

MAY 17 2011

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of )  
 )  
**Fidelity National Title Insurance Company** )  
**(CA) (NAIC# 51586)** )  
 )  
 )  
Petitioner. )  
 )

Docket No. 11A-043-INS

**ORDER RELEASING  
DEPOSIT**

Upon the Petitioner's written application for the release of deposited funds, the Director shall issue an Order releasing and returning the deposited funds to Petitioner to the extent that the deposit is in excess of the amount required. ARS § 20-588(A)(2).

**FINDINGS OF FACT**

1. American Title Insurance Company ("ATIC"), NAIC No. 50075, was a Florida domiciled insurer authorized to transact insurance business in Arizona until November 21, 1996 when it merged into Fidelity National Title Insurance Company of Pennsylvania ("FNTPA"), NAIC No. 50393, a Pennsylvania domiciled insurer that was not authorized to transact insurance business in Arizona.

2. On April 4, 1997 FNTPA merged into Fidelity National Title Insurance Company of New York ("FNTNY"), NAIC No. 51071, a New York domiciled insurer that was not licensed to transact insurance business in Arizona. FNTNY was the surviving insurer after the merger.

3. In 1999, FNTNY, requested that the Arizona Director of Insurance ("Director") accept surrender of ATIC's certificate of authority. In connection with the

1 surrender of the ATIC certificate of authority, FNTNY placed a security deposit (the  
2 "deposit") with the Arizona State Treasurer for the sole benefit of Arizona policyholders  
3 and claimants (the "Agreement") as security for its outstanding insurance obligations.

4 4. On July 30, 2004, FNTNY merged into Fidelity National Title Insurance  
5 Company ("Petitioner"), NAIC No. 51586, a California domiciled insurer licensed in  
6 Arizona since March 29, 1982. Petitioner was the surviving insurer in the merger.

7 5. The current amount of the deposit is approximately \$215,000 (two hundred  
8 fifteen thousand dollars).

9 6. On May 11, 2011, Petitioner filed an application for the release of the  
10 deposit pursuant to ARS § 20-588 (A)(2).

11 7. Petitioner provided the Director with a certification from the California  
12 Department of Insurance that, as of December 31, 2010, it holds \$14,550,000 par value in  
13 securities in trust as security for the benefit of policyholders and creditors of the Petitioner.

14  
15 **CONCLUSIONS OF LAW**

16 1. The California Department of Insurance certificate satisfies Petitioner's trust  
17 deposit requirement prescribed in ARS § 20-1563.

18 2. The Director has no personal liability for the release of a deposit made in  
19 good faith as provided in ARS § 20-588(B).

20 3. Petitioner is entitled to the release of Deposit pursuant to ARS § 20-  
21 588(A)(2).

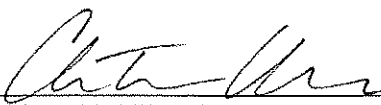
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ORDER

THEREFORE IT IS ORDERED that the deposit in the amount of approximately \$215,000 shall be released to Petitioner.


Dated this 17<sup>th</sup> day of May, 2011

  
CHRISTINA URIAS  
Director of Insurance

COPY of the foregoing mailed/delivered this 17<sup>th</sup> day of May, 2011, to:

Daniel Kennedy Murphy, SVP Treasurer  
Fidelity National Title Insurance Company  
601 Riverside Drive, 10<sup>th</sup> Floor  
Jacksonville, Florida 32204

Steve Ferguson, Assistant Director  
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