

**STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
OFFICE OF FINANCIAL AND INSURANCE REGULATION**

**Before the Commissioner of the Office of Financial and Insurance Regulation**

In the matter of:

**Marathon Financial Corporation**

**Enforcement Case No. 08-5558**

Registration No. FR-0522

Respondent.  
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Issued and entered  
this 5th day of November 2009  
by Stephen R. Hilker  
Chief Deputy Commissioner

**AMENDED FINAL ORDER OF REVOCATION  
OF FIRST MORTGAGE BROKER, LENDER AND SERVICER REGISTRATION**

**I.  
Findings of Fact**

1. The Office of Financial and Insurance Regulation (OFIR) issued Marathon Financial Corporation (Respondent) a first mortgage broker, lender and servicer registration on July 1, 1996, pursuant to the provisions of the Mortgage Brokers, Lenders and Servicers Licensing Act (MBLSLA), MCL 445.1651 et seq.
2. On January 30, 2008, OFIR received a complaint from a consumer alleging that he had been unable to obtain his escrow analysis from the Respondent.
3. On February 19, 2008, the Consumer Services Section of OFIR sent Respondent an inquiry concerning a written complaint filed by a customer. The inquiry required Respondent to provide a response to the allegations within twenty-one (21) days of the date of the inquiry.
4. Respondent failed to respond to the inquiry.

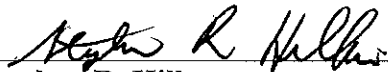
5. The staff of OFIR alleges that the following facts are true and correct:
6. Section 22(g) of the MBLSLA, MCL 445.1672(g), states, "It is a violation of this act for a licensee or registrant to ... [r]efuse to permit an examination or investigation by the commissioner of the books and affairs of the licensee or registrant, or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the commissioner under this act."
7. On March 5, 2008, the Consumer Services Section sent Respondent a second inquiry requesting Respondent to provide a response to the allegations raised in the complaint.
8. Respondent failed to respond to the inquiry.
9. On or about March 31, 2008, the Office of General Counsel sent Respondent a letter and offered Respondent an opportunity to sign a Settlement Agreement as a means of closing this matter and advised Respondent of a April 14, 2008, due date.
10. Respondent failed to meet this deadline.
11. On or about June 19, 2008, OFIR served Respondent with a Notice of Opportunity to Show Compliance ("NOSC") alleging that Respondent violated provisions of the MBLSLA.
12. The NOSC contained allegations that Respondent violated the MBLSLA, and set forth the applicable laws and penalties which could be taken against Respondent.
13. Respondent failed to exercise its right to an opportunity to show compliance with the MBLSLA.
14. On April 20, 2009, the Chief Deputy Commissioner issued a Notice of Intention to Revoke First Mortgage Broker, Lender and Servicer Registration ("Notice") pursuant to the MBLSLA, and the Administrative Procedures Act of 1969, MCL 24.201 et seq. Said Notice advised Respondent that failure to request a hearing within 20 days would result in the issuance of a Final Order of revocation of Respondent's registration. Said Notice was served on Respondent on April 26, 2009.
15. Respondent failed to request a hearing on the Notice of Intention to Revoke First Mortgage Broker, Lender and Servicer Registration within 20 days as required by statute.

16. Respondent's conduct as described above demonstrates Respondent violated Section 22(g) of the MBLSLA, MCL 445.1672(g).

**II.  
ORDER**

1. Therefore, Respondent's first mortgage broker, lender and servicer registration, Registration No. FR-0522, issued pursuant to the provisions of the MBLSLA shall be and hereby is REVOKED.
2. The Final Order of Revocation of Respondent's First Mortgage Lender Registration issued on October 9, 2008, is hereby withdrawn.
3. Respondent shall not engage in any activity that requires a license or registration under the MBLSLA without first obtaining a license or registration from the Commissioner of OFIR.

**IT IS SO ORDERED.**

  
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Stephen R. Hilker  
Chief Deputy Commissioner