

#2016-002

Terminates OTS SE-11-14;#2013-160 and #2015-062
UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

In the Matter of:)
)
)
EverBank)
Jacksonville, Florida)

ORDER TERMINATING THE
2011 CONSENT ORDER, 2013 AMENDMENT TO CONSENT ORDER and
2015 AMENDED CONSENT ORDER

WHEREAS, in an effort to protect the depositors, other customers, and shareholders of EverBank, Jacksonville, Florida (“Bank”), and to ensure the Bank’s safe and sound operation in accordance with all applicable laws, rules, and regulations, the Bank, by and through its duly elected and acting Board of Directors, and the Office of Thrift Supervision (“OTS”) entered into a Consent Order, OTS SE-11-14, dated April 13, 2011 (“2011 Consent Order”);¹

WHEREAS, the Comptroller of the Currency and the Bank entered into an Amendment to the 2011 Consent Order dated October 15, 2013 (“2013 ACO”), which superseded Paragraphs 14 to 19 of the 2011 Consent Order and required the Bank to make a cash payment to a Qualified Settlement Fund (“QSF”) and to take other loss mitigation or foreclosure prevention action in amounts specified;

WHEREAS, the Comptroller of the Currency and the Bank also entered into an Amendment to the Consent Order dated June 16, 2015 (“2015 ACO”);

¹ Since July 21, 2011, the 2011 Consent Order has been administered by the Office of the Comptroller of the Currency (“OCC”) pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. Law No. 111-203, § 311, 124 Stat. 1520 – 21 (2010).

WHEREAS, the Comptroller of the Currency believes that the protection of the depositors, other customers, and shareholders of the Bank, as well as its safe and sound operation, does not require the continued existence of the 2011 Consent Order, the 2013 ACO, or the 2015 ACO;

WHEREAS, notwithstanding this Termination Order, the OCC continues to retain oversight and jurisdiction of the EverBank Independent Foreclosure Review Qualified Settlement Fund (“EverBank IFR QSF”) established by the 2013 ACO for the administration of payments to borrowers of OCC regulated institutions until such time as the paying agent is directed to file a final return for the EverBank IFR QSF and the EverBank IFR QSF is thereafter terminated; and

WHEREAS, the OCC has determined that uncashed payments to borrowers of OCC regulated institutions should remain available to such borrowers, or such borrowers’ rightful heirs, through the states’ escheatment processes, after the EverBank IFR QSF is terminated.

NOW, THEREFORE, the Comptroller of the Currency directs that the 2011 Consent Order, the 2013 ACO, and the 2015 ACO, be, and are hereby, **TERMINATED** and the Comptroller directs that any uncashed checks that have passed their stale date issued from EverBank IFR QSF to borrowers of OCC regulated institutions shall be escheated to the state of the borrower’s last known domestic address so that such borrower, or such borrower’s rightful heirs, will maintain their ability to claim such EverBank IFR QSF payment pursuant to that state’s processes for collecting unclaimed funds.

IN TESTIMONY WHEREOF, the undersigned, designated by the Comptroller of the Currency as his authorized representative, has hereunto set his hand.

_____/s/_____
William D. Haas
Deputy Comptroller
Midsize Bank Supervision

January 4, 2016
Date