# DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

P.O. Box 690, Jefferson City, Mo. 65102-0690

IN RE: FIDELITY NATIONAL TITLE INSURANCE COMPANY SUCCESSOR BY MERGER TO LAWYERS TITLE INSURANCE CORPORATION
6601 FRANCES STREET
OMAHA, NE 68106

TRACKING ID 09A000651 & 88051
Lawyers Title File 324748

## VOLUNTARY FORFEITURE

It is hereby agreed by Fidelity National Title Insurance Company, successor by merger to Lawyers Title Insurance Corporation and the Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration, as follows:

1. John M. Huff is the duly appointed Director of the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri (hereinafter, Director) whose duties, pursuant to Chapters 374, 375 and 381, RSMo, include the supervision and regulation of the business of insurance;

2. The Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration is charged with investigating producers and companies engaged in the business of insurance pursuant to Section 374.085, RSMo 2000 and is authorized by the Director to recommend enforcement action under the laws relating to insurance;

3. Fidelity National Title Insurance Company is authorized as a title insurance company by the Department of Insurance, Financial Institutions and Professional Registration, pursuant to Chapters 374, 375 and 381, RSMo;

4. The Department of Insurance, Financial Institutions and Professional Registration asserts that the investigation has revealed that:

A. Insured owners Greg and Anita Smotherman filed a notice of claim with Lawyers Title Insurance Corporation (LTIC) on October 23, 2008. At that time LTIC was a subsidiary of the LandAmerica Financial Group, Inc. LTIC was acquired by Fidelity National Title Insurance Company on December 22, 2008 and merged into Fidelity National Title Insurance Company on June 30, 2010;

B. LTIC failed to reply to three letters from the Smothermans, each of which indicated a response was expected, in violation of Section 375.1005, RSMo, as defined by Section 375.1007(2), RSMo;

C. LTIC failed to implement reasonable standards for the prompt investigation of claims in violation of Section 375.1005, RSMo, as defined by Section 375.1007(3), RSMo; and,

D. LTIC failed to attempt in good faith to effectuate prompt, fair and equitable settlement of the claim after liability had become reasonably clear in violation of Section 375.1005, RSMo, as defined by Section 375.1007(4), RSMo. These failures subject LTIC to enforcement action by the Director;

5. Fidelity National Title Insurance Company has been informed of the nature of its violations, of its right to counsel and of its right to contest any attempt by the Department of Insurance, Financial Institutions and Professional Registration, to

discipline its certificate of authority, or to recover whatever penalties or other monetary relief as may be provided for by statute, and states that it understands its rights to contest any such actions;

6. Fidelity National Title Insurance Company understands and agrees that:

A. This agreement only serves as a voluntary settlement of the asserted violations of law regarding the specific circumstances and referenced claim described herein;

B. Nothing in this agreement is to be construed as preventing the Department of Insurance, Financial Institutions and Professional Registration from instituting an examination or investigation of Fidelity National Title Insurance Company at any time in the future and taking appropriate regulatory action regarding any violations found; and

C. The Department of Insurance, Financial Institutions and Professional Registration may take the violations that are the subject of this agreement into account in formulating an appropriate regulatory action in response to any other violations found in a subsequent examination or investigation.

NOW, THEREFORE, in lieu of the institution by the Department of Insurance, Financial Institutions and Professional Registration of any action to revoke or suspend the certificate of authority of Fidelity National Title Insurance Company or to impose any other penalties provided for by statute for the above-described violations, for the sole purpose of settling this disputed matter, after being afforded the opportunity to consult legal counsel, Fidelity National Title Insurance Company, without any admission of a

violation of the law, does hereby voluntarily and knowingly agree to this settlement and forfeiture agreement and surrender and forfeit the sum of one thousand five hundred dollars ($1,500), such sum to be paid into the Missouri State School Fund pursuant to Sections 374.046 and 374.280, RSMo, and Article IX section 7 of the Missouri Constitution and to take remedial action bringing it into compliance with Missouri statutes and regulations.

Fidelity National Title Insurance Company shall submit this sum to the Department of Insurance, Financial Institutions and Professional Registration, by cashier's check or money order made payable to the Missouri State School Fund no later than May 19, 2011.

DATED: May 2, 2011

vice president

Fidelity National Title Insurance Company

DATED: 9-13-2011

Angela L. Nelson, Director
Division of Consumer Affairs

DATED: 9-19-11

John M. Huff, Director
Missouri Department of Insurance,
Financial Institutions and
Professional Registration

Please submit this agreement along with payment to:
Missouri Department of Insurance, Financial Institutions
And Professional Registration
Attention: Kathleen E. Jolly
PO Box 4001
Jefferson City, MO 65102