

## **Notice Upon Commencing Voluntary Liquidation**

### **General Information and Instructions**

#### **Preparation and Use**

This notice is used to effect a transaction under 12 CFR 5.48(e)(3).

All questions must be answered with complete and accurate information that is subject to verification. If the answer is “none,” “not applicable,” or “unknown,” so state. Answers of “unknown” should be explained.

The questions in the notice are not intended to limit the applicant’s presentation nor are the questions intended to duplicate information supplied on another form or in an exhibit. For such information, a cross reference to the information is acceptable. Any cross-reference must be made to a specific cite or location in the documents, so the information can be found easily. Supporting information for all relevant factors, setting forth the basis for the applicant’s conclusions, should accompany the notice. The regulatory agency may request additional information.

This notice form collects information that the Office of the Comptroller of the Currency (OCC) will need to evaluate a voluntary liquidation notice. The OCC must consider the applicable regulatory requirements, when acting on this notice. For additional information regarding the regulatory requirements, as well as processing procedures and guidelines and any supplemental information that may be required, refer to the OCC’s procedural guidelines in the *Comptroller’s Licensing Manual*. The applicant may contact the OCC directly for specific instruction or visit the OCC’s Web site at [www.occ.gov](http://www.occ.gov).

#### **Notice of Publication**

Generally, public notice under 12 CFR 5.8 does not apply to a voluntary liquidation, unless the OCC determines that the notice presents a significant or novel policy, supervisory, or legal issue where a public notice is considered necessary. A public notice also may be required where a voluntary liquidation notice is accompanied by a second notice that requires a publication notice under 12 CFR 5.8. In this instance, a public notice describing the entire transaction may be necessary to ensure the public has a full understanding of the entire transaction.

If a notice is required, the applicant must publish notice of the proposed voluntary liquidation in a newspaper of general circulation in the community or communities in which the applicant proposes to engage in business. The OCC will provide specific requirements for the notice of publication.

## **Submission**

In addition to an original notice and the appropriate number of signed copies, submit an electronic copy of the information in the notice, especially of the business plan's financial projections, if applicable. For e-mail submissions, contact the OCC for instructions and information about secure transmission of confidential material.

## **Confidentiality**

Any applicant desiring confidential treatment of specific portions of the notice must submit a request in writing with the notice. The request must discuss the justification for the requested treatment. The applicant's reasons for requesting confidentiality should specifically demonstrate the harm (for example, loss of competitive position, invasion of privacy) that would result from public release of information (5 USC 552 or relevant state law). Information for which confidential treatment is requested should be (1) specifically identified in the public portion of the notice (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 notice. Contact the OCC for any further questions regarding requests for confidential treatment.

## Notice Upon Commencing Voluntary Liquidation

### Applicant

Name			Charter no.
Current street address			
City	County	State	Zip code

### Parent Company Identifying Information (if applicable)

Name		
Street		
City	State	Zip code

### Contact Person

Name		Title
Employer		
Street		
City	State	Zip code
Telephone no.	Fax no.	E-mail address

#### 1. Overview

- a. Indicate the date on which the board of directors, shareholders, and/or members voted to voluntarily liquidate, close its affairs, and dissolve the national bank or federal savings association charter.
- b. Indicate the liquidation start date.
- c. Indicate the projected liquidation completion date.

d. If applicable, was public notice made in accordance with 12 USC 182 (for national banks) or 12 CFR 5.48(e)(3)(iii)? If yes, please indicate the name and address of the newspaper publication.

e. If applicable, provide the following information for the liquidating agent or committee:

Name (agent/correspondent):

Address:

Telephone no.:

E-mail address:

Bond amount:

f. If the liquidating agent or correspondent is a bank officer, does the bank's officers' and directors' bond coverage include actions as liquidating agent? If no, please explain.

g. Include the following enclosures as applicable:

- Board of directors' resolution
- Shareholders' Resolution
- Copy of public notice (with a certificate of publication to be forwarded at the end of the publication period)
- Report of condition as of the liquidation start date
- Evidence of notice to depositors, other known creditors, and known claimants

## 2. Other information

Applicant certification that as of the liquidation start date, the applicant's total assets exceed its total liabilities, including contingent liabilities

***(Bank seal) (Applicable to national banks only)***

## OCC CERTIFICATION

**I certify that the bank's board of directors, shareholders or a designated official has authorized the filing of this notice.** I certify that the information contained in this notice has been examined carefully and is true, correct, complete and current as of the date of this submission.

I acknowledge that any misrepresentation or omission of a material fact with respect to this notice, any attachments to it, and any other documents or information provided in connection with this notice may be grounds for the OCC to require cessation of the proposed activity, and may subject the undersigned to legal sanctions, including the criminal sanctions provided for in Title 18 of the United States Code.

I acknowledge that the activities and communications by OCC employees in connection with the filing do not constitute a contract, express or implied, or any other obligation binding upon the OCC, the United States, any agency or entity of the United States, or any officer or employee of the United States, and do not affect the ability of the OCC to exercise its supervisory, regulatory and examination authorities under applicable law and regulations. I further acknowledge that the foregoing may not be waived or modified by any employee or agent of the OCC or the United States.

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President or other authorized officer

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Typed name

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Title

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Employer