

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of	)	
	)	
FIRST BANK, UPPER MICHIGAN	)	ORDER TO PAY
GLADSTONE, MICHIGAN	)	
	)	FDIC-12-571k
	)	
(Michigan Chartered	)	
Insured Nonmember Bank)	)	

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First Bank, Upper Michigan, Gladstone, 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 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 ("STIPULATION") dated April 29, 2013, 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. 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 obtain flood insurance on a building securing a designated loan at the time of the origination of two (2) loans;
- section 339.3(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.3(a), by failing to obtain adequate flood insurance for five (5) loans;
- section 339.5 of the FDIC Rules and Regulations, 12 C.F.R. § 339.5, by failing to require the escrow of all premiums and fees for required flood insurance when it required the escrow of taxes, insurance premiums, fees, or any other charges for a loan secured by residential improved real estate for two (2) loans; and
- section 339.9(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.9(a), by failing

to provide to borrowers a Notice of Special Flood Hazard and Availability of Federal Disaster Relief Assistance on eight (8) loans.

After taking into account the STIPULATION, 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 STIPULATION and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED that a civil money penalty of \$5,790.00 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.

This ORDER TO PAY shall be effective upon issuance.

Pursuant to delegated authority.

Dated at Chicago, Illinois, this 13th day of June, 2013.

/S/

M. Anthony Lowe  
Regional Director  
Chicago Regional Office