution of the Final Order. The check must be made payable to the Montana State Auditor's Office and must be mailed to the Office of the Commissioner of Securities and Insurance, Montana State Auditor, c/o Mike Winsor, 840 Helena Avenue, Helena, MT 59601.
2. Respondent acknowledges that it has read and understands each term of this Consent Agreement and enters into this Consent Agreement voluntarily and without reservation.
3. The Respondent stipulates and agrees with the CSI that this Consent Agreement resolves this matter.
4. The Respondent and the CSI hereby acknowledge and agree that this Consent Agreement constitutes the entire agreement between the parties and that no other promises or agreements, either express or implied, have been made by the CSI or by any member, officer, agent, or representative of the CSI to induce the Respondent to enter into this Consent Agreement.
5. The Respondent specifically and affirmatively waives a contested case hearing, its right to appeal, and elects to resolve this matter on the terms and conditions set forth herein.

6. The Respondent fully and forever releases and discharges the CSI and all CSI employees and agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this administrative action.

7. Nothing in this Consent Agreement may be construed as creating or limiting a private or separate cause of action.

8. The parties acknowledge and agree that this Consent Agreement may not be modified orally, and any subsequent modifications to this Consent Agreement must be mutually agreed upon in writing to be effective.

9. The CSI and the Respondent agree that this Consent Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner herein.

10. The Respondent further understands that, upon the signing of the Final Order by the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner) or her representative, this Consent Agreement and Final Order will be an order of the Commissioner and failure to comply with it may constitute a separate violation of the Montana Insurance Code, as provided in Mont. Code Ann. § 33-1-318, and may result in subsequent legal action by the CSI.

11. Upon execution of this Consent Agreement, the CSI will fully and forever release and discharge the Respondent, Respondent's employees, and Respondent's agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this matter and

will not commence any further administrative, civil, or other legal action based upon the regulatory non-compliance referenced hereinabove.

12. This Consent Agreement shall be effective upon signing of the Final Order.

13. The Respondent acknowledges that this Consent Agreement and Final Order are public records under Montana law and as such may not be sealed or otherwise withheld from the public.

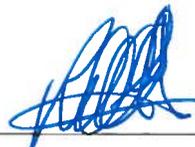
DATED this 13<sup>th</sup> day of December, 2011.



**MIKE WINSOR**  
Attorney for the CSI

DATED this 9<sup>th</sup> day of Dec, 2011.

**HELENA ABSTRACT AND TITLE  
COMPANY**

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

Its: PRESIDENT \_\_\_\_\_

**FINAL ORDER**

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603, and the Montana Insurance Code, Mont. Code Ann. § 33-1-101, *et seq.*, and upon review of the foregoing Consent Agreement and good cause appearing,

IT IS ORDERED that the foregoing Consent Agreement between the Department and the Respondent is hereby adopted as if set forth fully herein.

DATED this 13<sup>TH</sup> day of DECEMBER, 2011.

**MONICA J. LINDEEN**  
Commissioner of Securities and Insurance

By:   
**ROBERT W. MOON**  
Deputy Commissioner of Insurance

cc: Mike Winsor, CSI  
Bruce Spencer, Attorney for the Respondent