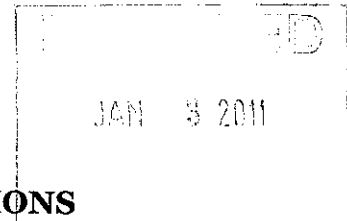


COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2010-AH-1134



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

AGREED ORDER

SUPERIOR MORTGAGE BANC, LLC

RESPONDENT

* * * * *

1. The Department of Financial Institutions (“DFI”) is responsible for regulating and licensing mortgage loan brokers, mortgage loan companies, mortgage loan originators, and mortgage loan processors in accordance with the provisions set forth in KRS Chapter 286.8, the Mortgage Loan Company and Mortgage Loan Broker Act (the “Act”).

2. Superior Mortgage Banc, LLC (“Respondent”) is licensed as a mortgage loan broker in Kentucky, pursuant to the Act. The Respondent’s initial license was effective on February 5, 2009 and was in effect at all times relevant herein.

3. During an examination, DFI discovered that the Respondent had conducted some of its business in Kentucky as a mortgage loan broker while using a variation of the word “bank” in its name, in violation of KRS 286.8-070(3), which prohibits a mortgage loan company or broker from using the words “bank,” “trust,” “national,” or “federal,” or any form thereof separately or in combination thereof with other words or syllables as part of its name or to otherwise identify itself.

4. DFI possesses a range of administrative authority in addressing violations of the Act, including license revocation or denial, and/or the imposition of fines in an amount up to \$25,000 per violation. *See* KRS 286.8-046; 286.8-090.

5. In this case, DFI has assessed a fine against Respondent in the amount of two thousand, five hundred dollars (\$2,500.00) for the violation of KRS 286.8-070(3) described above.

6. In the interest of economically and efficiently resolving the violation described herein, DFI and the Respondent agree as follows:

- a. Respondent agrees to a fine assessment in the amount of two thousand, five hundred dollars (\$2,500.00) for the violation described herein;
- b. Respondent agrees to and shall pay the total fine assessed herein in a single installment payment of two thousand, five hundred dollars (\$2,500.00), which shall be due on the date Respondent signs the Agreed Order and returns it to DFI. Said payment shall be in the form of a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the Department of Financial Institutions, Attn: Michael T. Davis, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and
- c. Respondent shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in the Act and the regulations set forth in 808 KAR Chapter 12.

7. Respondent waives its right to demand a hearing at which it would be entitled to legal representation, to confront and cross-examine witnesses, and to present evidence on its own behalf, or to otherwise appeal or set aside this Order.

8. Respondent consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

9. In consideration of execution of this Agreed Order, Respondent for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

10. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

11. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 4th day of January, 2011, 2010.



CHARLES A. VICE
COMMISSIONER

Consented to:

This 3rd day of January, 2010. ²⁰¹³

Nicole Biddle
Nicole Biddle, Director
Division of Non-Depository Institutions
Department of Financial Institutions

This 27th day of December, 2010.

Alan J. Weber
Alan J. Weber, as authorized representative of
Respondent Superior Mortgage Banc, LLC

ACKNOWLEDGEMENT

STATE OF IN)
)
COUNTY OF VANDERBURGH)

On this the 27 day of DECEMBER, 2010, before me ANOTARY PUBLIC, the undersigned, **Alan J. Weber, Owner and authorized representative of Superior Mortgage Banc, LLC**, did personally appear and entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.



DONALD R. DOWELL, II
Resident of Vanderburgh County, IN
Commission Expires: December 29, 2015

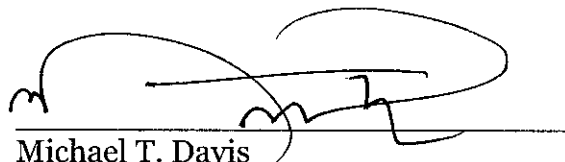
My Commission Expires: 12-29-15

Donald R. Dowell, II
Notary Public

Certificate of Service

I, Michael T. Davis, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 4th day of January, 2011, by certified mail, to the following:

Alan J Weber
Superior Mortgage Banc, LLC dba Superior Mortgage Capitol, LLC
3101 N Green River Rd, Ste 760
Evansville, IN 47715



Michael T. Davis
Department of Financial Institutions
1025 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601
502-573-3390 ext. 240 (phone)
502-573-2183 (facsimile)