

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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| In the Matter of               | ) |              |
|                                | ) |              |
| THE PORT AUSTIN STATE BANK     | ) | ORDER TO PAY |
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| PORT AUSTIN, MICHIGAN          | ) | FDIC-09-533k |
|                                | ) |              |
| (Insured State Nonmember Bank) | ) |              |
|                                | ) |              |

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The Port Austin State Bank, Port Austin, Michigan ("Respondent") has been advised that a penalty under the Flood Disaster Protection Act ("FDPA"), as amended, 42 U.S.C. § 4012a(f), and Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339, may be issued only after a notice detailing the violations and an opportunity for a hearing on the record. Having waived those rights, the Respondent and a representative of the Legal Division of the Federal Deposit Insurance Corporation ("FDIC") executed a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY ("CONSENT AGREEMENT") dated May 17, 2010, whereby Respondent, solely for the purpose of this proceeding and without admitting or denying any violation of law for which civil money penalties may be assessed, consented and agreed to pay a civil money penalty in the amount specified below to the Treasury of the United States.

The FDIC has reason to believe that the Respondent has violated the FDPA and Part 339 of the FDIC Rules and Regulations. Specifically, on loans secured by property located in a flood hazard area in which flood insurance has been made available under the National Flood Insurance Act of 1968, the Respondent violated:

- Section 339.3(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.3(a), by failing to require flood insurance at origination in three (3) instances;
- Section 339.9(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.9(a), by failing to provide the required notice to the borrower on a loan secured by property located in a special flood hazard area in one (1) instance;
- Section 339.9(c) of the FDIC Rules and Regulations, 12 C.F.R. § 339.9(c), by failing to provide the required notice to the borrower on a loan secured by property located in a special flood hazard area prior to origination in one (1) instance; and
- Section 339.7 of the FDIC Rules and Regulations, 12 C.F.R. § 339.7, by failing to purchase insurance on the borrower's behalf in

two (2) instances, and failing to purchase insurance on the borrower's behalf within the required 45-day time period following notification in five (5) instances.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of the Respondent, the gravity of the violations by the Respondent, the history of previous violations by the Respondent, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED that a civil money penalty of \$2,550.00 be, and hereby is, assessed against Respondent pursuant to the FDPA, 42 U.S.C. § 4012a, section 8(i)(2) of the Federal Deposit Insurance Act, 12 U.S.C. § 1818(i)(2) and Parts 308 and 339 of the FDIC Rules and Regulations, 12 C.F.R. Parts 308 and 339. The Respondent shall pay the civil money penalty to the Treasury of the United States.

