

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

|                                |   |                     |
|--------------------------------|---|---------------------|
|                                | ) |                     |
| In the Matter of               | ) |                     |
|                                | ) | ORDER TO PAY A      |
| MIDTOWN BANK & TRUST COMPANY   | ) | CIVIL MONEY PENALTY |
| ATLANTA, GEORGIA               | ) |                     |
|                                | ) | FDIC-11-206k        |
| (Insured State Nonmember Bank) | ) |                     |
|                                | ) |                     |

MIDTOWN BANK & TRUST COMPANY, ATLANTA, GEORGIA ("Respondent") has been advised of the right to receive a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY, AND NOTICE OF HEARING ("NOTICE") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the violations for which a civil money penalty may be assessed against Respondent pursuant to section 8(i)(2) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1818(i)(2), section 305 of the Home Mortgage Disclosure Act ("HMDA"), 12 U.S.C. § 2804, and section 203.6 of Regulation C of the Board of Governors of the Federal Reserve System, 12 C.F.R. § 203.6, and has been further advised of the right to a hearing on the alleged charges under section 8(i) of the Act, 12 U.S.C. § 1818(i), and the FDIC's Rules of Practice and Procedure, 12 C.F.R. Part 308.

Having waived those rights, the Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY A CIVIL MONEY PENALTY ("STIPULATION") with a representative of the Legal Division of the FDIC, whereby the Respondent, solely for the purpose of this proceeding and without admitting or denying any violations of law and/or regulations for which civil money penalties may be assessed, consented

to the issuance of an ORDER TO PAY A CIVIL MONEY PENALTY by the FDIC and agreed to pay a civil money penalty in the amount of six thousand five hundred dollars (\$6,500.00) to the Treasurer of the United States.

After taking into account the STIPULATION, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of the violations by Respondent, the history of previous violations by Respondent, and such other matters as justice may require, the FDIC considered the matter and determined it had reason to believe that the Respondent engaged or participated in violations of law or regulation for which a civil money penalty of six thousand five hundred dollars (\$6,500.00) is appropriate to be assessed against the Respondent.

The FDIC, therefore, accepts the STIPULATION and issued the following:

ORDER TO PAY A CIVIL MONEY PENALTY

IT IS HEREBY ORDERED that Respondent be, and hereby is, assessed a civil money penalty of six thousand five hundred dollars (\$6,500.00) pursuant to section 8(i)(2) of the Act, 12 U.S.C. § 1818(i)(2), the receipt of which is hereby acknowledged.

Pursuant to delegated authority.

Dated this 3rd day of May, 2011.

/s/

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Thomas J. Dujenski  
Regional Director  
Atlanta Regional Office  
Federal Deposit Insurance Corporation