

FILED

JAN 12 2024

Department of Insurance
State of Idaho

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Attorney General

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Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Ada County]

Idaho Title Agency License No. 455672

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Ada County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Ada County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Ada County, Idaho, under Title Agency License No. 455672.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Ada County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16 day of January 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535


- first class mail
- certified mail
- hand delivery
- email

Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
shannon.hohl@doi.idaho.gov

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John Keenan
Deputy Attorney General
Idaho Department of Insurance
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P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

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- certified mail
- hand delivery
- email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455672 – Ada County)

As of

December 31, 2022

Equal Opportunity Employer

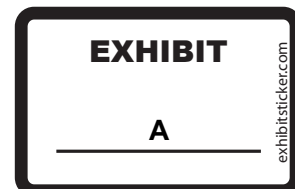


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
128 East Main Street
Weiser, Idaho 83672-2535
License #455672 – Ada County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Ada County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Ada County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Ada County out of offices in Weiser, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Ada County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

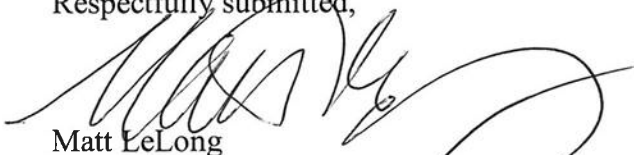
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER

I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

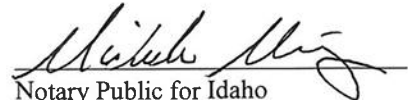
Respectfully submitted,



Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027.

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
matt.steen@doi.idaho.gov

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**Department of Insurance
State of Idaho**

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Boise County]

Idaho Title Agency License No. 455682

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Boise County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Boise County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Boise County, Idaho, under Title Agency License No. 455682.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Boise County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16 day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitile.com

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Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitile.com

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Amerititle, LLC
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Weiser, ID 83672-2535

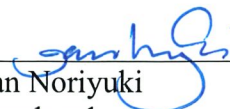
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Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455682 – Boise County)

As of

December 31, 2022

Equal Opportunity Employer

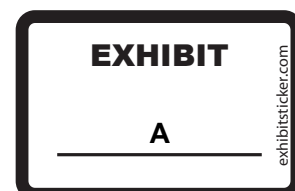


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
128 East Main Street
Weiser, Idaho 83672-2535
License #455682 – Boise County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Boise County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

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PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Boise County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Boise County out of offices in Weiser, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Boise County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

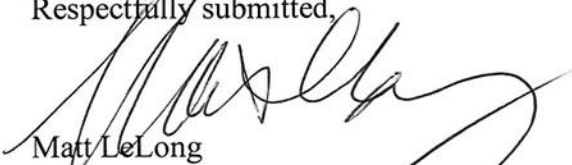
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

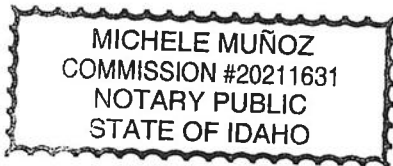
AFFIDAVIT OF EXAMINER


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,


Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
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FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Bonner County]

Idaho Title Agency License No. 455686

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Bonner County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Bonner County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Bonner County, Idaho, under Title Agency License No. 455686.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Bonner County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16 day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
Larry Matney, President
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Weiser, ID 83672-2535
larry.matney@futatitile.com

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Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
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 email

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 certified mail
 hand delivery
 email

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first class mail
 certified mail
 hand delivery
 email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455686 – Bonner County)

As of

December 31, 2022

Equal Opportunity Employer

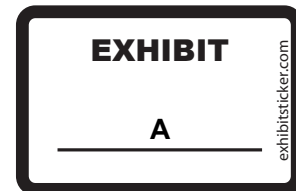


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
128 East Main Street
Weiser, Idaho 83672-2535
License #455686 – Bonner County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Bonner County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Bonner County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Bonner County out of offices in Weiser, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Bonner County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER

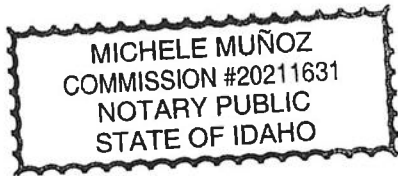
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

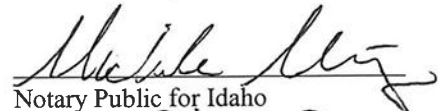
Respectfully submitted,



Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
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FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Caribou County]

Idaho Title Agency License No. 455694

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Caribou County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Caribou County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Caribou County, Idaho, under Title Agency License No. 455694.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Caribou County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
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first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitile.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535

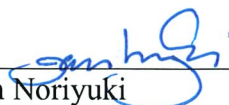
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Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
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P.O. Box 83720
Boise, ID 83720-0043
shannon.hohl@doi.idaho.gov

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 certified mail
 hand delivery
 email

John Keenan
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Idaho Department of Insurance
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P.O. Box 83720
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john.keenan@doi.idaho.gov

first class mail
 certified mail
 hand delivery
 email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455694 – Caribou County)

As of

December 31, 2022

Equal Opportunity Employer

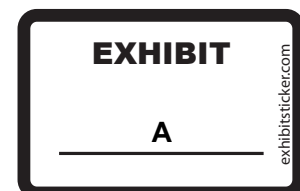


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
441 East Chubbuck Road
Chubbuck, Idaho 83202
License #455694 – Caribou County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Caribou County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Caribou County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Caribou County out of offices in Chubbuck, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Caribou County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

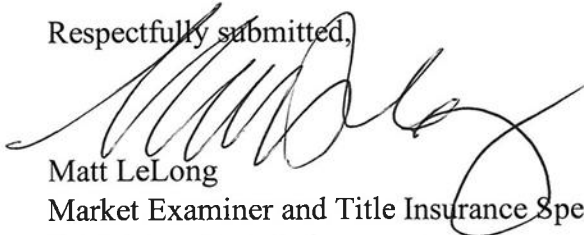
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER

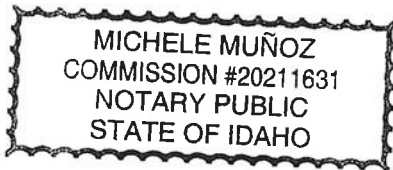
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.


Respectfully submitted,



Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
matt.steen@doi.idaho.gov

Attorneys for the Department of Insurance

FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Cassia County]

Idaho Title Agency License No. 455704

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Cassia County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Cassia County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Cassia County, Idaho, under Title Agency License No. 455704.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Cassia County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitle.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitle.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitle.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535

- first class mail
- certified mail
- hand delivery
- email

Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
shannon.hohl@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email

John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455704 – Cassia County)

As of

December 31, 2022

Equal Opportunity Employer

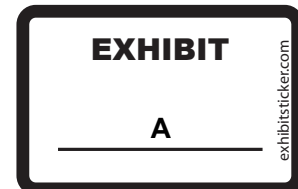


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
1650 Elk Creek Drive
Idaho Falls, Idaho 83404-8349
License #455704 – Cassia County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Cassia County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

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The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

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The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed with the Idaho Department of Insurance as a Title Agent in Cassia County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Cassia County out of offices in Idaho Falls, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Cassia County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.


SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

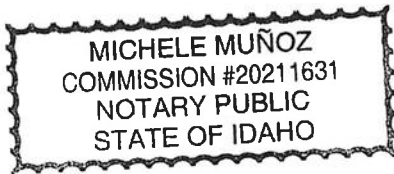
AFFIDAVIT OF EXAMINER


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,


Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

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Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
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matt.steen@doi.idaho.gov

Attorneys for the Department of Insurance

FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Clark County]

Idaho Title Agency License No. 108480

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Clark County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Clark County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Clark County, Idaho, under Title Agency License No. 108480.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Clark County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitle.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitle.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitle.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535

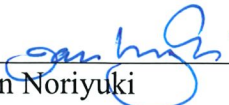
first class mail
 certified mail
 hand delivery
 email

Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
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 certified mail
 hand delivery
 email

John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

first class mail
 certified mail
 hand delivery
 email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #108480 – Clark County)

As of

December 31, 2022

Equal Opportunity Employer

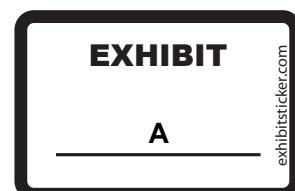


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
1650 Elk Creek Drive
Idaho Falls, Idaho 83404-8349
License #108480 – Clark County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Clark County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County by the Idaho Department of Insurance. On December 26, 2003, they expanded operations and became licensed in Clark County by the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Clark County out of offices in Idaho Falls, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Brynne Hansen and is comprised of five (5) Title Officers and one (1) Title Assistant. The Agent leases the Clark County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

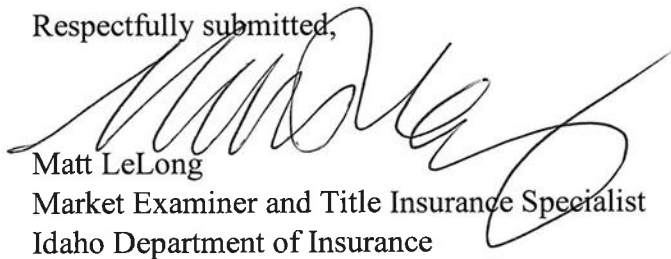
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

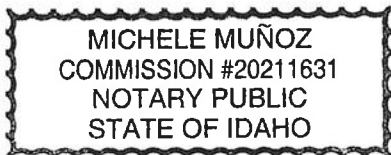
AFFIDAVIT OF EXAMINER

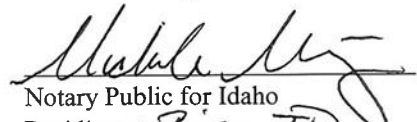
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,


Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
matt.steen@doi.idaho.gov

Attorneys for the Department of Insurance

FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Custer County]

Idaho Title Agency License No. 455706

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Custer County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Custer County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Custer County, Idaho, under Title Agency License No. 455706.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Custer County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

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Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

- first class mail
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Amerititle, LLC
Larry Matney, President
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debbie.shirley@futatitile.com

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Market Oversight Bureau Chief
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John Keenan
Deputy Attorney General
Idaho Department of Insurance
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P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455706 – Custer County)

As of

December 31, 2022

Equal Opportunity Employer

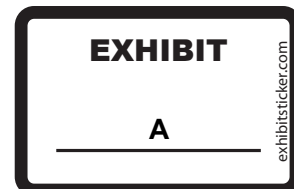


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
1650 Elk Creek Drive
Idaho Falls, Idaho 83404-8349
License #455706 – Custer County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

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AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed with the Idaho Department of Insurance as a Title Agent in Custer County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Custer County out of offices in Idaho Falls, Idaho.

PRIOR EXAMINATION

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EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

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C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Custer County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

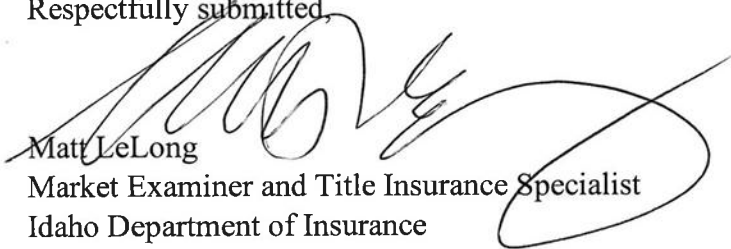
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

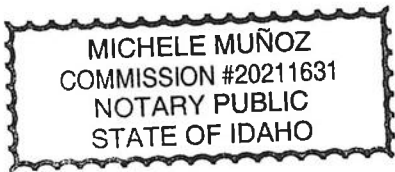
AFFIDAVIT OF EXAMINER


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,


Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 3-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
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FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Elmore County]

Idaho Title Agency License No. 455711

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Elmore County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Elmore County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Elmore County, Idaho, under Title Agency License No. 455711.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Elmore County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535


- first class mail
- certified mail
- hand delivery
- email

Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
shannon.hohl@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email

John Keenan
Deputy Attorney General
Idaho Department of Insurance
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Boise, ID 83720-0043
john.keenan@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455711 – Elmore County)

As of

December 31, 2022

Equal Opportunity Employer

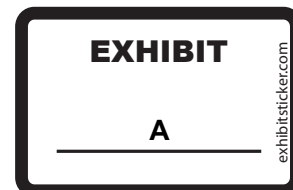


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
1650 Elk Creek Drive
Idaho Falls, Idaho 83404-8349
License #455711 – Elmore County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Elmore County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed with the Idaho Department of Insurance as a Title Agent in Elmore County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Elmore County out of offices in Idaho Falls, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Elmore County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

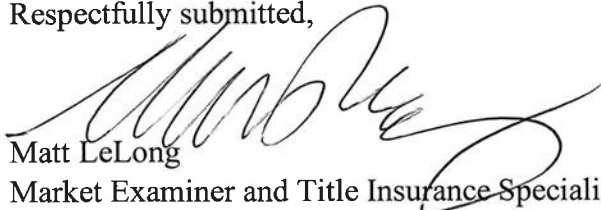
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER

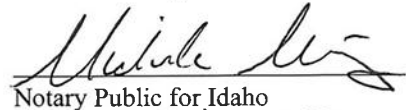
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,



Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.



Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
matt.steen@doi.idaho.gov

FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Gem County]

Idaho Title Agency License No. 455717

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Gem County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Gem County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Gem County, Idaho, under Title Agency License No. 455717.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Gem County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16 day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitle.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitle.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitle.com

- first class mail
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Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535


- first class mail
- certified mail
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Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
shannon.hohl@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email

John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455717 – Gem County)

As of

December 31, 2022

Equal Opportunity Employer

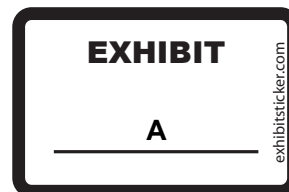


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
128 East Main Street
Weiser, Idaho 83672-2535
License #455717 – Gem County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Gem County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Gem County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Gem County out of offices in Weiser, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Gem County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

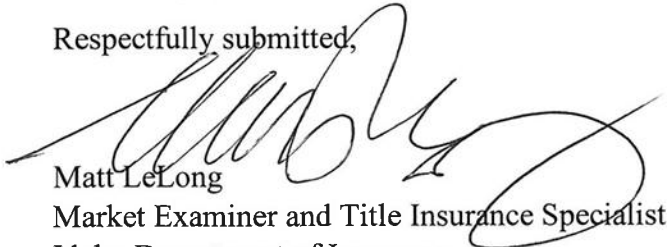
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,


Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.

MICHELE MUÑOZ
COMMISSION #20211631
NOTARY PUBLIC
STATE OF IDAHO


Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
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Boise, Idaho 83720-0043
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FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Jerome County]

Idaho Title Agency License No. 455719

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Jerome County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Jerome County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Jerome County, Idaho, under Title Agency License No. 455719.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of “the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner’s work papers” and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Jerome County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitlle.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitlle.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitlle.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535


- first class mail
- certified mail
- hand delivery
- email

Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
shannon.hohl@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email

John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455719 – Jerome County)

As of

December 31, 2022

Equal Opportunity Employer

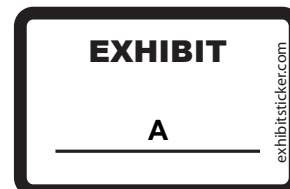


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
1650 Elk Creek Drive
Idaho Falls, Idaho 83404-8349
License #455719 – Jerome County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Jerome County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed with the Idaho Department of Insurance as a Title Agent in Jerome County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Jerome County out of offices in Idaho Falls, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. is comprised of one (1) Title Officer. The Agent leases the Jerome County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

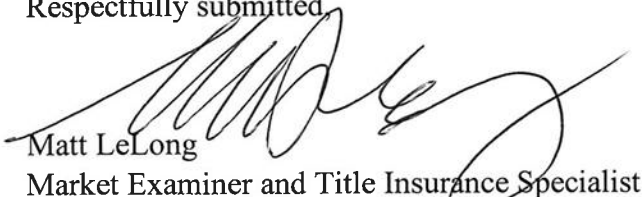
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER

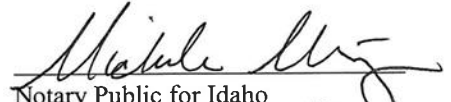
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,


Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
matt.steen@doi.idaho.gov

FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Kootenai County]

Idaho Title Agency License No. 455721

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Kootenai County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Kootenai County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Kootenai County, Idaho, under Title Agency License No. 455721.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Kootenai County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535


- first class mail
- certified mail
- hand delivery
- email

Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
shannon.hohl@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email

John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455721 – Kootenai County)

As of

December 31, 2022

Equal Opportunity Employer

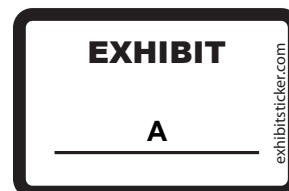


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
128 East Main Street
Weiser, Idaho 83672-2535
License #455721 – Kootenai County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Kootenai County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Kootenai County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Kootenai County out of offices in Weiser, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Kootenai County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

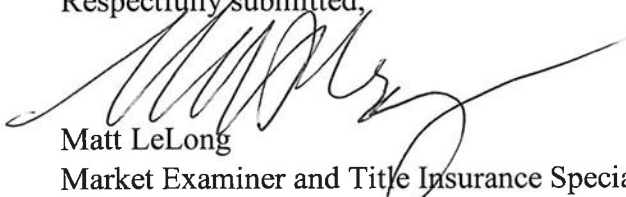
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER

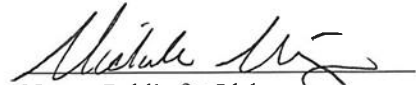
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,



Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.



Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027



RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone: (208) 334-4204
Facsimile: (208) 334-4298
matt.steen@doi.idaho.gov

Attorneys for the Department of Insurance

FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Lemhi County]

Idaho Title Agency License No. 455728

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Lemhi County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Lemhi County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Lemhi County, Idaho, under Title Agency License No. 455728.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Lemhi County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitile.com

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Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitile.com

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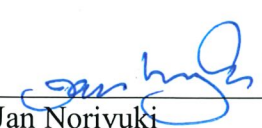
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Shannon Hohl
Market Oversight Bureau Chief
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John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

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- hand delivery
- email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455728 – Lemhi County)

As of

December 31, 2022

Equal Opportunity Employer

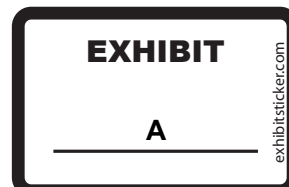


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
1650 Elk Creek Drive
Idaho Falls, Idaho 83404-8349
License #455728 – Lemhi County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

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EXECUTIVE SUMMARY

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AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed with the Idaho Department of Insurance as a Title Agent in Lemhi County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Lemhi County out of offices in Idaho Falls, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. is comprised of one (1) Title Officer. The Agent leases the Lemhi County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

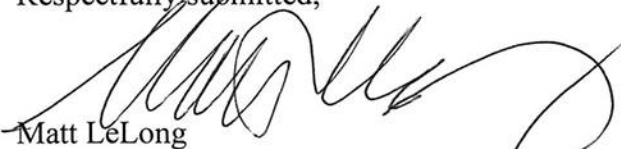
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER

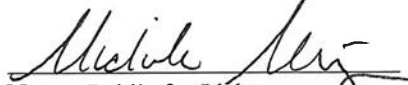
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,


Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
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FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Nez Perce County]

Idaho Title Agency License No. 455730

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Nez Perce County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Nez Perce County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Nez Perce County, Idaho, under Title Agency License No. 455730.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Nez Perce County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitile.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitile.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535

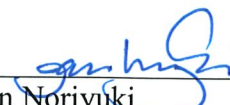
first class mail
 certified mail
 hand delivery
 email

Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
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P.O. Box 83720
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John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

first class mail
 certified mail
 hand delivery
 email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455730 – Nez Perce County)

As of

December 31, 2022

Equal Opportunity Employer

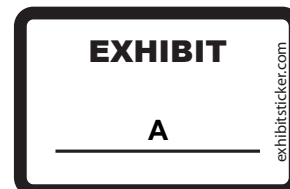


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
128 East Main Street
Weiser, Idaho 83672-2535
License #455730 – Nez Perce County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Nez Perce County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Nez Perce County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Nez Perce County out of offices in Weiser, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Nez Perce County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

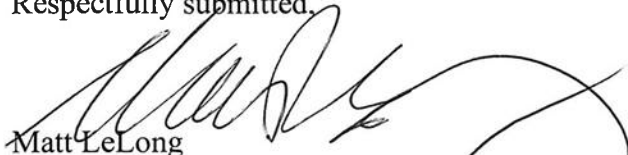
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,


Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
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Facsimile: (208) 334-4298
matt.steen@doi.idaho.gov

Attorneys for the Department of Insurance

FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Owyhee County]

Idaho Title Agency License No. 455731

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Owyhee County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Owyhee County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Owyhee County, Idaho, under Title Agency License No. 455731.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Owyhee County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16 day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitle.com

first class mail
 certified mail
 hand delivery
 email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitle.com

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 certified mail
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Amerititle, LLC
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Amerititle, LLC
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Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
shannon.hohl@doi.idaho.gov

first class mail
 certified mail
 hand delivery
 email

John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

first class mail
 certified mail
 hand delivery
 email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455731 – Owyhee County)

As of

December 31, 2022

Equal Opportunity Employer

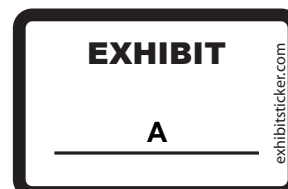


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
128 East Main Street
Weiser, Idaho 83672-2535
License #455731 – Owyhee County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Owyhee County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Owyhee County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Owyhee County out of offices in Weiser, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Owyhee County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

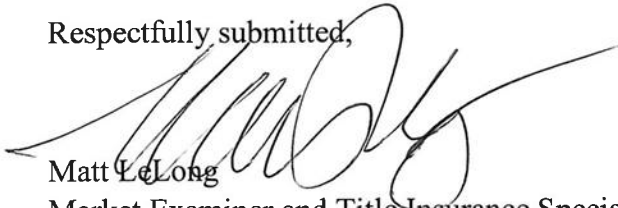
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER

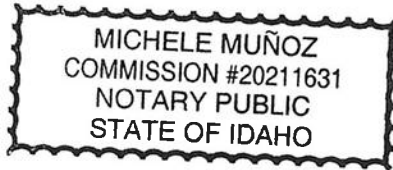
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.


Respectfully submitted,



Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.




Notary Public for Idaho
Residing at: Boise ID
Commission Expires: 03-30-2027

RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
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P.O. Box 83720
Boise, Idaho 83720-0043
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Facsimile: (208) 334-4298
matt.steen@doi.idaho.gov

FILED

JAN 12 2024

**Department of Insurance
State of Idaho**

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Shoshone County]

Idaho Title Agency License No. 455732

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Shoshone County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Shoshone County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Shoshone County, Idaho, under Title Agency License No. 455732.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Shoshone County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Larry Matney, President
128 E. Main Street
Weiser, ID 83672-2535
larry.matney@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
Debbie Shirley, Controller
128 E. Main Street
Weiser, ID 83672-2535
debbie.shirley@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

Amerititle, LLC
128 E. Main Street
Weiser, ID 83672-2535

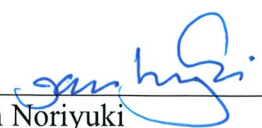
- first class mail
- certified mail
- hand delivery
- email

Shannon Hohl
Market Oversight Bureau Chief
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
shannon.hohl@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email

John Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
john.keenan@doi.idaho.gov

- first class mail
- certified mail
- hand delivery
- email



Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455732 – Shoshone County)

As of

December 31, 2022

Equal Opportunity Employer

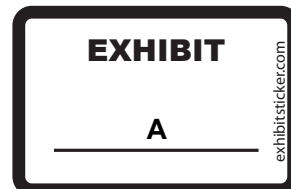


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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
128 East Main Street
Weiser, Idaho 83672-2535
License #455732 – Shoshone County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Shoshone County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Shoshone County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Shoshone County out of offices in Weiser, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Shoshone County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

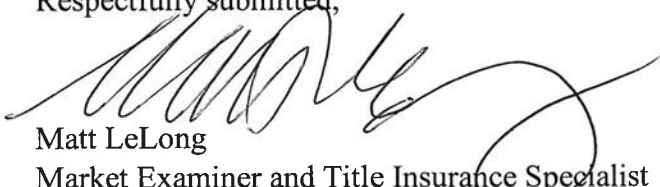
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

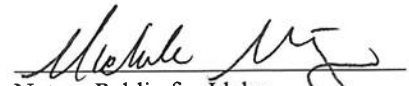
AFFIDAVIT OF EXAMINER

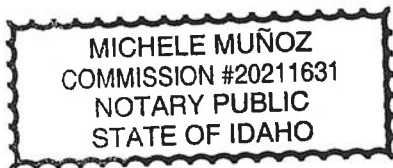
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,


Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.


Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027



RAÚL LABRADOR
Attorney General

MATT K. STEEN – ISB No. 10285
Deputy Attorney General
Idaho Department of Insurance
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Telephone: (208) 334-4204
Facsimile: (208) 334-4298
matt.steen@doi.idaho.gov

FILED
JAN 12 2024
Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

AMERITITLE, LLC.
[Teton County]

Idaho Title Agency License No. 455734

Docket No. 18-4346-24

**ORDER ADOPTING REPORT
OF EXCEPTION EXAMINATION
AS OF DECEMBER 31, 2022**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of AMERITITLE, LLC [Teton County] (“Amerititle”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination of Amerititle, LLC [Teton County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

FINDINGS OF FACT

1. Amerititle is a title agency licensed by the Department to transact title insurance in Teton County, Idaho, under Title Agency License No. 455734.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about August 25, 2023. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on August 25, 2023, and was transmitted to Amerititle on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), Amerititle had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

CONCLUSIONS OF LAW

6. Idaho Code § 41-227(5)(a) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report are appropriate and are incorporated herein as if set forth in full.

ORDER

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination of Amerititle, LLC [Teton County] for the Period January 1, 2018 to December 31, 2022, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that

the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS SO ORDERED.

DATED this 16th day of January, 2024.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See*, Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See*, Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following by the designated means:

Amerititle, LLC
Mark Mills, Senior Vice President & CFO
mark.mills@futatitile.com

- first class mail
- certified mail
- hand delivery
- email

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Jan Noriyuki
Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

AMERITITLE, LLC

(a title agent limited liability company - license #455734 – Teton County)

As of

December 31, 2022

Equal Opportunity Employer

EXHIBIT

A

exhibitsticker.com

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Boise, Idaho
August 25, 2023

The Honorable Dean L. Cameron
Director of the Idaho Department of Insurance
700 West State Street
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC
1650 Elk Creek Drive
Idaho Falls, Idaho 83404-8349
License #455734 – Teton County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Teton County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (the “Department”) located at 700 West State Street, 3rd Floor in Boise, Idaho.

In performing this examination, the examiner(s) reviewed a sample of the Agent’s procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. The goal of the examination team was to produce an examination report that reflects agreement in content with the Agent. The report indicates where agreement was or was not possible.

PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with said title or the rules thereunder.

EXECUTIVE SUMMARY

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

HISTORY AND DESCRIPTION

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed with the Idaho Department of Insurance as a Title Agent in Teton County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Teton County out of offices in Idaho Falls, Idaho.

PRIOR EXAMINATION

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

EXAMINATION FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

The examination included a review of the Agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

B. CONTRACTING AUTHORITY **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

C. SURETY BOND **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance Company on behalf of the Agent. We confirmed during the

examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS
Idaho Code § 41-2708(1) & (2)

The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING
Idaho Code § 41-2708(3) & (4)
IDAPA 18.05.01.031 & Exhibit 1

The examination included a review of the Agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, our examination determined, and then confirmed with the Agent, that this license was not used to expense items related to this section. No exceptions were noted as a result of this portion of the examination.

III. TITLE FILE REVIEW
Idaho Code §§ 41-2702, 2708 & 2709
IDAPA 18.05.01.012, 013 & Exhibit 1(9)

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Teton County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, and unique kind or class of risk. Our examination determined, and then confirmed with the Agent, that this license was not used for title products related to this section. No exceptions were noted as a result of this portion of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The Agent did not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

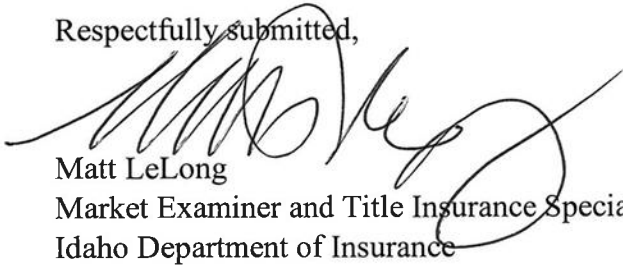
SUMMARY OF RECOMMENDATIONS

There were no recommendations as a result of the examination.

AFFIDAVIT OF EXAMINER

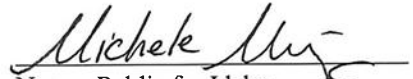
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Agent and its employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this Report are my own.

Respectfully submitted,



Matt LeLong
Market Examiner and Title Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of September, 2023.



Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 03-30-2027

