

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

_____)	
In the Matter of)	
)	ORDER TO PAY
FARMERS AND MERCHANTS BANK)	CIVIL MONEY PENALTY
MILFORD, NEBRASKA)	
)	FDIC-21-0070k
(Insured State Nonmember Bank))	
_____)	

Farmers and Merchants Bank, Milford, Nebraska (Bank), 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 issued by the Federal Deposit Insurance Corporation (FDIC) detailing the violations of law and regulation for which a civil money penalty may be assessed against the Bank pursuant to section 102(f)(1) of the Flood Disaster Protection Act of 1973, as amended (FDPA), 42 U.S.C. § 4012a(f)(1), and has been further advised of the right to a hearing with respect to the foregoing under section 102(f)(4) of the FDPA, 42 U.S.C. § 4012a(f)(4), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308. The Bank, 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 August 26, 2021, whereby, solely for the purpose of this proceeding and without admitting or denying the violations of law, the Bank consented to the issuance of this ORDER TO PAY CIVIL MONEY PENALTY (ORDER) by the FDIC.

The FDIC considered the matter and determined that the Bank has engaged in a pattern or practice of committing violations of the FDPA and Part 339 of the FDIC's Rules and Regulations, 12 C.F.R. Part 339, because the Bank:

- a) 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; and
- b) Failed to comply with proper procedures for force-placing flood insurance in instances where the collateral was not covered by flood insurance at some time during the term of the loan.

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 of law set forth herein, pursuant to section 102(f) of the FDPA, 42 U.S.C. § 4012a(f), a penalty of \$24,000 is assessed against the Bank. The Bank shall pay such amount to the Treasury of the United States. The penalty will then be applied to the National Flood Mitigation Fund.

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

This ORDER shall become effective upon its issuance by the FDIC.

The provisions of this ORDER shall not bar, estop, or otherwise prevent the FDIC or any other federal or state agency or department from taking any other action against the Bank or any of the Bank's current or former institution-affiliated parties, as that term is defined in section 3(u) of the Act, 12 U.S.C. § 1813(u).

Pursuant to delegated authority.

Dated this 24th day of September, 2021.

/s/
Deputy Regional Director