

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

In the Matter of)

FIRSTTIER BANK)
KIMBALL, NEBRASKA)

(Insured State Nonmember Bank))
_____)

ORDER TO PAY
CIVIL MONEY PENALTY

FDIC-12-496k

FirstTier Bank, Kimball, Nebraska ("Respondent"), has been advised of its 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 OF ASSESSMENT") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the violations for which a civil money penalty may be assessed against the Respondent pursuant to the Flood Disaster Protection Act of 1973 ("Flood Act"), as amended, 42 U.S.C. § 4012a, section 8(i)(2) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1818(i)(2), and Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339, and has been further advised of its right to a hearing on the charges under the Flood Act, 42 U.S.C. § 4012a(f)(4), and section 8(i) of the Act, and the FDIC's Rules of Practice and Procedure, 12 C.F.R. Part 308.

The Respondent, having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY CIVIL MONEY PENALTY ("CONSENT AGREEMENT") with counsel for the FDIC dated October 22, 2012, whereby, solely for the purpose of this proceeding and without admitting or denying any violations, the Respondent consented to the issuance of this ORDER TO PAY CIVIL MONEY PENALTY by the FDIC.

The FDIC considered the matter and determined that the Respondent violated the Flood Act and Part 339 in that:

(a) It has made, increased, extended or renewed loans secured by a building or mobile home located or to be located in a special flood hazard area without requiring that the collateral be covered by flood insurance;

(b) It has made, increased, extended or renewed loans secured by a building or mobile home located or to be located in a special flood hazard area without requiring that the collateral be covered by sufficient flood insurance;

(c) It has made, increased, extended or renewed loans secured by a building or mobile home located or to be located in a special flood hazard area without notifying the borrower and/or the servicer whether flood insurance is available for the collateral;

(d) It has failed to force-place flood insurance in instances where the collateral was not covered by flood Insurance at some time during the term of the loan; which violations were cited at the FDIC's April 2, 2012, examination.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the size of the financial resources and good faith of the Respondent, the gravity of the violations, 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 CIVIL MONEY PENALTY

IT IS HEREBY ORDERED that by reason of the violations set forth in the CONSENT AGREEMENT, a penalty of \$2,600 is assessed against the Respondent. The Respondent shall pay such amount to the Treasury of the United States.

IT IS FURTHER ORDERED that the Respondent is prohibited from seeking or accepting indemnification from any third party for the civil money penalty assessed and paid in this matter.

This ORDER TO PAY CIVIL MONEY PENALTY shall become effective upon its issuance by the FDIC.

Pursuant to delegated authority.

Dated this 28th day of November, 2012

/s/

Todd L. Hendrickson
Deputy Regional Director (Compliance)
Kansas City Regional Office