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Attorney for the Commissioner

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

IN THE MATTER OF THE PROPOSED)	CASE NO. INS-2008-74
BULK REINSURANCE OF)	
FIRST MONTANA TITLE, Ceder,)	
)	NOTICE OF HEARING
by)	
)	
FIRST AMERICAN INSURANCE CO.,)	
Reinsurer.)	
)	

To: Clarke Rice
P.O. Box 23563
1643 24th Street West, Suite 205
Billings, Montana 59104
Attorney for First Montana Title Insurance Co.

Please take notice that pursuant to § 33-2-1211, Mont. Code Ann. (2007), a hearing shall be held in the above-entitled matter at 11:30 AM on September 3, 2009, at the first floor conference room at the Office of the Montana State Auditor, 840 Helena Avenue, Helena, Montana. You must give notice of the hearing to the insurer by certified mail; and to the public by publication one time in the following newspapers: Independent Record, Billings Gazette, the Missoulian, Montana Standard, Daily Interlake, Bozeman Chronicle and the Great Falls Tribune; and to the following persons by certified mail designated by the Commissioner: Stewart Title

Guaranty Co., Chicago Title Ins. Co., Commonwealth Land Title Insurance Co., Lawyers Title Ins. Corporation.

First Montana Title Insurance Co. has filed a request with this office to bulk reinsure its title insurance risk with First American Title Insurance Co.

Pursuant to the First Montana/First American Reinsurance Agreement and § 33-2-1211 MCA, a hearing will be held to consider the proposal to bulk reinsure the title insurance risk of First Montana Title Insurance Co. by First American Title Insurance Co. As stated in § 33-2-1211, MCA, the general issues for consideration at the hearing will be as follows:

a. whether the bulk reinsurance agreement is inequitable to the stockholders of First Montana Title Insurance Co.; and

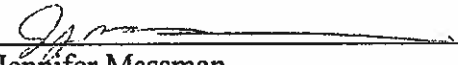
b. whether the bulk reinsurance agreement would substantially reduce the protection or service to the policyholders of First Montana Title Insurance Co.

The hearing shall be conducted in the following manner: It will be open to the public. The person filing the statement, the insurer, any person or entity to whom notice of the hearing was sent and any other person or entity whose interests may be affected, as well as staff of the Commissioner, has the right to appear in person or by counsel, to present evidence, examine and cross-examine witnesses, and offer oral and written arguments. Pursuant to *Cont. Realty, Inc. v. Gerry*, 822 P.2d 1083, 48 St. Rep. 1134 (1991), corporations may not appear pro se at the hearing. If the counsel you choose has not been admitted to the practice of law in the State of Montana, he or she must comply with the requirements of *Application of American Smelting and Refining Co.*, 164 Mont. 139, 520 P.2d 103 (1973) and *Mont. Supreme Court Comm'n on the Unauthorized Practice of Law v. O'Neil* (2006), 2006 MT 284, 334 Mont. 311, 146 P.3d 200.

and at the party's expense, the Commissioner shall cause a full stenographic record of the proceedings to be made.

Carol Roy, Department of Insurance, has been designated by the Commissioner to hear this case on her behalf. Any comments or inquiries concerning the hearing, those should be sent to Carol Roy and served on Jennifer Massman, Staff Attorney, at the Office of the Montana State Auditor, 840 Helena Avenue, Helena, MT 59601. All original pleadings shall be filed with Susan Paulson-Davis, Records Clerk, State Auditor's Office, 840 Helena Ave., Helena, MT 59601.

Dated this 19th day of August, 2009.


Jennifer Massman
Staff Attorney
Department of Insurance

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of August, 2009, I served a true and accurate copy of the foregoing document upon the following by fax and US Mail, postage prepaid at the following address:

Clarke Rice
Attorney at law
P.O. Box 23563
Billings, Montana 59104

Michael Kleese
Attorney at Law
4341 Lone Rock School Rd.
Stevensville, MT 59870


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