

No. **2025-9164**

**Official Order  
of the  
Texas Commissioner of Insurance**

**Date: 3/4/2025**

**Subject Considered:**

Polk County Abstract, Inc.  
802 N. Washington Ave.  
Livingston, TX 77351-2845

Consent Order  
TDI Enforcement File No. 35655

**General remarks and official action taken:**

This is a consent order with Polk County Abstract, Inc., doing business as Polk County Title, (Polk County Title). The Texas Department of Insurance (TDI) conducted a compliance audit and discovered violations of the Texas Insurance Code and Texas Administrative Code. Polk County Title has agreed to pay an administrative penalty of \$5,000, and to submit certain forms to TDI to achieve compliance.

**Waiver**

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

**Findings of Fact**

Background and Licensure

1. Polk County Title, firm identification number 92383, holds a title agency license issued by TDI on December 31, 2010.

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2. TDI conducted a comprehensive compliance audit of Polk County Title as of July 2, 2024.

## Failure to Cancel Escrow Officers

3. Polk County Title failed to submit escrow officer appointment cancellation forms to TDI for three escrow officers who separated from the agency and were no longer acting as escrow officers for Polk County Title.
4. On November 25, 2024, Polk County Title late-filed Escrow Officer Appointment (FINT09) forms for two of the three escrow officers who previously separated from the agency. However, Polk County Title has still not submitted a third FINT09 to cancel the appointment of the third escrow officer, Michael Waide Allen, who separated from the agency.

## Failure to Certify Unencumbered Assets

5. Polk County Title failed to submit its Unencumbered Assets Certification Report (Form T-S1) for the year 2022.

## Minimum Escrow Accounting Procedures and Internal Controls

6. Polk County Title failed to have a second employee review its March 2024 escrow reconciliation.

## Guaranty File Errors

7. TDI randomly sampled and reviewed 24 guaranty files. Comprehensive audit procedures were performed on a sample of 15 of those guaranty files. TDI also reviewed six of the sampled files for directly-issued policies, and three of the sampled files that were over three years old.
8. In 20 files, Polk County Title failed to disclose the premium split for title services on the settlement statement.
9. In one file, Polk County Title failed to disclose the anticipated premium split on Schedule D of the commitment.

10. In six files, Polk County Title failed to complete a Verifications of Services Rendered (Form T-00).
11. In 12 files, Polk County Title did not maintain the outgoing wire authorization forms.
12. In one file, Polk County Title failed to disclose endorsements on the settlement statement.
13. In 10 files, Polk County Title failed to disclose all parties receiving portions of the real estate commission on the settlement statements.

**Conclusions of Law**

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 2602.103, 2651.051, and 2651.301; and 28 TEX. ADMIN. CODE § 9.1, which adopts the *Texas Title Insurance Basic Manual* ("Basic Manual").
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056, and TEX. INS. CODE §§ 36.104 and 82.055.
3. Polk County Title has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Polk County Title violated Administrative Rule L-2(III)(B)(2) of the Basic Manual, Section VI, by failing to timely cancel escrow officer appointments.
5. Polk County Title violated Rule S.1 of the Basic Manual, Section VI, by failing to submit its Unencumbered Assets Certification Report (Form T-S1) for calendar year 2022.
6. Polk County Title violated Minimum Escrow Accounting Procedures and Internal Controls Requirement 3, of the Basic Manual, Section V, by failing to have a second employee review its escrow account reconciliation.

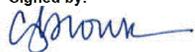
7. Polk County Title violated TEX. INS. CODE § 2702.053 by failing to disclose on the settlement statement:
  - a. the premium split for title services; and
  - b. all parties receiving portions of a real estate commission.
8. Polk County Title violated Rule P-21 of the Basic Manual, Section IV, by failing to disclose the anticipated premium split on Schedule D of the commitment.
9. Polk County Title violated Rule P-22 of the Basic Manual, Section IV, by failing to complete a Verification of Services Rendered (Form T-00).
10. Polk County Title violated Rule P-32 of the Basic Manual, Section IV, by failing to maintain outgoing wire authorization forms.
11. Polk County Title violated Rule P-73 of the Basic Manual, Section IV, by failing to disclose endorsements on the settlement statement.

**Order**

It is ordered that not later than 10 days from the date of this order, Polk County Abstract, Inc. must submit an Escrow Officer Appointment form (FINT09) to cancel the appointment of Michael Wade Allen by email to: TDI-TitleLicensing@tdi.texas.gov.

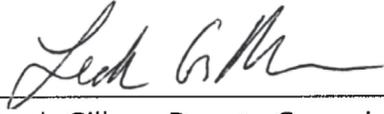
It is further ordered that not later than 10 days from the date of this order, Polk County Abstract, Inc. must submit its Unencumbered Assets Certification Report (Form T-S1) for calendar year 2022 by email to: TitleExaminations@tdi.texas.gov.

It is further ordered that Polk County Abstract, Inc. pay an administrative penalty of \$5,000 within 30 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which TDI will send after entry of this order.

Signed by:  
  
FC5D7EDDFB4F8...  
Cassie Brown  
Commissioner of Insurance

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Recommended and reviewed by:



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Leah Gillum, Deputy Commissioner  
Fraud and Enforcement Division



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Kaycee Crisp, Staff Attorney  
Enforcement

**Affidavit**

STATE OF Texas §  
§  
COUNTY OF Polk §

Before me, the undersigned authority, personally appeared Andrew Boyce  
who being by me duly sworn, deposed as follows:

"My name is Andrew Boyce. I am of sound mind, capable of making  
this statement, and have personal knowledge of these facts which are true and correct.

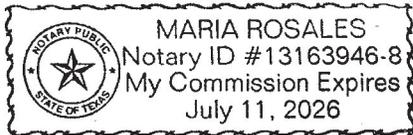
I hold the office of CEO and am the authorized representative of  
Polk County Abstract, Inc. I am duly authorized by said organization to execute this  
statement.

Polk County Abstract, Inc., has knowingly and voluntarily entered into the foregoing  
consent order and agrees with and consents to the issuance and service of the same by  
the commissioner of insurance of the state of Texas."

Andrew Boyce  
Affiant

SWORN TO AND SUBSCRIBED before me on February 6<sup>th</sup>, 2025.

(NOTARY SEAL)



Maria Rosales  
Signature of Notary Public

Maria Rosales  
Printed Name of Notary Public