

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

In the Matter of)	
)	
)	ORDER TO PAY
)	CIVIL MONEY PENALTY
MARKLEBANK)	
MARKLE, INDIANA)	FDIC-11-202k
)	
(INSURED STATE NONMEMBER BANK))	

MarkleBank, Markle, Indiana, (Bank), having been advised of a Notice of Assessment of Civil Money Penalty, Findings of Fact and Conclusions of Law, Order to Pay, and Notice of Hearing under 12 U.S.C. § 1818(i)(2) detailing the violations of law alleged to have been committed by the Bank and of its right to a hearing with respect to the foregoing, and having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY (CONSENT AGREEMENT) with counsel for the Federal Deposit Insurance Corporation (FDIC) dated August 25, 2011, whereby, solely for the purpose of this proceeding and without admitting or denying any violations of law or regulation, the Bank, consented to the issuance of an ORDER TO PAY (ORDER) by the FDIC.

The FDIC considered the matter and determined that it has reason to believe that the Bank violated the prohibition against deceptive acts or practices found in section 5 of the Federal

Trade Commission Act, 15 U.S.C. § 45(a)(1), in that the Bank established and followed procedures for the resolution of errors involving the use of automated teller machines and/or debit cards, and payment transactions serviced through its automated clearing house that were contrary to the Bank's disclosures concerning error resolution for these products and in violation of Regulation E, 12 C.F.R. Part 205. The FDIC, therefore, accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY

IT IS ORDERED THAT, by reason of the alleged violations of law, and after taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of the Bank, the gravity of the conduct of the Bank, the history of previous conduct by the Bank, and such other matters as justice may require, pursuant to 12 U.S.C. § 1818(i)(2), a civil money penalty of eighty-two thousand five hundred dollars (\$82,500.00) is assessed against the Bank.

The Bank shall pay the civil money penalty to the Treasury of the United States. The Bank shall pay such civil money penalty itself and is prohibited from seeking or accepting indemnification for such payment from any third party.

