

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 14156-AG15-0706-189

IN THE MATTER OF:)
)
Lawrence County Abstract)
1011 15th Street, Suite D)
Bedford, IN 47421)
)
Respondent.)
)
Type of Agency Action: Title Enforcement)
)
Indiana Insurance License No.: 2903360)

FILED

DEC 11 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Department”), by its counsel, Joshua Harrison, and Lawrence County Abstract (“Respondent”), a resident licensed title insurance agency, signed an Agreed Entry which purports to resolve all issues involved in the action by the Department and which has been submitted to the Commissioner of Insurance (the “Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner:

1. Respondent’s agency producer’s license under 2903360 shall be permanently revoked for overcharging on premiums, failing to input real-estate transactions into the RREAL IN database, failing to issue final policies within forty five (45) days, and for failure to adhere to the Good Funds Law when

they accepted and deposited three (3) checks that exceeded ten thousand dollars (\$10,000.00).

2. Mary Jerene Wigley's producer's license under 2370970 shall be placed on a period of probation of One (1) year; should no further violations manifest during that period, her license shall be fully reinstated.
3. Respondent shall refund consumers six hundred thirty four dollars (\$634.00) within thirty (30) days after the signing of the Final Order.
4. Respondent shall provide a letter to the consumer with a reimbursement check stating that "On May 27, 2015 the Indiana Department of Insurance ("IDOI"), examined our title insurance records in accordance with Indiana Code 27-1-3.1 seq. and discovered we overcharged you. The correct amount should have been (amount). As a result, the IDOI has ordered us to issue a refund check in the amount of (amount)." Respondent shall provide a copy of the letter and check sent to the consumer to the Department within thirty (30) days after the signing of this Final Order.

ALL OF WHICH IS ORDERED this 11 day of December, 2015.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Lawrence County Abstract
1011 15th Street, Suite D
Bedford, IN 47421

Joshua Harrison, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
)
COUNTY OF MARION)

SS:

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 14156-AG15-0706-189

IN THE MATTER OF:

Lawrence County Abstract
1011 15th Street, Suite D
Bedford, IN 47421

Respondent.

Type of Agency Action: Enforcement

Indiana Producer License No.: 2903360

FILED

DEC 11 2015

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by the Indiana Department of Insurance ("Department"), by counsel Joshua Harrison, and Lawrence County Abstract, ("Respondent"), a title insurance agency licensed to do business in Indiana, to resolve all issues in the above captioned matter. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondent is a resident title insurance agency licensed in the State of Indiana, holding license number 2903360; and

WHEREAS, Respondent is owned and operated by Mary Jerene Wigley, a licensed producer, holding license number 2370970; and

WHEREAS, Indiana Code § 27-1-22-18 prohibits insurers, brokers, and agents from deviating from Department authorized premiums and government recording fees;

WHEREAS, the Respondent charged title insurance premium rates higher than First American Title Insurance Company (“Underwriter”) contractual rates for twelve (12) title policies in violation of Indiana Code § 27-1-22-18; and

WHEREAS, Indiana Code § 6-1.1-12-43 (e)(1) requires that title producers enter information into the RREAL IN database within a reasonable time after closing; and

WHEREAS, Indiana Code § 6-1.1-12-43 (g) states that closing agent is subject to a civil penalty for each instance in which the closing agent fails to comply with this section with respect to a customer; and

WHEREAS, an investigation identified that the Respondent failed to enter twenty (20) real estate transactions into the RREAL IN database within a reasonable time after closing;

WHEREAS, the NAIC Guidelines provides that “final policies need to be issued within forty-five (45) days.”

WHEREAS, Respondent failed to issue seventeen (17) final policies within forty five (45) days;

WHEREAS, Indiana Code § 27-7-3.7-7 requires that funds of at least ten thousand dollars (\$10,000.00) received from a single party be wired funds;

WHEREAS, Respondent has failed to adhere to the Good Funds Law and accepted and deposited three checks that exceeded ten thousand dollars (\$10,000.00);

WHEREAS, the Department and Respondent desire to resolve their differences and settle their issues without incurring the time and expense of a hearing;


IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

- The Commissioner has jurisdiction over the subject matter and Respondent in this administrative action.
- This Agreed Entry is executed voluntarily by the parties.
- Respondent voluntarily and freely waives the right to a public hearing in this matter.
- Respondent voluntarily and freely waives the right to judicial review of this matter.
- Respondent shall refund consumers six hundred thirty four dollars (\$634.00) within thirty (30) days after the signing of the Final Order.
- Respondent shall provide a letter to the customer with a reimbursement check stating that “On May 27, 2015 Indiana Department of Insurance (IDOI), examined our title insurance records in accordance with Indiana Code 27-1-3.1 seq. and discovered we over charged you. The correct amount should have been (amount). Per result IDOI has ordered us to issue a refund check in the amount of (amount).” Respondent shall provide a copy of the letter and check sent to the customer, to the Department within thirty (30) days of Final Order.
- Respondent’s agency producer’s license under 2903360 shall be permanently REVOKED.
- Mary Jerene Wigley’s producer’s license under 2370970 shall be placed on a period of probation of One (1) year. Should no further violations manifest during that period, her license shall be fully reinstated.
- The Department agrees to accept Respondent’s compliance with the agreement

herein as full satisfaction of this matter.

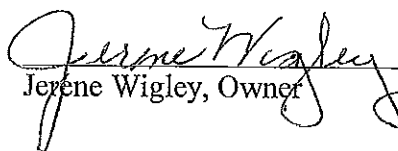
- Respondent has carefully read and examined this agreement and fully understands its terms.
- Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
- Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.
- Respondent is aware that failure to comply with any term of this agreement will result in the matter being set for hearing.

12-9-15
Date Signed



Joshua Harrison, Attorney
Indiana Department of Insurance

11-25-15
Date Signed



Jerene Wigley, Owner

STATE OF INDIANA)
) SS:
COUNTY OF LAWRENCE)

Before me a Notary Public for LAWRENCE County, State of Indiana, personally appeared Jerene Wigley, on behalf of Lawrence County Abstract, and being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 25th day of November, 2015.

Cara B. Conner
Signature

CARA B. CONNER
Printed

My Commission expires: June 29, 2016

County of Residence: Orange

- The Commissioner has jurisdiction over the subject matter and Respondent in this administrative action.
- This Agreed Entry is executed voluntarily by the parties.
- Respondent voluntarily and freely waives the right to a public hearing in this matter.
- Respondent voluntarily and freely waives the right to judicial review of this matter.
- Respondent shall refund consumers six hundred thirty four dollars (\$634.00) within thirty (30) days after the signing of the Final Order.
- Respondent shall provide a letter to the customer with a reimbursement check stating that “On May 27, 2015 Indiana Department of Insurance (IDOI), examined our title insurance records in accordance with Indiana Code 27-1-3.1 seq. and discovered we over charged you. The correct amount should have been (amount). Per result IDOI has ordered us to issue a refund check in the amount of (amount).” Respondent shall provide a copy of the letter and check sent to the customer, to the Department within thirty (30) days of Final Order.
- Respondent’s agency producer’s license under 2903360 shall be permanently REVOKED.
- Mary Jerene Wigley’s producer’s license under 2370970 shall be permanently REVOKED.
- The Department agrees to accept Respondent’s compliance with the agreement herein as full satisfaction of this matter.

STATE OF INDIANA)
) SS:
COUNTY OF LAWRENCE

Before me a Notary Public for Terene Wigley County, State of Indiana, personally appeared Jerene Wigley, on behalf of Lawrence County Abstract, and being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 1ST day of September, 2015.

Cara B. Conner
Signature

CARA B. CONNER
Printed

My Commission expires: June 29, 2016

County of Residence: Orange