

*Mutual***LINK****Jeff Mauland, MAFMIC Chairman**

My year as chairman is passing quickly. Time sure seems to accelerate as you get older. It has been another busy year for our association beginning with the Annual Convention, Short Course, Spring Agents Meetings followed by the Congressional Contact Visit, Manager's Workshop, Ethics Seminar, Manager/Director Seminar and the Scholarship Golf Outing.

The MAFMIC board, staff, and various committees have also been very active again this year. Our Government Affairs Committee, along with Marcus, Aaron and our strong grass roots effort helped defeat several bad bills this past year including the \$5 surcharge bill which would have applied to all Homeowners Policies.

The Policy Committee held policy schools on the new TP and PH Policies that are being implemented this year. They also were busy updating the MAFMIC Agricultural Building Valuation Guide and the MAFMIC TP Pocket Guide. They will continue to review other policy related issues.

The Education Committee works with MAFMIC staff to plan every event beginning with the Convention and going through the Fall Regional Meetings each year. This committee spends a great deal of time planning education events for agents, managers, and directors of our member companies. Not an easy task!

Looking ahead, I hope to see many of you at our upcoming Fall Regional Meetings in November. Government Affairs Director, Aaron Cocking will bring us legislative updates and we are also fortunate to have **Tim Sullivan**, President and CEO, NAMICO, providing sessions on Strategic Planning, Corporate Governance and Succession Planning, important topics for all our members.

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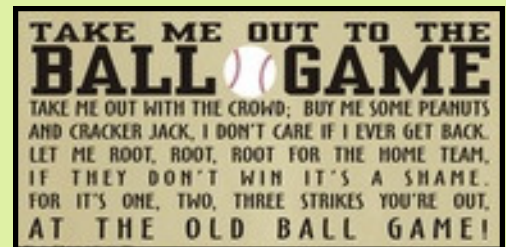
Jeff Mauland, Chairman Article: *Continued from front page...*

It is also not too early to look ahead to MAFMIC's 119th Annual Convention to be held February 2-4. My wife, Lynn and I invite you to join us at Sunday night's chairman reception which has a **"Take Me Out to the Ballgame"** theme. We will have Peanuts and Cracker Jacks and other ballpark food and beverages for everyone to enjoy! We encourage you to wear a shirt that represents your favorite "Ball Team" or whatever is comfortable for you.

I think the Education Committee, MAFMIC staff and all involved with putting the convention together have really outdone themselves this year. This looks like an outstanding convention with Keynote speaker **Steve Ford** (Son of President Ford), **Don Shelby** (Television Journalist), **Ron Schara and Raven** (Host of TV show Minnesota Bound), being just a few of the highlights. We will also have the *Prayer Breakfast*, some excellent *General Sessions*, an interesting *Legislative Panel*, our popular *Question Box Session* as well as the *Exhibit Show* and *Mutual Celebration* featuring **"Jim Faber"** hosting "Karaoke". We will cap off the convention with our *Banquet* featuring entertainment by **"Divas through the Decades"** providing a musical tribute from the 1940's through today.

This promises to be a great convention and I hope to see every member company represented. It has been very exciting for me to be able to serve as your Chairman this year and I thank all of you for your ongoing dedication and support for our association.

Jeff Mauland,
MAFMIC Chairman 2013-2014





~ Member Profile of Mower County Mutual~

Manager, Mary Christian

Mower County Farmers Mutual Insurance Company was originally called "Austin Farmers Fire and Storm Mutual Insurance Company". The company was organized October 7, 1885 and commenced writing business on December 1, 1885. The first annual report showed 57 members, 44 policyholders and \$54,590 insurance in force and had received from membership \$27.48.

In 1927 the name of the company changed to Mower County Farmers Fire and Lightning Insurance Company, a name it carried until 1957 when it was changed to its present name of Mower County Farmers Mutual Insurance Company.

In 2006 it became apparent to the Board of Directors that change was necessary to keep pace with competitive pricing in the market place so the company was converted and reorganized as a mutual insurance company effective January 1, 2007. The company became a fire and wind insurer, packaging liability coverage with Grinnell Mutual Reinsurance Company.

Mower County writes Fire, Wind & Inland Marine. We have two Full Time Employees – one Part Time Employee – Six Board Of Directors, 17 Agencies – 66 Agents.

The mission of Mower County Farmers Mutual Insurance Company is to offer the best insurance protection, those coverages provided by law, to our policyholders at the lowest reasonable cost.

Our goals are to continue to meet the needs of our policyholders and to be competitive in the marketplace. Our company's biggest challenge is the unpredictability of weather related claims.

We are involved with the community in many ways. We are Members of the Austin Area Chamber of Commerce and Mower County Historical Society. Proud sponsors of Mower County 4-H Clubs, Minnesota Corn Growers Association & Mower County Pork Producers. One word that would describe our company is ~ Dependable.



Editorial Advisory Committee

Karl Porisch - *Chairman* - Western Mutual

Jim Barta - *Vice Chairman* - Jim Barta CPA, PA

Dan Baasen - Northland Securities

John Dunn - Priority Data

Deb Liden - Bray-Gentilly Mutual

John Neal - Willenbring, Dahl, Wocken & Zimmerman

Dan Stewart - Berean Claims Service, Inc.

Steve Reller - *Board Liaison* - RAM Mutual

Jerry Zenke - Mound Prairie Mutual

Dani Hennen, MAFMIC - *Staff Liaison*

Arlette Twedt, MAFMIC - *Staff Liaison*

Send address changes to
Mutual Link, PO Box 880, St. Joseph, MN 56374
or info@mafmic.org

September 2013 Board Meeting Synopsis *Greg Parent, Secretary-Treasurer*

The MAFMIC Board of Directors held their third quarterly meeting of the year on September 11 at the MAFMIC office in St. Joseph. In addition to the financial and management reports, district updates, and board liaison committee reports, the board took action on several items requiring approval.

The MAFMIC Media Policy prepared by Government Affairs Director Aaron Cocking was approved. The board also approved a contribution to the YMCA Youth in Government program booklet, as recommended by Aaron Cocking.

Secretary-Treasurer Greg Parent presented the minutes from the July 30 Executive Committee telephone conference authorizing the purchase of a new vehicle for MAFMIC. Member Services Director Lori Olmscheid discussed the process which resulted in purchasing a new Ford Explorer to replace the old Dodge Caravan.

The board reviewed several proposed editorial changes to the Articles & By-Laws along with the addition of a section dealing with tie-breaker procedure in the voting for the offices of Vice Chairman and Secretary-Treasurer. The board made several additional editorial changes and sent them back to the Articles & By-Laws Sub-Committee. Secretary-Treasurer Greg Parent was instructed to meet with committee members Ron Berning and Jane Dreyer to review the additional changes that were made by the board. The final draft, after review by legal counsel John Neal, will be presented for approval at the December board meeting before being brought to the membership at the Annual Business Meeting next February.

The board discussed the potential for electronic delivery of the TP-1 & PH-1 policy booklets. This topic was referred to the Policy Committee for additional study.

The 2014 MAFMIC Convention Budget was reviewed and approved. A minor editorial change to Section 1-2 of the Board Policy Manual was also approved. The board then went into Executive Session to conduct the 2014 employee salary and performance reviews.

The board will hold their final quarterly meeting at the Le St. Germain Suite Hotel in St. Cloud on December 18. Members are encouraged to contact their MAFMIC District Directors with any concerns or issues that may need to come before the board.

Greg Parent
MAFMIC Secretary-Treasurer

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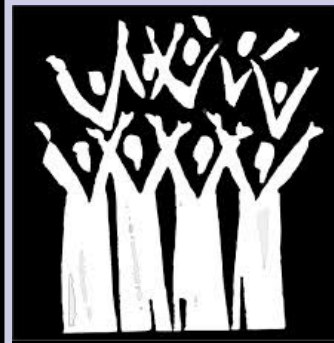


You are cordially invited to an
Open House
Tuesday November 12, 2013
1:00 p.m. to 4:00 p.m.

New Office:

*Fairmont Farmers Mutual Insurance
Company Office
118 Downtown Plaza
Fairmont, Minnesota*

*Stop in and take a tour of our new office
space and meet the staff. Light snacks and
beverages will be available.
We hope you can join us!*



The *MAFMIC Choir* is
back for 2014!! If
you are interested in
singing at the 2014
Convention, please
contact the
MAFMIC office.

Brenda Derickson will again conduct
the Choir for the 2014 Convention.

Contact Lori at
(320) 271-0909 or e-mail:
lori@mafmic.org

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A Mutual's Role in Community . . . Hope Mutual

Many Minnesota mutual insurance companies give back to their communities in ways that directly affect insurance claims, such as donating to fire departments and supporting local farmers. But as each community is unique in their needs, it is important for mutuals to think of new and exciting ways to bolster presence in their distinctive regions.

Hope Mutual Insurance in Tyler, Minnesota has found a way to contribute to their respective community by aiding in the construction of the new Avera Cancer Institute in Marshall. According to the American Cancer Society, Hope's region has some of the highest rates of colon, breast, cervical and prostate cancer in the state. To serve the area's cancer victims, the state-of-the-art facility will allow treatments to be provided locally.

As the project is estimated to cost nearly 13 million dollars, Hope Mutual thought it best to do their part. This year, Cilla Hughes and Hope Mutual donated \$25,000 to a new cancer center. "I am a cancer survivor," said Cilla Hughes. "We all know someone impacted by this disease." Hope Mutual's donation comes at wake of the company's 125 anniversary. "We thought a donation would make a stronger impact," said Hughes. "It is a lasting gift that will continue to give to community members for years to come."

Hope Mutual provides farm and home insurance products through independent agents. The company does business in more than 300 townships.

"Our goal is to not only protect our policyholders and grow our base of business, but also to maintain a strong business in southern Minnesota," said Hughes. Giving to the area's new Avera Cancer Institute let's Hope Mutual's community know the company understands the area's specific needs.

The role of mutuals in small town Minnesota is important according to Hughes as there are fewer and fewer businesses left on main streets.

"Many organizations need help and rely on mutuals," said Hughes. Thankfully Hughes does not see mutual presence dwindling in this state as the majority of farmowners choose mutual insurance for their coverage.

"There is a lot of opportunity in a mutual insurance. Mutuals insure over 80 percent of the farms in Minnesota," said Hughes.

Hope Mutual contributes in other ways as well, recently by giving to local fire departments for new rescue equipment or trucks, by purchasing bonds for the rural water expansions, by participating in Pheasants Forever and Ducks Unlimited functions, and by supporting Minnesota corn and soybean growers.

"It's important for us to be involved in town celebrations," said Hughes, "and giving back is our bread and butter when it comes to maintaining visibility in your community." On Monday, October 1, Avera announced that they have met their goal of raising \$11.35 million to be able to break ground this fall. In all over 1000 businesses and families donated to the get the facility to this point.

"We're glad to be partnering in building hope for people who need cancer treatment," said Hughes. "Providing hope to our neighbors is an important part of our heritage as a township mutual insurance company. Whether we are providing peace of mind by insuring property or settling a claim after a loss, hope is more than our name – It's a legacy we're proud to continue for nearly 125 years."

****If your Company would like to be featured showing how you help your community, please contact Dani at the MAFMIC Office****

119th Annual Convention At-A-Glance

Sunday, February 2

1:30 p.m. - 5:00 p.m.

Registration & North Star Reception

5:00 p.m. - 10:00 p.m.

Chairman's Reception

Monday, February 3

7:00 a.m. - 1:00 p.m.

Registration Desk Open

7:00 a.m. - 4:00 p.m.

Hospitality Break Area

7:15 a.m. - 8:45 a.m.

Prayer Breakfast

9:00 a.m. - 11:30 a.m.

Opening Session & Keynote Speaker

11:30 a.m. - 12:45 p.m.

Public Policy Luncheon

1:00 p.m.- 2:30 p.m.

Legislative Session

1:00 p.m.- 4:00 p.m.

Optional Auxiliary Program

2:45 p.m. - 4:00 p.m.

General Sessions

4:00 p.m. - 7:00 p.m.

Exhibitor Show & Reception

7:00 p.m. - 10:30 p.m.

Mutual Celebration Reception, Poolside

Entertainment by Jim Faber, Karaoke

Tuesday, February 4

7:00 a.m. - 4:00 p.m.

Hospitality Break Area

7:30 a.m. - 4:30 p.m.

Registration Desk Open

7:30 a.m. - 8:45 a.m.

Hot Breakfast Buffet

9:00 a.m. - 10:15 a.m.

Annual Business Meeting

9:00 a.m. - 11:00 a.m.

Auxiliary Meeting & Program

10:30 a.m. - 11:45 a.m.

Question Box Session

11:45 a.m. - 1:15 p.m.

RAM/MAFMIC Luncheon

1:30 p.m. - 4:00 p.m.

General Sessions

4:30 p.m. - 5:30 p.m. *

"Sunken Treasure" PAC Fundraiser

6:00 p.m. - 9:00 p.m.

Banquet & Entertainment

Shared Purpose - Mutual Values

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*** Must register by January 3 for the Early Bird Rate!**

Phone

Application has been made for 4.0 continuing education credits with the Minnesota Department of Commerce.

[illegible]

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Bond Market & Bond Prices

By Dan Baasen



Investments

Preparing for Higher Rates of Interest

As we are closing in on our harvest season, it is a good time to review our investments. We face indecision from the people who have the greatest influence on bond rates of return, in that they see 2014 through 2016 as a period of stronger growth of the U.S. economy and a lower need to keep interest rates low. It is hard to believe that even though rates have risen substantially in 2013, the increase is relatively small within the context of longer term charts on rates of return on ten year bonds. Since June of this year that index has moved from 1.45% to over 3% a month ago. But rates over the last 40 years have been as high as 15.84% and the lowest rates occurred in the last 18 months.

How can we best prepare for rising rates of return?

- A. Shorten up your bond's maturities. Longer term bonds are influenced negatively by rising rates.
- B. Bond funds typically don't have a hard maturity date. Even if you have a moderate loss in value of your fund there are many undervalued discount bonds today, both government and municipal bonds that can be purchased at a discount and have a maturity date when you know you will receive your face value.
- C. Increase the quality ratings of your holdings. A triple B rating is less liquid than one of higher quality AA or AAA.
- D. Don't stretch your maturities to get a moderately higher rate of return. The longer the maturity, the more volatile the market price of that bond.
- E. Be comfortable with the issuer. Some government agencies carry a greater risk than others. When buying a municipal bond, it helps if you know it is issued by a strong, growing community or by an agency with a good revenue stream. School districts need good financial strength even if it has a good football team!

If you have concern or just want an evaluation on the effect of rising rates on your portfolio, please contact us. We have the tools available to evaluate risks to your portfolio. Lets look forward to higher rates! Keep warm and enjoy the snow!



The Standard Mortgage Clause Misunderstood

By **John J. Neal**, Attorney, Willenbring, Dahl, Wocken & Zimmermann, PLLC

It has been understood (or misunderstood) that the standard mortgage clause in an insurance policy affords coverage to the mortgagee (e.g. bank) under all circumstances and that any act by the insured will not invalidate coverage. The relevant portion of the mortgage clause states:

Loss, if any under this policy, shall be payable to the mortgagee named on the declarations of this policy, as interests appear, under all present or future mortgages upon the property herein described in which the aforesaid may have an interest as mortgagee, in order of precedence of said mortgages, and this insurance as to the insured of the mortgagee, only therein, *shall not be invalidated by any act or neglect of the mortgagor or owner* of the within described property.

The typical scenario is arson by the insured. In that circumstance coverage is denied to the insured on a whole host of bases, including an intentional act. Yet, the insurance company pays the mortgagee/bank due to the standard mortgage clause language.

With the downturn in the economy and foreclosure crisis, there was an uptick in mortgagee claims. With this uptick has come a better understanding in the case law as to the rights afforded mortgagees under the standard mortgage clause. What this understanding tells us, in sum, is that coverage does not necessarily exist for the mortgagee under all circumstances, including those resulting from the insured's own actions. It is only when the insured "breaches" or "violates" the terms of the policy that triggers coverage under the mortgage clause.

Another way of looking at it, according to the more developed case law, is that the perils-and-exclusions portion of the policy still pertains to the mortgagee, as it would with any insured: no coverage will be afforded if there is no existing peril or if there is an applicable exclusion. In contrast, when the insured breaches the "policy conditions" section of the policy, or violates one of those requirements that would otherwise void coverage, then the standard mortgage clause kicks in and affords coverage to the mortgagee. Numerous examples are set forth in the policy conditions section, such as misrepresentation, concealment, or intentional loss. If the insured voids coverage for a "violation" or "breach" of those policy conditions, then the mortgagee may be entitled to coverage under the standard mortgage clause. But not every "act" by the insured will afford coverage to the mortgagee if it falls outside the "policy conditions" section.

A recent case illustrates the point: *Waterstone Bank v. American Family Mut. Ins. Co.*, 832 N.W.2d 152 (Wis. Ct. App.). In this case, the insured property sat vacant for more than 60 days, resulting in vandalism, water damage, and theft losses. The Bank, as mortgagee, submitted a claim to the insurer, seeking coverage for the losses. The insurer denied the claim under the vacancy clause, which excludes coverage for vandalism, water damage, and theft if the property has been vacant for 60 days or more. The Bank contended that the insured's act or failure to act created the vacancy. Because the standard mortgage clause states that no act of the insured shall invalidate coverage, the bank claimed that coverage should exist.

Continue on page 10...



Continued... **The Standard Mortgage Clause Misunderstood**
 By **John J. Neal**, Attorney, Willenbring, Dahl, Wocken & Zimmermann, PLLC

The insurer countered that the vacancy was not a breach by the insured that invalidates coverage, rather coverage was never afforded by the policy for this risk in the first place.

The Court ultimately agreed with the insurer, reasoning that vacancy is not prohibited by the policy. In fact, the policy contemplates vacancy, but notes that no loss or damage shall be covered if the vacancy continues for 60 days. As the Court stated, "The denial of coverage is based on the condition of the building, and not because of any breach or violation of a policy obligation or prohibition by the property owner." The Court went on to note that, "The state of non-coverage existed by the terms of the policy, not by an act or neglect of the owner in breaching or violating any term, provision, or condition of the insurance policy." The terms of the policy, according to the Court, apply to the mortgage holder just as they do to the named insured. Therefore, if a peril never existed or an exclusion applies to bar coverage, there is no coverage to the mortgagee just as there would be no coverage to the named insured. The Court, quoting relevant authority stated: "A distinction which is rather important to grasp is that the policy terms are themselves not nullified by a standard mortgage clause. It is, rather, that a new contract containing those provisions is made with the mortgagee personally." (authority omitted).

In sum, the key distinction when analyzing a mortgagee claim is (1) whether coverage is being denied because of some breach or violation of the policy by the insured; or, (2) whether coverage is being denied because the peril does not exist and/or there is an applicable exclusion? If the latter, namely (2), then there may be a basis to deny the mortgage claim. In contrast, if the claim is being denied because of some act by the insured that violates or voids coverage under any of the policy conditions (*e.g.*, arson, fraud, *etc.*), then coverage may be afforded to the mortgagee.

A simpler way of looking at it, in terms of the PH1 or TP1, is whether coverage is being denied for anything contained in the perils and exclusions sections. If so, then coverage may not exist for the mortgagee's claims. If coverage is being denied under the "policy conditions" section, then coverage may be afforded to the mortgagee.

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Building Collapse ALERT

Are Your Buildings at Risk of Collapse?

Due to the amount of snowfall this year and the amount of ice that is building up on roofs throughout Minnesota, there have been many buildings that have sustained damage and/or collapsed.



Exterior photo of collapsed hog barn



Interior photo of broken trusses of collapsed hog barn

Taking the time and effort to remove the snow and ice from the roofs of your buildings will benefit you. Besides the damage to your property covered by your insurance policy, you **may** have substantial uninsured loss. This includes:

- ◆ downtime to your operation;
- ◆ the additional cost of debris removal;
- ◆ the loss of items that cannot be replaced; or
- ◆ the value of your policy deductible.

Collapse coverage is provided by your insurance policy for your dwelling and buildings classified as G-1 (*superior quality*) and G-2 (*above-average quality*). Collapse protection is also provided for your machinery, equipment, and livestock. We have paid for and will continue to pay for the peril of collapse from the weight of snow and ice. However, we are asking for your help. If your buildings have large amounts of snow and ice on them, please consider removing it. **We recommend that this be completed in a cautious and safe manner.** With the potential for additional accumulations of snow and ice, anything you can do to reduce the risk of collapse will benefit you.

Thank you for your assistance in reducing the risk of collapse to your property!

Continued **Building Collapse ALERT**

The following information has been taken from the University of Wisconsin Extension's Web site and gives some valuable guidelines on removing snow from your building roofs.

If an owner suspects a snow loading is in excess of the design loading or if the roof is showing signs of impending collapse such as buckled or broken members, plans to remove the snow should be implemented.

Heating air in an uninsulated building can help to melt snow/ice in contact with the roof surface allowing snow/ice to slide from a sloped roof. Unvented heaters consume oxygen in the building and can contribute carbon monoxide to the building space. Both conditions are poisonous to people and livestock. People and animals should not be allowed in the building when using unvented heaters. Before starting an unvented heater, make plans for turning off the heater from outside the building.

Snow slide from the building roof can cause crushing/suffocating injuries or death. Keep people and animals away from the fall zone when snow/ice slides from the roof.

Roof snow can also be removed by shoveling. This is a dangerous process as falling from ladders and the roof is a real possibility. Consider hiring experts who own boom trucks or other specialized equipment for safely performing this task.

The following apply to removing snow from the roof:

- ◆ Use a snow roof rake if at all possible. This allows you to stand on the ground in a safe place. Check the local hardware store or building supply store. Removing snow from the edge of the roof could allow snow above the edge to avalanche. Make sure you are out of the fall zone when scraping snow from a smooth roof surface.
- ◆ Use fall protection equipment when workers are on the roof. Tie workers off so they don't fall from the roof.
- ◆ If ladders are used, locate and secure them so they do not fall while workers are standing on them. Also, locate ladders so they do not fall if snow slides off the roof knocking workers off the ladder or leaving them stranded on the roof.
- ◆ Generally remove snow from the most heavily loaded areas first.
- ◆ Remove snow in narrow strips instead of large areas to help keep loading somewhat uniform.
- ◆ Don't pile removed snow onto snow-covered areas increasing the load in those areas.
- ◆ Use plastic shovels or wooden roof rakes to avoid damaging roofing material. Don't feel as if all snow must be removed. A layer of snow next to the roof surface can protect the surface from damage during the snow removal process.
- ◆ Do not pick or chip at ice near the roof surface to avoid damaging roofing material.
- ◆ Do not use snow blowers as they can damage the roof.



Windows XP will be unsupported in April 2014

On [April 8, 2014 Windows will finally end all support](#) for arguably their most successful and longest running operating system (OS), Windows XP, which is 4 years after Mainstream support ended for the OS. Since [April 2010](#) any support offered by Microsoft has been considered the “Extended Support” phase, where free phone support and warranty are no longer available. The 3 Support Packs that Microsoft issued over its lifetime were used to patch security holes and to help keep it afloat as the internet became more advanced, however, in 2013 it is essentially obsolete in terms of being able to compete with an advanced internet. XP users now account for [33.66% of the market share](#) for OS users, which means in 6 months, nearly 1/3 of the world’s computer users will be left to fend for themselves in terms of security. *“Well, I feel like I am savvy enough to keep my machine safe even after support ends.”*

In addition to being a security risk, there is also the risk of being non-compliant with insurance and government regulations. Very few people would leave their safe filled with valuables unlocked, and not upgrading to a supported OS is essentially the same with customer information. Regardless of how secure the network may be, or how secure the software is used, using an outdated OS is placing customer information at risk.

Insurance is the business of issuing coverage for a potential risk, so let’s look at it that way: when roofs reach a maximum age, an insurer will typically reject coverage on the roof due to the risk of existing damage being greater than the cost of coverage. Operating your company on an unsupported, outdated OS is much like insuring an old roof: it is not good risk management.

Please take time to review what operating system you and your agents are using. It is highly advisable that you upgrade to Windows 7 or 8 before April 2014 if you currently use Windows XP.

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2013 - 2014 MAFMIC CALENDAR OF EVENTS

November 18 Fall Regional Meetings
Shooting Star, Mahanomen

November 19 Fall Regional Meetings
Holiday Inn, St. Cloud

November 20 Fall Regional Meetings
Ramada Inn, Rochester

November 21 Fall Regional Meetings
Jackpot Junction, Morton

2014

Feb 2-4 MAFMIC Convention
DoubleTree by Hilton, Bloomington

Mar 12-14 Short Course
River's Edge Convention. Center,
St. Cloud

April 16 Spring Agents' Meeting, Mankato

April 17 Spring Agents' Meeting, Mahanomen

July 16 Manager & Director Seminar,
St. Cloud

July 17 Scholarship Golf Outing,
Spicer

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