

# Application Letter—Fiduciary Powers

Date

Director for District Licensing  
Northeastern District  
Comptroller of the Currency  
340 Madison Avenue, Fifth Floor  
New York, New York 10017-4613

Re: Fiduciary Powers Application, Federal Branch License No. \_\_\_\_\_

Dear Director:

We request approval to exercise (*all permissible fiduciary powers or the following limited fiduciary powers*) **[If appropriate, list fiduciary powers requested]**.

The fiduciary powers we propose to exercise are not in contravention of applicable state and local laws, and we enclose an opinion of counsel listing the applicable laws and attesting to this fact. The trust activities will be conducted at the office of the federal branch located at (*address*).

The foreign bank's capital and surplus are not less than that required by state law of state banks, trust companies, and other corporations exercising fiduciary powers.

Biographical information on the proposed fiduciary management, including educational and professional credentials, and previous five-year employment history, is enclosed. This information describes the proposed management's fiduciary experience and includes a discussion of the proposed activities and why proposed management is able to manage them.

**[For federal branches that have been licensed less than two years]** We enclose the bank's business (*operating*) plan for our United States operations.

I certify that senior management of the foreign bank has authorized the filing of this application and that the information contained in this filing has been examined carefully by me and is true, correct, and complete and is current as of the date of this submission. Additionally, I agree to notify the OCC if the facts described in the filing change materially prior to the bank receiving a decision or at any time prior to commencement of the activity.

I certify that any misrepresentations or omissions of material facts with respect to this application, any attachments to it, and any other documents or information provided in connection with this application may be grounds for denial or revocation of the approval, and may

subject the undersigned to other legal sanctions, including the criminal sanctions provided for in 18 U.S.C. 1001, 1007, and 1014.

I acknowledge that approval of this application is in the discretion of the OCC. 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 OCC 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 the OCC or of the United States.

We enclose a check for (*amount*) payable to the Comptroller of the Currency in accordance with the current annual Notice of the Comptroller of the Currency Fees.

We desire OCC action on this application no later than (*date*).

If you have questions, contact (*name, address, city, state, ZIP Code*) at (*telephone and facsimile numbers, including area code*), or by e-mail (*insert address*).

Sincerely,

—Signature—

Name and Title

Enclosures