

# Branch and Relocation Application Instructions

Questions may be answered in the spaces provided or by attaching additional pages (8 1/2" x 11"), including reference to other applications filed with the OCC. Indicate if the questions are "not applicable" to the application.

## General Publication Requirements

The following language may be used to meet the publication requirements.

Notification is given that (*name of national bank*), (*street address, city, state, and ZIP Code*) has filed an application with the Comptroller of the Currency on (*date*), as specified in 12 CFR 5 for permission to [establish or relocate] a (*describe main office or type of branch*) at (*proposed location*). (If a relocation, indicate current and proposed addresses.) Any person wishing to comment on this application may file comments in writing with the Director for District Licensing (*insert address of appropriate district office*) or (*appropriate Internet E-mail address*) within 30 days (*15 days for short-distance relocations*) of the date of this publication.

## Specific Publication Requirements

**Branch** — The publication must state that an application is being filed to establish a branch and include the location of the proposed branch and a brief description of the type of branch proposed.

**Branch Relocation** — The publication must state that an application is being filed to relocate a branch. It must include the current and proposed site.

**Main Office Relocation** — The publication must state that an application is being filed to relocate the main office. It must include the current and proposed site.

**Messenger Service or Mobile Branch** — Publication in several newspapers may be required to establish messenger services or mobile branches that will serve several communities or geographic areas. The publication need not identify the specific sites to be served by the messenger service or mobile branch, but should state the general geographic area to be served, such as the city, county, or other identifiable geographic area.

**Jointly Owned Branch** — The publication must list all national banks that would own the branch.

**Intermittent Branch** — The publication must indicate the intermittent nature of the branch, including a description of the event and its location, as well as the frequency and time period(s) the branch would be open.

## Confidentiality

Any Applicant desiring confidential treatment of specific portions of the application must submit a request in writing with the application. The request must discuss the justification for the requested treatment. The Applicant's reasons for requesting confidentiality should demonstrate specifically the harm (for example, loss of competitive position, invasion of privacy) that would result from the public release of information (5 USC 552). Information for which confidential treatment is requested should be: (1) specifically identified in the public portion of the application (by reference to the confidential section); (2) separately bound; and, (3) labeled "Confidential." The Applicant should follow the same procedure when requesting confidential treatment for the subsequent filing of supplemental information to the application.

The Applicant should contact the agency for specific instructions regarding requests for confidential treatment. The agency will determine whether the information submitted will be treated as confidential and will advise the Applicant of any decision to publicly release information labeled as "Confidential."

# Branch and Relocation Application

## National Bank Identifying Information

Charter No.:

Name of Bank:

(Exact corporate  
title of bank)

Location:

Street address:

City:

County:

State:

Zip:

### TYPE OF APPLICATION (Check appropriate boxes)

**BRANCH ESTABLISHMENT** (Including expansion of mobile branch service area)

- Staffed Branch
- Drop Box
- Seasonal Agency
- Drive-in Facility
- Temporary Facility
  - College/University
  - Major Disaster
  - Other:
- Mobile Facility
  - Mobile Van
  - Messenger Service
  - Other:
- Other (for example, part-time, limited service):

Check the following as applicable:

- Interstate  
(Riegle-Neal. The proposed new or relocated branch is to be located in a state that is not the bank's main office state and in which the bank will not operate at least one authorized branch at the time the proposed branch will open.)
- Jointly Owned
- Intermittent Facility

**BRANCH RELOCATION** (Branch relocations that do not meet the short distance criteria of 12 CFR 5.3(l) must also comply with advance branch closing procedures in 12 USC 1831r-1)

**INTRASTATE or INTERSTATE MAIN OFFICE RELOCATION** (Outside current city, town, or village limits)

- To an existing branch
- To a new location

**INTRASTATE MAIN OFFICE RELOCATION** (Within current city, town, or village limits)

- To an existing branch
- To a new location

**Application Identifying Information**

[For all branch and relocation applications]

Application is made for permission to:

- Establish the type of branch previously indicated at the following address.
- Relocate a branch to the following address.
- Relocate the main office to the following address.

Branch Name:  
 Street Address:  
 (Geographic Area)

City:  
 County:  
 State:  
 Zip:

[For messenger services]

**Is this a request to expand the mobile facility outside the geographic area in which the notice was originally published?**       Yes     No

**Is this a request to utilize more than one messenger simultaneously?**       Yes     No

**If yes, indicate the number of messenger services.**

**Will more than one State be served?**       Yes     No

**Enter the States:**

[For relocations]

**Is this a short-distance relocation as defined in 12 CFR 5.3(I)?**       Yes     No

**Interstate**

(Rieggle-Neal. The proposed new or relocated branch is to be located in a state that is not the bank's main office state and in which the bank will not operate at least one other authorized branch at the time the proposed branch will open.)       Yes     No

**If this is a branch relocation, indicate the present address:**

Name:  
 Street Address:

City:  
 County:  
 State:  
 Zip:

## Legal Notice

### Legal notice of this application is being published on:

Publication Name:

Street Address:

City:

State:

Zip:

### Requests for additional information or other communications about this proposal should be directed to:

Name:

Title:

Street Address:

City:

County:

State:

Zip:

Phone:

Fax:

Email:

## Statutory and Regulatory Factors

### 1. Legality

[for intrastate main office relocations (within current city, town or village limits)]

A. Are you establishing a branch at the former main office?  Yes  No  
\*If yes, you need to file a separate branch application.

B. If the bank were not relocating its main office, could the bank establish a de novo branch at the proposed new site of the main office?  Yes  No  
If no, please explain.

C. Would the relocation of the bank's main office alter the bank's legal authority to establish or acquire branches in any manner?  Yes  No  
If yes, please explain.

[for intrastate or interstate main office relocations (outside the current city, town or village limits)]

A. Is the proposed main office within 30 miles of the city, town or village of the current main office?  Yes  No

B. If the main office relocation is across state lines: \_ Yes \_ No  
B.1. Is the bank retaining branches across state lines? \_ Yes \_ No  
If yes, please identify the states and explain the legal authority to retain the branches.

B.2. Is the bank owned by a bank holding company? \_ Yes \_ No

C. If the main office relocation is not across state lines:  
C.1. Would the relocation of the bank's main office alter the bank's legal authority to establish or acquire branches in any manner? \_ Yes \_ No  
If yes, please explain.

D. If the bank is not relocating its main office, could the bank establish a de novo branch at the proposed new site of the main office? \_ Yes \_ No  
If no, please explain.

E. Do you certify that two-thirds of the shareholders have voted to approve the relocation? \_ Yes \_ No  
If no, please explain.

F. Are you establishing a branch at the former main office site? \_ Yes \_ No  
If yes, you need to file a separate branch application.

[for intrastate branch establishments and relocations of branches]

A. Does state law impose geographic, numerical, qualitative, proximity or other limitations on the establishment/relocation of branches? \_ Yes \_ No  
If yes, does this filing comply with those limitations? \_ Yes \_ No  
If yes, please provide a legal analysis to support the approval.

B. Is the relocation/establishment of the branch in compliance with the capital requirements of 12 USC 36(c)? \_ Yes \_ No **Note: If this application is for a Seasonal Branch consult the Licensing Manual for guidance.**  
If no, please explain why not.

C. If this application is to establish/relocate a nontraditional branch (for example, mobile, messenger service, intermittent, temporary, drop box, drive-in, part-time, or limited service branch) does the state in which the branch is proposed permit state banks to operate this type of branch at the location proposed?  
\_ Yes \_ No \_ We have found no publicly available state law authority addressing this type of branch. \_ Not Applicable

Please provide a legal analysis to support the approval.

D. Is the applicant bank controlled by a bank holding company the home state of which is different than the home state of the applicant bank as "home state" is defined in 12 C.F.R. 25.62(d)(2) and (3)?  Yes  No

Note: If yes, go to question D-2. If no, go to question D-1.

D-1. Is the proposed branch in a state other than the state where the applicant bank's main office is located?  Yes  No

Note: If yes, go to question D-2. If no, go to next question on the application.

D-2. In the applicant bank's most recent Community Reinvestment Act examination, did the OCC determine that the bank was not in conformity with 12 C.F.R. Part 25, Subpart E ("Prohibition Against Use of Interstate Branches Primarily for Deposit Production") in the state where the branch is proposed? (If the bank was not a national bank at the time of its last CRA examination, did its federal banking regulator at that time determine that the institution was not in conformity with that regulator's equivalent regulations?)  Yes  No

If yes, explain how the bank will meet the credit needs of the community to be served by the proposed branch.

E. Are there any other legal issues involved in this proposal (and, if a relocation application, if the proposed branch will be jointly owned, check "yes" and list joint owners in the textbox below)?  Yes  No

If yes, please provide a legal analysis and discuss the issues fully.

[For interstate branch establishments and relocations of branches]

A. Please set forth and analyze the authority to establish the branch in, or relocate it to, another state focusing on the following with respect to the state where the branch would be located:

- Whether the state has in effect a law that applies equally to all banks and which expressly permits all out of state banks to establish de novo branches in the state;
- Any conditions imposed on the establishment by out-of-state banks of a branch in the state;
- Compliance with applicable state filing requirements and whether the applicant has provided a copy of the application to the appropriate state banking regulator in the state;
- Applicability of state antitrust laws; and
- Adequacy of capital and management of the bank.

B. If the applicant bank has no bank affiliate in the state where the branch is proposed:

(Note: This question does not apply if the applicant bank has a bank affiliate in the state where the branch is proposed.)

Are the CRA ratings for all the bank affiliates of the applicant at least "satisfactory"?  Yes  No

If no, please provide detail on CRA ratings and action plan.

Has the OCC determined that the applicant bank is not in compliance with applicable state Community Reinvestment laws?  Yes  No

If yes, please provide detail on CRA ratings and action plan.

C. Are there any other legal issues involved in this proposal (for instance, if the proposed branch will be a nontraditional branch - such as a mobile branch, part-time branch, limited service or temporary branch - or if this is a branch relocation and the branch will be jointly owned, check "yes" below and include a list of joint owners in the textbox below)?  Yes  No

If yes, please provide a legal analysis.

## 2. Bank Premises

Will the projected cost of the relocation/ branch establishment result in an investment in bank premises that requires an application or notice under 12 USC 371d (see the "Investment in Bank Premises" booklet)?  Yes  No

If yes, has prior approval been granted?  Yes  No

If no, attach a separate investment in bank premises request.

## 3. Management Interlocks/Insider Transactions

### Management Interlocks

Will the relocation/establishment of the proposed branch result in or raise an issue that could create a prohibited interlock (12 USC 3201-3208 and 12 CFR 26)?  Yes  No

If yes, describe the management interlock and specify what action will be taken to prevent a violation of the law.

### Insider Transactions

Does this proposal involve or result in a transaction with insiders as set forth in 12 USC 375?  Yes  No



Are there any other financial or business arrangements, direct or indirect, involving the proposed branch or head office and bank insiders or their immediate family members? (Refer to the Glossary for a definition of relevant terms.)  Yes  No

Does the proposal involve or result in a transaction with an affiliate as set forth in 12 USC 371c and 371c-1 as implemented by 12 CFR 223 (Regulation W)?  Yes  No

If yes to any of these questions, identify the individual or affiliate and the interest of such individual or affiliate in the arrangement and the relationship of such individual or affiliate to the bank:

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Provide information sufficient to show that terms and conditions are not more favorable than would be available in a comparable transaction with unrelated parties. For example, attach a copy of a recent independent appraisal or information on comparable purchases or leases in the area.

Where applicable, provide information demonstrating that the requirements of 12 USC 371c, 371c-1, and Regulation W are satisfied.

Attach a copy of the board resolution approving details of the insider/immediate family member transaction.

#### 4. Jointly Owned

Is this a jointly owned branch?  Yes  No  
If yes, list the other institutions that will have an ownership interest:

#### 5. Environment

Will the proposal have any significant effect on the quality of the human environment, (for example, air and/or water quality, noise levels, energy consumption, congestion of population, solid waste disposal, or environmental integrity of private land) within the meaning of the National Environmental Policy Act (NEPA), 42 USC 4321-4347, et seq? (See the Council on Environmental Quality at [www.whitehouse.gov/CEQ](http://www.whitehouse.gov/CEQ)).  Yes  No  
If yes, discuss the effect(s) and explain how the proposal causes the effects.

## 6. Historic Properties

Will the proposal affect any district, site, building, structure or object listed  Yes  No in, or eligible for listing in, the National Register of Historic Places pursuant to the National Historic Preservation Act (NHPA), 16 USC 470f)? (See the Advisory Council on Historic Preservation at [www.achp.gov](http://www.achp.gov) for the Act and implementing regulations). You are reminded that if a historic property may be affected, no site preparation, demolition, alterations, construction or renovation may occur without the OCC's authorization.

Specify how such determination was made:

Consultation with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) (when tribal lands or historic properties of significance to a tribe are involved).

Reviewed National Register of Historic Places (See <http://www.cr.nps.gov/nr/>).

Applied National Register criteria to unlisted properties (See 36 CFR 60.4).

Reviewed historical records.

Contact with preservation organizations.

Other (Describe in textbox below):

As appropriate, provide a copy of any documentation of consultation with the SHPO and/or THPO. Are you providing documentation?  Yes  No

If yes, provide a copy.

## 7. Community Reinvestment Act (CRA) Considerations

A. At its most recent examination, did the bank or any affiliated institution receive a CRA rating of "needs to improve" or "substantial noncompliance"?  Yes  No

If yes, describe what actions, if any, have been taken to redress deficiencies in the institution's CRA record of performance since the examination.

B. Will the proposed transaction affect the CRA assessment area, as applicable, served by the applicant or resulting institution?  Yes  No

If yes, discuss the effect.

**Desired Action Date**

I/We desire OCC action on this application no later than date (mm/dd/yyyy) . I hereby certify that the bank's board of directors has authorized the filing of this application, and that to the best of my knowledge, it contains no misrepresentations or omissions of material facts. In addition, I agree to notify the OCC if the facts described in the filing materially change prior to receiving a decision. I acknowledge that any misrepresentation or omission of a material fact constitutes fraud in the inducement and may subject me to legal sanctions provided by 18 USC 1001 and 1007.

I acknowledge that approval of this application is in the discretion of the Comptroller of the Currency. Actions or communications, whether oral, written, or electronic, by an agency or its employees in connection with this filing, including approval of the application if granted, do not constitute a contract, either express or implied, or any other obligation binding upon the agency, other federal banking agencies, the United States, any other agency or entity of the United States, or any officer or employee of the United States. Such actions or communications will not affect the ability of the agency to exercise its supervisory, regulatory, or examination powers under applicable law and regulations. I further acknowledge that the foregoing may not be waived or modified by any employee or agent of a federal banking agency or of the United States.

**Signature of Authorized Officer:**

**Typed Name:**

**Title:**

**Name of Bank:**

**Date:**