

STATE OF OHIO  
DEPARTMENT OF COMMERCE  
DIVISION OF FINANCIAL INSTITUTIONS  
77 South High Street, 21<sup>st</sup> Floor  
Columbus, Ohio 43215-6120

RECEIVED  
DIVISION OF FINANCIAL  
INSTITUTIONS

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In the matter of:

**OCWEN LOAN SERVICING, LLC**  
1661 Worthington Rd., Suite 100  
West Palm Beach, FL 33409

) Case No. 08-NOV-4271

) **SETTLEMENT AND**  
) **CONSENT ORDER**  
)

WHEREAS, the Ohio Department of Commerce, by and through the Superintendent of the Division of Financial Institutions ("Division"), is charged with the responsibility of enforcing the Ohio Mortgage Loan Act, codified at Ohio Revised Code ("R.C.") §§ 1321.51 to 1321.60; and

WHEREAS, Ocwen Loan Servicing, LLC ("Respondent") is a Delaware corporation which was previously registered with the Division to conduct business under the Ohio Mortgage Loan Act pursuant to R.C. § 1321.52. The business address of record for Respondent's main office is 1661 Worthington Rd., Suite 100, West Palm Beach, FL 33409. Respondent operated under certificate of registration SM# 501291; and

WHEREAS, on October 2, 2008, the Division sent via certified mail a Notice of Violation ("the Notice") to Ocwen Loan Servicing, LLC to its main office business address; and

WHEREAS, the Notice contained allegations and findings that:

1. On July 1, 2007 the Respondent's certificate of registration to conduct business under the Ohio Mortgage Loan Act (OMLA), R.C. §§ 1321.51 to 1321.60, expired and no renewal application was filed with the Division.
2. Upon the expiration of its certificate of registration on July 1, 2007 Ocwen Loan Servicing, LLC continued to hold and service over two thousand second mortgages in Ohio that were subject to the OMLA.
3. Ocwen Loan Servicing, LLC is not exempt from the provisions of the Ohio Mortgage Loan Act, R.C. §§ 1321.51 to 1321.60.
4. Ocwen Loan Servicing, LLC servicing of second mortgage loans on Ohio residential properties without a certificate of registration constitutes a violation of R.C. § 1321.52(A)(1)(b).

5. During an examination of Ocwen Loan Servicing, LLC's records by the Division in January 2008 the company was put on notice of its violation of the OMLA resulting from the lapse of its certificate of registration.
6. During the January 2008 examination Ocwen Loan Servicing, LLC had difficulty producing the records required to be maintained by the OMLA and its accompanying rules (see R.C. § 1321.55 and O.A.C. § 1301:8-3-04(A)(1) and (2)).

WHEREAS, Ocwen Loan Servicing, LLC. admits the allegations of the Division but avers the licensing violation was due to error not intent, and that it has rectified its recordkeeping so as to conform with the requirements of the OMLA and its rules, and further, to avoid the cost and uncertainty of litigation Respondent agrees to enter into this Consent Order for purposes of settlement.

NOW THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, the parties agree to the following:


- 1) The parties acknowledge and agree to the accuracy of the foregoing recitals.
- 2) This Settlement and Consent Order represents a compromise between the parties for the full, complete, and final settlement of all of their claims, differences, and causes of action with respect to the allegations contained in the Notice.
- 3) The parties agree that the terms of this Settlement and Consent Order bind the parties hereto, and their shareholders, partners, members, assigns, and successors in interest.
- 4) The Division hereby terminates the Notice of Violation issued October 2, 2008, and agrees that it shall not, as long as Respondent is in compliance with this Settlement and Consent Order pursue the matters set forth in such Notice through its administrative process, including any pending licensing application. Nothing, however, in this order shall be deemed to prevent the Division or its employees, agents, or assigns from participating in, as a witness or otherwise, any lawful action by another, or obeying any lawful court order, arising out of or related to the matters set forth in the Notice.
- 5) Respondent acknowledges lawful service and receipt of the Notice, and stipulates to the jurisdiction of the Division in this matter.
- 6) Respondent agrees to the fine and terms of its payment as set forth in this Consent Order.

- 7) The Respondent hereby agrees to forego its administrative remedies, and waive any and all rights to an administrative hearing, as well as any right to appeal this matter or order.
- 8) This Settlement and Consent Order shall be effective on the date it is signed by or on behalf of the Superintendent of the Division of Financial Institutions and on such date it will become a final order.
- 9) This Settlement and Consent Order contains the entire agreement between the parties as to the matters set forth herein and no promises, conditions or obligations, either expressed or implied, other than those set forth herein, shall be binding on either party.

For purposes of effecting this Settlement and Consent Order, it is hereby ORDERED and DECREED that:

- A. The parties to this Settlement and Consent Order shall abide by the terms of this order as agreed.
- B. The Respondent shall cease and desist from conducting activities governed under the Ohio Mortgage Loan Act, R.C. §§ 1321.51 to 1321.60 without a certificate of registration in violation of R.C. § 1321.51(A)(1)(b) and shall conform its recordkeeping in the future to all requirements of state law.
- C. The Respondent is hereby assessed a fine in the amount of Twenty Thousand Dollars (\$20,000), half of which shall be suspended upon the Respondent's full compliance with this order during the next proceeding five years. Respondent shall pay the unsuspended amount of Ten Thousand Dollars (\$10,000) to the Consumer Finance Fund pursuant to R.C. § 1322.21 within ten days of the effective date of this Settlement and Consent Order. Payment shall be made by certified check or money order made payable to the Ohio Division of Financial Institutions delivered to the Division's counsel.

The Respondent understands that any breach of this Settlement and Consent Order will subject the Respondent to the immediate payment of the suspended portion of the fine set forth herein and may result in the reinstitution of administrative proceedings, including suspension or revocation, the imposition of additional fines and any other remedy available to the Division.

  
Leigh A. Winis  
Deputy Superintendent of Financial Institutions

3/16/09  
Date

Approved and Agreed

Ocwen Loan Servicing, LLC.

By: \_\_\_\_\_

3/9/2009  
Date

Its: PRESIDENT

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