

**UNITED STATES OF AMERICA
CONSUMER FINANCIAL PROTECTION BUREAU**

ADMINISTRATIVE PROCEEDING

File No. 2014-CFPB-0005

In the Matter of:

**JRHBW Realty, Inc.,
doing business as RealtySouth;
TitleSouth, LLC**

**STIPULATION AND CONSENT
TO THE ISSUANCE OF A
CONSENT ORDER**

The Consumer Financial Protection Bureau (Bureau) intends to initiate an administrative proceeding against JRHBW Realty, Inc., d/b/a RealtySouth, and TitleSouth, LLC, (collectively, Respondents), under Section 8 of the Real Estate Settlement Procedures Act, 12 U.S.C. § 2607, and its implementing regulation, 12 C.F.R. Part 1024 (formerly codified at 24 Part 3500)(collectively, RESPA), and under Sections 1053 and 1055 of the Consumer Financial Protection Act of 2010 (CFPA), 12 U.S.C. §§ 5563, 5565.

Respondents, in the interest of compliance and resolution of the matter, and without admitting or denying any wrongdoing, consent to the issuance of the Consent Order (Order) to which this Stipulation and Consent to the Issuance of a Consent Order (Stipulation) is attached, and which is incorporated herein by reference.

In consideration of the above premises, Respondents agree to the following:

JURISDICTION

1. The Bureau has jurisdiction over this matter under Sections 1053 and 1055 of the Consumer Financial Protection Act (CFPA), 12 U.S.C. §§ 5563, 5565, and Section 8 of RESPA, 12 U.S.C. § 2607.

CONSENT

2. Respondents agree to the issuance of the Order, without admitting or denying any of the findings of fact or conclusions of law, except that Respondents admit that the Bureau has jurisdiction over Respondents and the subject matter of this action.
3. Respondents agree that the Order shall be deemed an “order issued with the consent of the person concerned” under 12 U.S.C. § 5563(b)(4), and agree that the Order shall become a final order, effective upon issuance, and shall be fully enforceable by the Bureau under 12 U.S.C. §§ 5563(d)(1) and 5565.
4. Respondents enter into this Stipulation voluntarily.
5. The Order resolves only the violations asserted against Respondents in this administrative proceeding. Respondents acknowledge that no promise or representation has been made by the Bureau or any employee, agent, or representative of the Bureau, with regard to any criminal liability or civil liability outside of this action that may have arisen or may arise from the facts underlying this action or immunity from any such criminal liability.
6. Respondents agree that the facts set forth in Section IV of the Order shall be taken as true and be given collateral estoppel effect, without further proof, in any proceeding before the Bureau based on the entry of the Order, or in any subsequent civil litigation by the Bureau to enforce the Order or its rights to any payment or monetary judgment under the Order.
7. The terms and provisions of this Stipulation and the Order shall be binding upon, and inure to the benefit of, the parties hereto and their successors in interest. Nothing in this

Stipulation or the Order, express or implied, shall give to any person or entity, other than the parties hereto, and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim under this Stipulation or the Order.

8. This Order constitutes a settlement of the administrative proceeding against Respondents contemplated by the Bureau based on the Findings and Conclusions set forth in the Order.
9. Respondents agree that the Bureau may present the Order to the Bureau Director for signature and entry without further notice.

WAIVERS

10. Respondents, by consenting to this Stipulation, hereby waive:
 - a. Any right to service of the Consent Order, and agree that issuance of the Consent Order will constitute notice to the Respondents of its terms and conditions;
 - b. Any objection to the jurisdiction of the Bureau, including, without limitation, under section 1053 of the Dodd-Frank Act;
 - c. The rights to all hearings under the statutory provisions under which the proceeding is to be or has been instituted; the filing of proposed findings of fact and conclusions of law; proceedings before, and a recommended decision by, a hearing officer; all post-hearing procedures; and any other procedural right available under 12 U.S.C. § 5563 or 12 C.F.R. Part 1081;
 - d. The right to seek any administrative or judicial review of the Order;
 - e. Any claim for fees, costs or expenses against the Bureau, or any of its agents or employees, and any other governmental entity, related in any way to this enforcement matter or the Order, whether arising under common law or under the terms of any statute, including, but not limited to the Equal Access to Justice Act and the Small Business Regulatory Enforcement Fairness Act of 1996; for these

purposes, Respondents agree that Respondents are not the prevailing party in this action because the parties have reached a good faith settlement;

- f. Any other right to challenge or contest the validity of the Order;
- g. Such provisions of the Bureau's rules or other requirements of law as may be construed to prevent any Bureau employee from participating in the preparation of, or advising the Director as to, any order, opinion, finding of fact, or conclusion of law to be entered in connection with this Stipulation or the Order; and
- h. Any right to claim bias or prejudice by the Director based on the consideration of or discussions concerning settlement of all or any part of the proceeding.

JRHBW Realty, Inc., d/b/a RealtySouth, by:

Ty Dodge

President & CEO, Ty Dodge

May 16, 2014

Date

TitleSouth, LLC, by:

Patrick F. Smith

President, Patrick F. Smith

05/16/2014

Date