

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

OLD REPUBLIC NATIONAL
TITLE INSURANCE COMPANY

PLAINTIFF

V.

NO. 5:10-5007

ACCESS TITLE, LTD. And
NORTHWEST ESCROW SERVICES, INC.

DEFENDANTS

ORDER

Now on this 15th day of January, 2010, comes on for consideration the **Magistrate Judge's Report and Recommendation** (Doc. #13), to which no objections have been filed. The Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation** is adopted *in toto*.

IT IS FURTHER ORDERED that, for the reasons stated in the **Magistrate Judge's Report and Recommendation**, the following Temporary Restraining Order shall apply to Northwest Escrow Services, Inc. ("NW Escrow") **until the hearing which is now scheduled to be held before the Magistrate Judge on Tuesday, January 19, 2010 at 1:00 pm.** NW Escrow is directed as follows:

- a. Defendant, NW Escrow, is immediately restrained from removing, destroying or concealing any and all assets, fixtures, furnishings, books, records, files, computers, computer records, forms, title policies, escrow files, closing files, title files and similar or related documents, including without limitation, all documents relating to records, documents, and/or files pertaining to real estate transactions and/or pertaining to title transactions involving the issuance of commitments, policies or guarantees by ORNTIC, along with any and all financial records, statements, accounts, checks, check registers, correspondence, and all other similar or related documents pending further order of this court.

b. Defendant, NW Escrow, is immediately restrained from making further disbursements, of any kind or nature, from any and all financial accounts, including its escrow accounts, in its control. ORNTIC shall give notice to any banks at which these accounts are maintained and of which ORNTIC is aware that no such withdrawals shall be permitted from these accounts.

c. Defendant, NW Escrow, is immediately restrained from selling, transferring, assigning, mortgaging, or disposing of in any way any real or personal property, tangible or intangible, held or owned by it until further orders of the Court.

d. Defendant, NW Escrow, is to immediately submit to an accounting, to be conducted by ORNTIC, of the above-referenced financial accounts and the general books of accounts and of all accounts, checks, records or files of NW Escrow pertaining to each and every transaction in which an ORNTIC Commitment for Title Insurance, ORNTIC Lenders Policy of Title Insurance, an ORNTIC Owner's Policy of Title Insurance and/or an ORNTIC Closing Protection Letter was issued.

e. In furtherance of the accounting ordered above, Defendant, NW Escrow, is to immediately provide ORNTIC unfettered access to all of its financial accounts and the general books of accounts and of all accounts, checks, records or files of NW Escrow pertaining to each and every transaction in which an ORNTIC Commitment for Title Insurance, ORNTIC Lenders Policy of Title Insurance, and ORNTIC Owner's Policy of Title Insurance and/or an ORNTIC Closing Protection Letter was issued.

Plaintiff's counsel is directed to serve a copy of this order on NW Escrow as soon as possible.

IT IS SO ORDERED this 15th day of January, 2010.

/s/ JIMM LARRY HENDREN
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE