



COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2014-AH-0057



DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

POLARIS HOME FUNDING CORPORATION d/b/a
UNITED RESIDENTIAL LENDING

RESPONDENT

AGREED ORDER

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.

2. Polaris Home Funding Corporation d/b/a United Residential Lending (“Polaris”) is authorized to do business in Kentucky as a licensed mortgage loan company pursuant to Kentucky Revised Statutes Chapter 286.8, with its principal office located at O-151 144th Street SW, Grandville, MI 49418.

3. In the summer of 2012, DFI investigated an office of Polaris located at 2530 Scottsville Road, Suite #17, Bowling Green, Kentucky. DFI determined that Polaris was operating an unlicensed branch at the Bowling Green location.

4. DFI possesses a range of administrative authority in addressing violations of Chapter 286.6, including license revocation or denial, the imposition of fines in an amount up to \$25,000 per violation, and settlement. *See* KRS §286.8-046; §286.8-090.

5. In this case, DFI assessed a fine against Polaris in the amount of seven thousand nine hundred twenty seven dollars (\$7,927.00) for allegedly operating an unlicensed branch in violation of KRS §286.8-100.

6. In the interest of economically and efficiently resolving the violation described herein, and without Polaris admitting or denying the statements of fact and legal conclusions herein, DFI and Polaris agree as follows:

a. Polaris agrees to a fine assessment in the amount of seven thousand nine hundred twenty seven dollars (\$7,927.00) for the violations described herein;

b. Polaris agrees to and shall pay seven thousand nine hundred twenty seven dollars (\$7,927.00) of the total fine assessed herein prior to the entry of this Order, which 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: Non-Depository Division, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601; and

c. Polaris agrees to apply for a branch license for all proposed offices prior to commencing business in that location.

d. Polaris shall devote the time and resources necessary to ensure continual and full compliance with all statutory requirements set forth in KRS Chapter 286.8 and the regulations set forth in 808 KAR Chapter 12.

7. Polaris 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. Polaris consents to and acknowledges the jurisdiction of the Department of Financial Institutions 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, Polaris for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, Department of Financial Institutions, 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 Polaris 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 that they are authorized to execute this 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 12 day of May, 2014.


CHARLES A. VICE
COMMISSIONER

Consented to:

This 12th day of May, 2014.

This 5th day of May, 2014.

Tammy R. Scruggs
Tammy Scruggs, Director
Division of Non-Depository Institutions
Department of Financial Institutions

[Signature]
Authorized Representative
Polaris Home Funding Corporation

ACKNOWLEDGEMENT

STATE OF Michigan)
)
COUNTY OF Ottawa)

On this the 5th day of May, 2014, before me Jo Berends, the undersigned, Duane D. VanderArk, did personally appear and acknowledge himself/herself to be the authorized representative of Polaris Home Funding Corporation and that he/she, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: 5-28-2017

JO BERENDS
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OTTAWA
My Commission Expires **May 28, 2017**
Acting in the County of Ottawa

[Signature]
Notary Public

Certificate of Service

I hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 13 day of May, 2014, by certified mail, return receipt requested, to the following:

Brian Mariner
Polaris Home Funding Corporation
O-151 44th Street SW
Grandville, MI 49418

By hand-delivery to:
Katherine W. Ross
1025 Capital Center Drive, Suite 200
Frankfort, KY 40601
Counsel for the Department of Financial Institutions


Christina Hayden
Department of Financial Institutions