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BRETT O'NEIL
Office of the Commissioner of Securities and Insurance,
Montana State Auditor
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Helena, MT 59601
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Attorney for the Insurance Department

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

| | | |
|--------------------------------|---|--|
| IN THE MATTER OF |) | |
| |) | CASE NO. INS-2011-90 |
| CHICAGO TITLE OF MONTANA, LLC, |) | CONSENT AGREEMENT AND FINAL ORDER |
| Respondent. |) | |
| |) | |
| |) | |

This Consent Agreement and Final Order (Agreement) is entered into by the Insurance Department of the office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et seq. (Insurance Code), and Chicago Title of Montana, LLC (Respondent).

RECITALS

WHEREAS, the CSI alleged the Respondent allowed realtors to generate property profiles with excluded information from a data feed without charging a fee in violation of Admin. R. Mont. 6.6.2203(3)(c) (2003);

WHEREAS, the CSI alleged that the Respondent's software allowed for "Farming" without charging a fee, in violation of Admin. R. Mont. 6.6.2203(2);

WHEREAS, the CSI alleged that the Respondent offered Continuing Education courses to realtors in which the Respondent used its own money to organize the courses, but failed to charge a fee in violation of Admin. R. Mont. 6.6.2203(2); and

WHEREAS, the CSI and the Respondent agree that the best interests of the public would be served by entering into this Agreement;

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and the Respondent hereby agree to settle this matter pursuant to the following terms and conditions:

STIPULATIONS AND CONSENTS

I. Without admitting or denying any of the CSI's allegations, the Respondent stipulates and consents to the following:

A. Within ten days from the execution of this Agreement, the Respondent shall pay a \$10,000.00 fine to the state of Montana. The fine should be made payable to the "State of Montana" and sent to the CSI, c/o Brett O'Neil, Attorney, 840 Helena Avenue, Helena, MT 59601.

B. The Respondent shall comply with the terms and conditions of this Agreement and with the provisions of the Insurance Code, the Administrative Rules of Montana, and the regulations of the state of Montana that the Respondent is herein alleged to have violated.

C. The Respondent fully and forever releases and discharges the Commissioner of Securities and Insurance (Commissioner), the CSI, and all of the CSI's 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 Agreement.

D. The Respondent specifically and affirmatively waives a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101, et seq., and elects to resolve this matter on the terms and conditions set forth herein.

II. All parties to this Agreement stipulate and consent as follows:

A. The Commissioner and the CSI have jurisdiction over the subject matter of the above-entitled proceeding.

B. Under authority of the Insurance Code, the CSI hereby agrees that it will not initiate any civil or administrative action against the Respondent regarding the allegations contained in this action.

C. This Agreement is entered without admission or adjudication of any issue, law, or fact. It is entered into solely for the purpose of resolving the CSI's allegations and is not intended to be used for any other purpose. For any person or entity not a party to this Agreement, this Agreement does not limit or create any private rights or remedies against the Respondent including limit or create liability of Respondent, or limit or create defenses of Respondent, to any claims.

D. The applicable statute of limitation, Mont. Code Ann. § 33-1-318, is tolled for two years from the date of execution of this Agreement with regard to the allegations set forth above. In the event Respondent violates the terms of this Agreement at any time during the two-year tolling period, the CSI reserves the right to seek additional fines.

E. This Agreement constitutes the entire agreement between the parties and 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 Respondent to enter into this Agreement.

F. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon in writing to be effective.

G. This Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner herein.

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

I. The Agreement is a public record under Montana law and as such may not be sealed or otherwise withheld from the public.

DATED this 20th day of July, 2011

INSURANCE DEPARTMENT

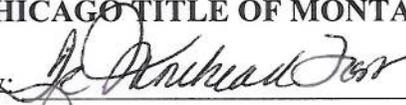
By: 

BRETT O'NEIL

Attorney for the Insurance Department

DATED this 18th day of July, 2011

CHICAGO TITLE OF MONTANA, LLC

By: 

Its: SVP, Chief Regulatory Counsel

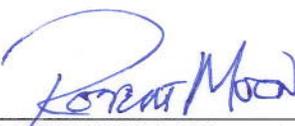
FINAL ORDER

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

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and Respondent Chicago Title of Montana, LLC is adopted as if set forth fully herein.

DATED this 20th day of JULY, 2011.

MONICA J. LINDEEN
Commissioner of Securities and Insurance
Montana State Auditor

By: 

ROBERT MOON
Deputy Insurance Commissioner

cc. Brett O'Neil
Chicago Title of Montana, LLC



CHICAGO TITLE INSURANCE COMPANY

601 Riverside Ave., Jacksonville, FL 32204-2901

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Ryan M. Ludwick
Regulatory Counsel
Phone: 904.854.5691
Fax: 904.357.1206

Email: Ryan.Ludwick@fnf.com

BY FEDERAL EXPRESS TO BRETT O'NEIL

July 25, 2011

Brett O'Neil
Office of the Montana State Auditor
Commissioner of Securities & Insurance
840 Helena Ave.
Helena, MT 58601

Re: Chicago Title of Montana, LLC (FEIN 27-3206772)
Consent Agreement Fine Payment

Dear Mr. O'Neil:

Pursuant to the terms of that certain Consent Agreement dated July 20, 2011 entered into by and between Chicago Title of Montana, LLC and the Missouri Office of the Commissioner of Securities and Insurance, please find enclosed a check in the amount of ten thousand dollars (\$10,000.00).

Very truly yours,

Ryan M. Ludwick
Regulatory Counsel

Cc: Kevin Chiarello, SVP
Michael J. Rich, VP