

No. **2016-4690**

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: OCT 06 2016

Subject Considered:

Old Republic National Title Insurance Company
400 Second Avenue South
Minneapolis, Minnesota 55401

CONSENT ORDER
SOAH Docket No. 454-14-3428.c
TDI Enforcement File No. 6296

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Old Republic National Title Insurance Company.

WAIVER

Old Republic Title acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Old Republic Title waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Pursuant to TEX. INS. CODE § 82.055(b), Old Republic Title has agreed to this consent order with the express reservation that it does not admit to a violation of any provision of the Texas Insurance Code or a rule of TDI, and maintains that the existence of a violation is in dispute.

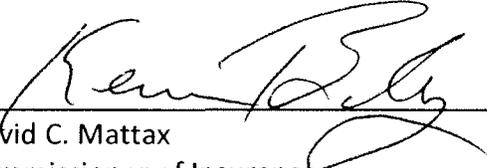
FINDINGS OF FACT

1. Old Republic Title holds a certificate of authority issued by TDI to conduct title insurance business in Texas.
2. Old Republic Title issued a title insurance policy with respect to real property located in Texas that includes an exception to coverage for “any and all matters disclosed on a current ‘as built’ survey.”

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.056, 2551.351, and 2703.001; 28 TEX. ADMIN. CODE § 9.1 adopting the *Texas Title Insurance Basic Manual* (Basic Manual); and TEX. GOV'T CODE §§ 2001.051 – 2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056, TEX. INS. CODE § 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. The inclusion in the issued policy of the exception for "any and all matters disclosed on a current 'as built' survey," did not specifically describe the particular item(s) excepted to in violation of Procedural Rule P-5 of the Basic Manual.

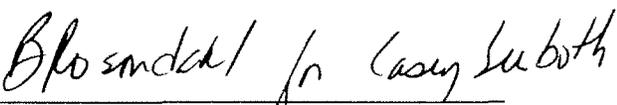
The commissioner orders Old Republic National Title Insurance Company to pay an administrative penalty of \$7,500. The administrative penalty must be paid in full on or before 10 days from the entry date of this Order. The administrative penalty shall be paid by cashier's check or money order made payable to the "State of Texas" and transmitted to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



David C. Mattax
Commissioner of Insurance

By: Kevin Brady
Deputy Commissioner
Agency Affairs
Delegation Order No. 4506, June 9, 2016

APPROVED AS TO FORM AND CONTENT:



Casey Seeboth, Staff Attorney
Texas Department of Insurance

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COMMISSIONER'S ORDER
Old Republic National Title Insurance Company
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STATE OF SD §

COUNTY OF Charles Mix §

BEFORE ME, the undersigned authority, on this day personally appeared John T. Updegraff, Jr., who being by me duly sworn, testified as follows:

"My name is John T. Updegraff, Jr.. I am of sound mind, capable of making this affidavit, and I have personal knowledge of the facts stated herein.

"I hold the office of Senior Vice President and am the authorized representative of Old Republic National Title Insurance Company. I am authorized to execute this statement.

"Old Republic National Title Insurance Company waives rights provided by the Texas Insurance Code and other applicable law and acknowledges the jurisdiction of the commissioner.

"Old Republic National Title Insurance Company voluntarily enters into this consent order, and consents to the issuance and service of this consent order."


Affiant

SWORN TO and SUBSCRIBED before me on 10-3, 2016.

[notary seal]


Notary Public