

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of) Re: Resolution No. DAL-90-17
) Dated: September 20, 1990
)
Century Bank, Federal)
Savings Bank)
Santa Fe, New Mexico)

STIPULATION AND CONSENT TO ISSUANCE OF
ORDER OF CIVIL MONEY PENALTY ASSESSMENT

The Office of Thrift Supervision ("OTS"), by and through the District Director for the Dallas District and Century Bank, Federal Savings Bank by and through its Board of Directors stipulate and agree as follows:

1. Consideration.

The OTS, based upon information reported to it, is of the opinion that grounds exist to initiate an administrative civil money penalty assessment proceeding against Century Bank, Federal Savings Bank pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA") as amended by the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), (to be codified at 12 U.S.C. § 1818(i)(2)), and 12 U.S.C. § 1832(c). Century Bank, Federal Savings Bank desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation and, without admitting or denying that such grounds exist, hereby stipulates and agrees to the following terms in consideration of the forbearance by the OTS from initiating such administrative civil money

penalty assessment proceeding against Century Bank, Federal Savings Bank, with respect to the following matters:

All NOW accounts in existence as of the April 16, 1990, compliance Examination including the 28 accounts identified by the OTS as ineligible NOW accounts on which interest was paid in violation of 12 U.S.C. § 1832. The twenty-eight accounts identified are listed as follows:

<u>Account No</u>	<u>Account Name</u>
1029706	1930 Kiva Road Account
1033043	800 East Partnership
1038194	A & E Construction
1022176	Alpine Builders Supply
1045642	C W Y Partners
1046274	Concho Rancho
1024972	Couse Enterprises
1026089	Custom Diianni
1039509	Duty Germanas Archi
1039189	Ewing Properties
1042476	Fisher Steele Ltd.
1007291	Gallery Running
1008147	Harris Builders, Inc.
1018859	Morton, Inc.
1008649	Communico, Inc.
1047189	Jurgens & King, P.C.
1045976	La Espuela Partners
1006475	Ponderosa Ridge, Inc.
1032761	Prado Verde, Inc.
1045415	S & B Development
1022694	Santagto, Inc.
1029327	Stewart - Beaty, Ltd.
1039752	Thornburg Real Estate
1042601	Timberworks
1032462	Verway, Inc.
1042038	Wilson & Kucera Adv.
1014313	Daylight Donuts
1034417	Klein Design & Construction

2. Jurisdiction.

(a) Century Bank, Federal Savings Bank, 100 South Federal Place, Santa Fe, New Mexico, is a "savings association" within the meaning of Section 3 of

FDIA and Section 2 of the Home Owners' Loan Act of 1933, as amended by FIRREA. Accordingly it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(c)).

(b) Pursuant to Section 3 of the FDIA, as amended by FIRREA, OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such a savings association. Therefore, Century Bank, Federal Savings Bank is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty pursuant to Section 8(i)(2) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(i)(2)), and 12 U.S.C. §1832(c).

3. Consent.

Century Bank, Federal Savings Bank consents to the issuance by OTS of the accompanying Order and further agrees to comply with its terms upon issuance and stipulates that the Order complies with all requirements of law.

4. Finality.

The Order is issued under Section 8(i)(2) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(i)(2)), and 12 U.S.C. §1832(c). Upon its issuance by the District Director for the Dallas District, it shall be a final order, effective and fully enforceable by OTS under the provisions of Section 8(i)(2) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. §1818(i)(2)).

5. Waivers

Century Bank, Federal Savings Bank waives the right to a Notice of Assessment of Civil Money Penalty provided by Section 8(i)(2) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(i)(2)) and the

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WHEREAS, Century Bank, Federal Savings Bank by and through its Board of Directors has executed a Stipulation and Consent to Issuance of Order of Civil Money Penalty Assessment, which is incorporated herein by reference ("Stipulation") and is accepted and approved by the Office of Thrift Supervision ("OTS") acting through the District Director for the Dallas District; and,

WHEREAS, Century Bank, Federal Savings Bank, in the Stipulation, has consented to the issuance of this Order of Civil Money Penalty Assessment pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA") as amended by Section 907(a)(2)(A) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), Pub. L. No. 101-73, 103 Stat. 183 (to be codified at 12 U.S.C. § 1818(i)(2)), and 12 U.S.C. § 1832(c).

NOW THEREFORE, IT IS ORDERED that within 5 days of the effective date of this Order, Century Bank, Federal Savings Bank shall pay to OTS a sum of \$5,000 (five thousand dollars), by tendering a check to OTS in that amount made payable to the Treasurer of the United States.

OFFICE OF THRIFT SUPERVISION

By: 151
Billy C. Wood
District Director
Dallas
District Office