

STATE OF INDIANA)
) SS:
COUNTY OF MARION) COMMISSIONER OF INSURANCE

CAUSE NUMBER: 7665-CO08-1204-028

IN THE MATTER OF:)
)
Title Professionals, Inc.,)
1504 West Deyoung Street)
Marion, IL 62959)
License Number: 36928)
Respondent,)
)
James W. Morris,)
6399 Pelican)
Carbondale, IL 62901)
License Number: 477620)
Respondent.)

FILED
DEC 11 2008
STATE OF INDIANA
DEPT. OF INSURANCE

PETITION FOR EMERGENCY CEASE AND DESIST ORDER

The Title Insurance Division of the Indiana Department of Insurance (hereafter “Department”), pursuant to Indiana Code 4-21.5-4, Indiana Code 27-1-15.6 *et. al* and Indiana Code 27-4-1 *et. al*, files its Petition for an Emergency Cease and Desist Order regarding Title Professionals, Inc. and states:

1. Title Professionals, Inc. (“Title Professionals”) is a non-resident insurance producer that offers its products and services to consumers in the State of Indiana and holds license number 36928.
2. Title Professionals, Inc.’s principal place of business is 1504 West Deyoung Street, Marion, IL 62959.

3. James W. Morris ("Morris") is the President of Title Professionals and is a non-resident title insurance producer licensed to provide insurance and settlement services in the State of Indiana under license number 477620.

4. On or before December 4, 2008, Title Professionals prepared a letter addressed to its "Friends and Valued Customers" addressing the financial condition of LandAmerica's title insurance companies "Lawyers Title, Commonwealth Title and Transamerica Title." (A copy of this letter is attached to this document and incorporated hereto as "**Exhibit A.**")

5. The letter incorrectly identifies LandAmerica as an "underwriter" instead of calling it a holding company.

6. The letter also opines on the financial condition of LandAmerica's three title insurance companies in a maliciously critical or derogatory manner and is "calculated to injure any person engaged in the business of insurance" as contemplated by Indiana Code 27-4-1-4(a)(3).

7. It is unknown how many citizens in the State of Indiana have received a copy of the letter. However, the Director of the Title Insurance Division, Stephen W. Robertson, received a copy of the letter as stated in his affidavit stating such is attached and incorporated hereto as "**Exhibit B.**"

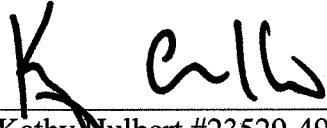
8. The letter is a display of conduct defined as an unfair method of competition and Indiana Code 27-4-1-6 empowers the Commissioner of the Indiana Department of Insurance to issue a cease and desist order prohibiting this business practice and order civil penalties.

9. Under Indiana Code §4-21.5-4-2(a) (1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. (Upon issuance of an emergency order, the Respondents may request a hearing as quickly as practicable under Indiana Code §4-21.5-4-4.)

10. The nature of the letter and the potential adverse consequences it may cause any insurance company it addresses rises to the level of an emergency.

11. The Respondents must Cease and Desist from distributing the letter described above and in any other way violate the insurance laws of Indiana, whose activities affect interstate commerce.

WHEREFORE, the Department requests that the Commissioner issue an Emergency Cease and Desist Order against the Respondent under Indiana Code §4-21.5-4-2, and for all other necessary and proper relief in the premises.



Kathy Hulbert #23529-49A
Attorney
Title Division

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the Respondents by mailing this 10th day of December, 2008.

Title Professionals, Inc.,
1504 West Deyoung Street
Marion, IL 62959

James W. Morris,
6399 Pelican
Carbondale, IL 62901



Kathy Hulbert, Attorney
Attorney # 23529-49A

Indiana Department of Insurance
311 West Washington Street
Suite 300
Indianapolis, IN 46204-2787
(317)234-5151-telephone
(317)232-5251-facsimile



Title Professionals, Inc.

Proudly serving Southern Illinois, Western Kentucky, and
Southwest Indiana

ILLINOIS COMPANIES

Title Professionals Inc. dba
Gallatin County Title
P 618-269-3148
F 618-269-3633

Title Professionals, Inc. dba
Murphysboro Title &
Abstract
P 618-684-6511
F 618-687-3278

Title Professionals, Inc. dba
Perry County Title
P 618-357-9713
F 618-357-3423

Title Professionals, Inc. dba
Roe Abstract & Title
P 618-357-2929
F 318-357-3164

Title Professionals, Inc.
Benton, Illinois
618-435-3668
618-435-3667

Title Professionals, Inc.
Marion, Illinois
618-997-8404
618-997-5406

Title Professionals, Inc.
Mt. Vernon, Illinois
618-242-1380
618-244-6474

KENTUCKY COMPANIES

Title Professionals, Inc. dba
Western Kentucky Title
Murray, Kentucky
270-759-3760
270-759-3780

Title Professionals, Inc. dba
Western Kentucky Title
Paducah, Kentucky
270-554-8338
270-554-8335

INDIANA COMPANIES

Title Professionals, Inc.
Evansville, Indiana
812-473-7195
812-475-2886

Dear Friends and Valued Customers:

In these troubling times, we here at Title Professionals, Inc. wanted to take a moment to inform you that **Title Professionals, Inc. and its underwriters First American, Ticor and Chicago Title are standing strong** and will be here to take care of you and your clients through good times and bad. Title Professionals, Inc. is unique among the title insurance providers in this region not only because we have weathered these storms before, but also because we are committed to best practices. We have survived since 1869 (Roe Abstract division) because we understand the business and the risks.

Title Professionals, Inc. has a rigorous program of internal and external audits. Our examinations and closings are audited by all three major underwriters. Our internal controls are audited by independent certified public accountants. Annually, our performance is audited by McGladrey + Pullen, one of the largest public accounting firms in the nation. Title Professionals, Inc. has capital and surplus of nearly \$4.7 million dollars, giving it a capitalization greater than many banks in the region. Our underwriters are rated A and A- by Standard and Poor's, A3 and Aaa by Moody's Investors Services, A and A- by Fitch and A and A- by A.M. Best Co. These are the same agencies which rate Fortune 100 companies and government bonds. You can be confident that referring a client to Title Professionals, Inc. will not result in damage to your reputation.

For those of us involved in the real estate industry, these have been troubling times. The Treasury is doing what it can to shore up a fragile economy but, thus far, has done little to assist the housing industry which many believe to be the root of the economic crisis. Every evening seems to bring another report of a company failing or a further decline in demand or a further drop in home prices.

Unfortunately, the national crisis in the real estate market has caused the demise of one of the national title underwriters, LandAmerica which filed bankruptcy the day before Thanksgiving. LandAmerica is the parent company of Lawyers Title, Commonwealth Title and Transamerica Title. Other major title underwriters will no longer rely on prior LandAmerica policies as evidence of insurable title. Those customers with claims on their title may find that LandAmerica is unable to respond or provide indemnity. We have already had some inquiries from banks and individuals seeking replacement of their Lawyers Title policies with policies from Chicago Title, Ticor and First American.

The real estate market will improve. Times will get better. Now is a great time to buy and an even better time to refinance. We look forward to your continued business throughout the holiday season and next year. We wish you a happy, prosperous and busy Holiday Season and a Happy New Year.

Sincerely,

Title Professionals, Inc.

EXHIBIT

A

STATE OF INDIANA)
) SS:
COUNTY OF MARION)
BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 7665-CO08-1204-028

IN THE MATTER OF:)
)
Title Professionals, Inc.,)
1504 West Deyoung Street)
Marion, IL 62959)
License Number: 36928)
Respondent,)
)
James W. Morris,)
6399 Pelican)
Carbondale, IL 62901)
License Number: 477620)
Respondent.)

AFFIDAVIT OF STEPHEN W. ROBERTSON

I, Stephen W. Robertson, having been first duly sworn, state:

1. I am the Director of the Title Insurance Division of the Indiana Department of Insurance.
2. I received a copy of the letter from Title Professionals, Inc. to its "Friends and Valued Customers" discussing the financial condition of Land America and its title insurance companies on December 4, 2008.
3. I received the letter from a company representative of Lawyers Title Insurance Company and Commonwealth Title Insurance Company who informed me that he received the letter from a title agent in Illinois.
4. On December 4, 2008, I personally spoke to James W. Morris, the President of Title Professionals, Inc., and he informed me that he was responsible for distributing the letter to citizens of the State of Illinois.



I hereby declare, under the penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.

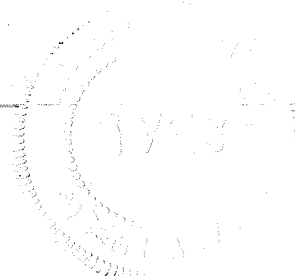
Stephen W. Robertson
Stephen W. Robertson

LINDA REYNOLDS
Notary Public

Signed and sworn to
before me on December 10, 2008.

Linda Reynolds
Notary Public

My Commission expires on 8-13-15.



STATE OF INDIANA)
) SS:
COUNTY OF MARION)
BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 7665-CO08-1204-028

IN THE MATTER OF:)
)
Title Professionals, Inc.,)
1504 West Deyoung Street)
Marion, IL 62959)
License Number: 36928)
Respondent,)
)
James W. Morris,)
6399 Pelican)
Carbondale, IL 62901)
License Number: 477620)
Respondent.)

FILED

DEC 11 2008

STATE OF INDIANA
DEPT. OF INSURANCE

ORDER GRANTING EMERGENCY CEASE AND DESIST ORDER

The Indiana Commissioner of Insurance, having reviewed the Title Insurance Division's Petition for Emergency Cease and Desist Order, and being otherwise duly advised, now finds as follows:

FINDINGS OF FACT

1. The Department of Insurance is authorized to regulate the practice of title insurance in Indiana under Indiana Code 27-1 *et al.*
2. On or about December 4, 2008, Title Professionals prepared a letter addressed to its "Friends and Valued Customers" addressing the financial condition of LandAmerica's title insurance companies "Lawyers Title, Commonwealth Title and Transamerica Title."

3. James W. Morris, President of Title Professionals, Inc. caused the distribution of the letter.
4. The letter incorrectly identifies LandAmerica as an “underwriter” instead of calling it a holding company.
5. The letter also opines on the financial condition of LandAmerica’s three title insurance companies in a maliciously critical or derogatory manner.
6. This letter has been distributed to at least two citizens in the State of Indiana.
7. The nature of the letter and the potential adverse consequences it may cause any insurance company it addresses rises to the level of an emergency.

CONCLUSIONS OF LAW

1. An emergency exists in that the letter is “calculated to injure any person engaged in the business of insurance” as contemplated by Indiana Code 27-4-1-4(a)(3).
2. The letter is a display of conduct defined as an unfair method of competition and Indiana Code 27-4-1-6 empowers the Commissioner of the Indiana Department of Insurance to issue a cease and desist order prohibiting this business practice and order civil penalties.
3. In an emergency, the Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Indiana Code 4-21.5-4-2(a), which states in relevant part:

The agency shall issue the order under this chapter by one (1) of the following procedures:

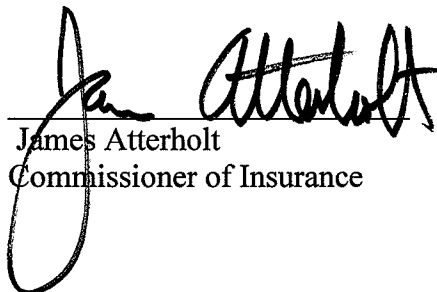
- (1) Without notice or an evidentiary proceeding, by any authorized individual or panel of individuals. . . .

ORDER

It is, therefore, ORDERED, that Respondents, Title Professionals, Inc. and James W. Morris CEASE AND DESIST from distributing the letter attached to the "Petition for Emergency Cease and Desist Order" as "Exhibit A" and in any way violating the insurance laws of Indiana.

Pursuant to Indiana Code §4-21.5-4-2, this order remains effective for 90 days commencing on the date this order is issued.

Respondents are hereby notified of their right to a hearing concerning this order as quickly as practicable under Indiana Code §4-21.5-4-4.


James Atterholt
Commissioner of Insurance

Distribution to:

Title Professionals, Inc.,
1504 West Deyoung Street
Marion, IL 62959

James W. Morris,
6399 Pelican
Carbondale, IL 62901

Kathy Hulbert, Attorney
Title Insurance Division
Indiana Department of Insurance
311 W. Washington St.
Indianapolis, IN 46402