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BEFORE THE ARKANSAS SECURITIES COMMISSIONER 11 APR 29 AM 9:39

CASE NO. C-11-0272

ARKANSAS SECURITIES DEPT.

IN THE MATTER OF:

C-11-0272-11-OR01

MERCHANTS MORTGAGE
& TRUST CORPORATION, LLC,
NMLS&R NO. 148519

RESPONDENT

CONSENT ORDER

This Consent Order (“Order”) is entered pursuant to the Arkansas Fair Mortgage Lending Act, Ark. Code Ann. §§ 23-39-501 through 23-39-518 (“Act”), the Rules of the Fair Mortgage Lending Act (“Rules”), promulgated under the Act, and the Arkansas Administrative Procedures Act (“Procedures”), codified at Ark. Code Ann. §§ 25-15-201 through 25-15-219 in accordance with an agreement by and between the Staff of the Arkansas Securities Department and Merchants Mortgage & Trust Corporation, LLC (“MM&T”) in full and final settlement of all claims that could be brought against MM&T by the Staff on the basis of the facts set forth herein.

By signing below, MM&T admits to the jurisdiction of the Act and the Arkansas Securities Commissioner (“Commissioner”), waives its rights to a formal hearing and appeal, admits the findings of facts made herein, consents to the entry of this Order, and agrees to abide by its terms.

FINDINGS OF FACT

1. MM&T is a corporation organized and existing under the laws of Colorado, with its principal place of business located at 7400 East Crestline Circle, Suite 250, Greenwood Village, Colorado. MM&T has been licensed as a mortgage banker and mortgage servicer by the Arkansas Securities Department (“Department”) since January 8, 2003. MM&T’s mortgage broker and mortgage banker license is scheduled to expire on December 31, 2011.

2. Each mortgage banker and mortgage servicer licensed by the Department is required to file an annual report with the Department by March 31 of each year. MM&T failed to file its annual report by the deadline.

3. The Staff contacted MM&T via regular United States mail on January 31, 2011, through the NMLS&R on March 23, 2011, and by certified mail April 13, 2011, concerning the failure of MM&T to file its annual report of mortgage activity in Arkansas by the March 31, 2011. On April 21, 2011, MM&T filed its annual report of mortgage activity in Arkansas.

4. Pursuant to Ark. Code Ann. § 23-39-514(b)(1)-(2), the Commissioner may impose a civil penalty against MM&T that shall not exceed \$10,000.00 for each violation under the Act.

LEGAL AUTHORITY AND CONCLUSIONS OF LAW

5. The acts by MM&T described in ¶¶ 2-3 constitutes a violation of Ark. Code Ann. § 23-39-506(a)(2)(A), Rule 5006-2 of the Rules, and Order No. C-11-0217-11-OR01, titled In The Matter of: Arkansas Fair Mortgage Lending Act, Ark Code Ann. § 23-39-506(a)(2), which ordered that each mortgage broker and mortgage banker licensed under the Act to file an annual report of mortgage activity directly with the Department by March 31, 2011. In addition, said acts warrant the entry of an order under Ark. Code Ann. § 23-39-514(a)(2)(B) with the appropriate civil penalty against MM&T as authorized by Ark. Code Ann. § 23-39-514(b).

6. Pursuant to Ark. Code Ann. § 23-39-514(a)(1) the entry of this order is in the public interest.

7. The Commissioner by order may impose a civil penalty that shall not exceed \$10,000.00 for each violation by a mortgage banker upon a licensee or partner, officer, director, member, manager, or other person occupying a similar status or performing a similar function on behalf of a licensee for any violation of the Act. Ark. Code Ann. § 23-39-514(b)(1) and (2).

ORDER

By agreement and with the consent of the Staff and the authorized representative of MM&T, it is hereby ordered that MM&T shall be responsible for the payment of a civil penalty in the amount of \$250.00 to the Arkansas Securities Department. The payment of the civil penalty shall be made by MM&T within thirty days of the entry of this Consent Order.

WITNESS MY HAND AND SEAL on this 29th day of April, 2011.



A. Heath Abshure
Arkansas Securities Commissioner

APPROVED AS TO FORM AND
CONTENT:

By: Jack Keane
Jack Keane
Chief Financial Officer;
Merchant Mortgage & Trust
Corporation, LLC

Date: 4-27-11

APPROVED AS TO FORM AND
CONTENT:

By: Karyn Tierney
Karyn Tierney
Staff Attorney

Date: April 29, 2011