



FILED

OCT 28 2016

OFFICE OF
INSURANCE REGULATION

Docketed by: JAS

OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY
COMMISSIONER

IN THE MATTER OF:

THE TITLE INSURANCE
ASSESSMENTS FOR THE
RECEIVERSHIPS OF
NATIONAL TITLE
INSURANCE COMPANY AND
K.E.L. TITLE INSURANCE
GROUP

Case No. 199144-16

**ORDER TO CEASE THE RECOUPMENT PROCESS ORDERED IN
SUPPORT OF THE NATIONAL TITLE INSURANCE COMPANY AND
K.E.L. TITLE INSURANCE GROUP RECEIVERSHIPS**

THIS MATTER originally came on for consideration upon the submission by the Florida Department of Financial Services, Division of Liquidation and Rehabilitation (hereinafter "DFS"), to the Office of Insurance Regulation (hereinafter the "Office") of a Notice of Need for Assessment and an Order from the Second Judicial Circuit Court ordering the Office to assess all title insurance underwriters to support the rehabilitation and receiverships of National Title Insurance Company (hereinafter "National") and K.E.L. Title Insurance Group, Inc. (hereinafter "K.E.L."). As nearly all the title insurance underwriters have collected the assessment ordered by the Second Judicial Circuit Court, the Office, being otherwise duly advised in the premises, hereby finds that:

1. The Office has jurisdiction over the subject matter of, and the parties to, this proceeding pursuant to Sections 631.400 and 631.401, Florida Statutes, and other applicable provisions of the Florida Insurance Code.

2. Section 631.021(3), Florida Statutes, provides that a delinquency proceeding pursuant to Chapter 631, Florida Statutes, constitutes the sole and exclusive method of liquidating, rehabilitating, reorganizing or conserving a Florida domiciled insurer.

4. On separate occasions in 2012, 2014, and 2015, for the Receivership of National and in 2014, for the Receivership of K.E.L., DFS notified the Office of a need for an assessment and filed the Receivers' Status Report and Motion for an Assessment in Accordance with Section 631.400, Florida Statutes, with the Second Judicial Circuit in and for Leon County, Florida.

5. Pursuant to the subsequent Orders of the Second Judicial Circuit issued in each of those cases, the Office, on September 4, 2012; June 4, 2014; December 19, 2014; and October 14, 2015, ordered all title insurance underwriters licensed in the State of Florida to pay to DFS an assessment based on a pro rata share of the total direct title insurance premiums written in the State of Florida to meet the Receivers' financial needs as determined by the Court.

6. Pursuant to Section 631.401, Florida Statutes, all title insurers have been collecting the aggregate assessment by adding a surcharge on each title policy issued after the date of the Orders referenced above in the amount of three dollars and twenty-eight cents (\$3.28). The surcharge was to continue to be collected until all title insurers had collected the full amount of the aggregate assessment in support of both National and the K.E.L. receiverships.

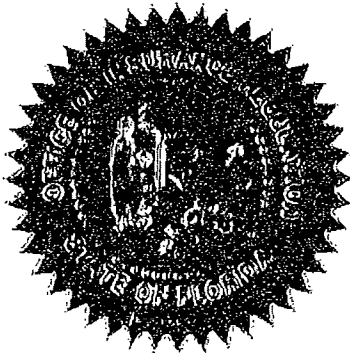
7. As of the date of this Order, all but one title insurance underwriter has fully collected the total amount of assessments to be paid to DFS. Pursuant to 631.401(6), Florida Statutes, "[a]ny surcharges collected by a title insurer in excess of the total amount it was

assessed for aggregate assessments shall be paid quarterly to the receiver to be maintained in the excess surcharge account..." Section 631.401(6)(b), Florida Statutes, states that excess surcharges collected by the Receiver may be used by the Receiver "[t]o reduce the amount of time that consumers in the state are subject to the surcharges by transferring excess surcharges to title insurers that have not fully collected surcharges equal to the amount of the aggregate assessments paid by title insurers pursuant to s. 631.400."

IT IS THEREFORE ORDERED THAT:

1. All title insurance underwriters licensed in the State of Florida shall cease collecting the three dollars and twenty-eight cents (\$3.28) surcharge on December 31, 2016.
2. As soon thereafter, but no later than the filing of the 2016 annual statement for, all title insurance underwriters shall have deposited all excess surcharges which they have collected with the Receivers. Any title insurance underwriter that has not fully collected shall file with the Receivers a full accounting of the assessment paid and the total surcharges collected as of December 31, 2016, allowing the Receivers sufficient information needed to utilize the provisions of Section 631.401(6)(b), Florida Statutes.

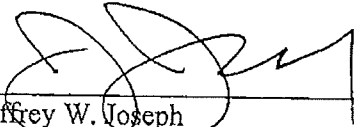
DONE and ORDERED this 28 day of Oct, 2016



David Altmaier
DAVID ALTMAYER,
COMMISSIONER
OFFICE OF INSURANCE REGULATION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: all title insurance underwriters with a Florida Certificate of Authority at the addresses on the attached worksheet A this 28th day of October, 2016.



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