Tripartite Agreement (Form T-S2)

Whereas, (Age	nt)
is a licensed title insurance agent doing business in this State and having its principal office	at
in	

County, Texas, and;

Whereas, for the purposes of complying with law in connection with Agent's title insurance business in this State, Agent desires to maintain a solvency account in accordance with §2651.0121, Insurance Code, and;

Whereas, _____ (Financial Institution) is a federally insured financial institution in this State which desires to offer to Agent a solvency account to be maintained at Financial Institution, and;

Whereas, _____, the Commissioner of Insurance of the State of Texas (Commissioner), or the Commissioner's duly authorized representative, is authorized to permit or direct the release, transfer or expenditure of the funds held in the solvency account in accordance with §2651.0121(h), Insurance Code;

Therefore, it is mutually agreed between Agent, Financial Institution and the Commissioner that:

- 1. The solvency account shall be established at Financial Institution and funds shall be deposited by Agent in the solvency account in accordance with §2651.0121, Insurance Code.
- 2. Funds held in the solvency account shall not be released, transferred or spent except on written authorization from the Commissioner or as provided herein.
- 3. Until the principal balance of the solvency account equals or exceeds the total Required Capitalization Amount of \$______ in accordance with §2651.012(c), Insurance Code, all interest or income accrued in the solvency account shall be retained in the account.
- 4. After the principal balance of the solvency account equals or exceeds the total Required Capitalization Amount, Agent is authorized to receive the interest or income accruing from the solvency account after the date the principal balance of the solvency account equals or exceeds the total Required Capitalization Amount, and Financial Institution shall pay or transfer the interest or income payable to Agent or Agent's assigns as directed by Agent.
- 5. In the event the principal balance of the solvency account in any calendar year exceeds the amount that would have been required to be maintained if the Agent had no solvency account and fell under the schedule established by the Commissioner by rule under §2651.012(g), Insurance Code, Agent is authorized to receive the amount of the overage for that calendar year provided that agent has filed with the Texas Department of Insurance (Department) a revised Title Agent's Unencumbered Assets Certification (Form T-S1) setting forth the amount of the overage in the principal balance of the solvency account for that calendar year. Upon receipt of the revised Title Agent's Unencumbered Assets Certification, the Commissioner shall have 10 days to object to the release of the funds on the basis that the funds do not actually exceed the amount required. If the Financial Institution does not receive an objection from the Commissioner to the release of funds on this basis, the Financial Institution shall pay or transfer the overage in the principal balance of the solvency account to Agent or Agent's assigns as directed by Agent upon receipt of a copy of the revised Title Agent's Unencumbered Assets Certification (Form T-S1) showing the dated file stamp of the Department.

- 6. In the event Agent merges or consolidates or effects the equivalent of a merger or consolidation with another title insurance agent, and the survivor entity maintains unencumbered assets which meet the total Required Capitalization Amount, the survivor entity is authorized to receive the amount by which the solvency account established by Agent and maintained at Financial Institution exceeds the total Required Capitalization Amount of the unencumbered assets maintained by the survivor entity, and Financial Institution shall pay or transfer the excess amount in the solvency account to the survivor entity as directed by the survivor entity provided that the survivor entity has filed with the Department a Title Agent's Unencumbered Assets Certification (Form T-S1) certifying that the survivor entity maintains unencumbered assets equal to or in excess of the total Required Capitalization Amount and Financial Institution has received a copy of the Title Agent's Unencumbered Assets Certification (Form T-S1) filed with the Department by the survivor entity.
- Financial Institution is authorized to transfer all or any funds in the solvency account to a solvency account maintained by Agent at another financial institution provided the other solvency account is the subject of a Tripartite Agreement (Form T-S2) between Agent, the Commissioner and the other financial institution and Financial Institution has received a copy of the other Tripartite Agreement (Form T-S2).

Executed and Ordered, this _____ day of _____, 20____,

Commissioner of Insurance, State of Texas

	(Name of Agent)			-		
Ву:						
Address:						
Phone Number:						
E-mail Address:						
State of Texas						
County of						
		,	known to	me (or prove	ed to me ti	hrough
subscribed to the for the purposes t	foregoing instrument and a herein expressed.) tc cknowledged to				
Given under my h	and and seal of office this	day of		, 20		

	(Name of Financial Institut	ion)	—
Ву:			
Turad Nama			
Address:			
Phone Number: _			
E-mail Address: _			
State of Texas			
County of			
Before me,		, (on this day personally appeared
			to me (or proved to me through
			he person whose name is
subscribed to the for the purposes the second		cknowledged to me tha	t he or she executed the same
Given under my h	and and seal of office this	day of	, 20

Notary Public