

## 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 specific geographic area. In certain circumstances, however, the OCC may require publication of specific sites to be served. See the Messenger Service or Mobile Branch section of the [Branches and Relocations](#) booklet.

**Jointly Owned Branch** — The publication must list all depository institutions 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.

Please see the [Branches and Relocations](#) booklet for a discussion of the various types of branches.

### 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 Number:

Name of Bank:

(Exact corporate title of bank)

Street address:

City, State, Zip Code:

County:

## Filer Contact Information

Name:

Title:

Street Address:

City, State, Zip Code:

Phone:

Fax:

Email:

## 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)

**MAIN OFFICE RELOCATION**

Is the relocation within the same city, town, or village limits where the main office currently is located?  Yes  No

Is the relocation:  To an existing branch or  To a new location

Note: If the relocation is to an existing branch within the same city, town, or village limits, no application is needed. File a notice instead.

## OFFICE LOCATION

Provide the proposed location for the branch or main office:

Branch Name:  
Street Address:  
City, State, Zip Code:  
County:

If this is an application for a branch relocation or main office relocation, provide the existing location:

Branch Number:  
Branch Name:  
Street Address:  
City, State, Zip Code:  
County:

## LEGAL NOTICE

Provide the following information with respect to legal notice of the application.

Publication Name:  
Street Address:  
City, State, Zip Code:

Date of Publication:

### 1a. Branch Establishment or Relocation (if requesting a main office relocation, skip section 1a and go to section 1b).

Address the following questions for intrastate branch establishments and relocations.

- A. Does state law impose geographic, numerical, qualitative, proximity, or other limitations on the establishment/relocation of branches?  Yes  No  
If yes, does the filing comply with those limitations?  Yes  No  
If yes, please provide a legal analysis to support approval.
- B. Is the relocation/establishment of the branch in compliance with the capital requirements of 12 USC 36(c)?  Yes  No  
Note: this question is not applicable for a seasonal agency.  
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.  
Please provide a legal analysis to support 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

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

If yes, go to question D-2. If no, go to question E.

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? \_Yes    \_No

(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?)

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? \_Yes    \_No  
If yes, please provide a legal analysis and discuss the issues fully.

**Address the following questions for interstate branch establishments and branch relocations.**

A. Address the authority to establish the branch in, or relocate it to, another state. In particular:

(1) Does state law in which the branch is proposed to be located impose capital requirements, or geographic, numerical, qualitative, proximity, or other limitations on the establishment/relocation of branches? \_Yes    \_No

If yes, please provide a legal analysis to support approval.

(2) 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), indicate whether the state in which the branch is proposed permits 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.

(3) Address 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.

(4) Address the applicability of state antitrust laws.

(5) Address conformance with applicable federal capital and management standards.

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

Are the CRA ratings for all affiliates of the applicant that are subject to CRA at least "satisfactory"? \_Yes \_No

If no, please provide detail on CRA ratings and action plan. \_N/A

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? \_Yes \_No  
If yes, please provide a legal analysis and discuss the issues fully.

**Address the following question for all branch relocations.**

Is this a short-distance relocation as defined in 12 CFR 5.3(l)? \_Yes \_No

Note: 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.

**Address the following questions for all mobile facilities.**

A. Is this a request to establish a mobile branch or messenger service? \_Yes \_No  
If yes, provide the specific geographic area that the facility would serve.

B. Is this a request to expand the authorized area that will be served by an existing mobile branch or messenger service? \_Yes \_No  
If yes, provide the specific new area for which the bank is seeking authorization.

C. Is this a request to utilize more than one messenger simultaneously? \_Yes \_No  
If yes, indicate the number of messenger services.

D. Will more than one state be served by the mobile branch or messenger service? \_Yes \_No  
If yes, list each state.

**Address the following for jointly owned branches.**

A. Provide the names and addresses of other institutions that will have an ownership interest in the branch.

## 1b. Main Office Relocation

Address the following questions for all main office relocations.

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.

Address the following for main office relocations outside the city, town or village limits of the current location of the main office.

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:

B.1. Upon relocation of the main office, is the bank seeking to retain a branch or branches in its former main office state? \_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. Do you certify that two-thirds of the shareholders have voted to approve the relocation? \_Yes \_No

If no, please explain.

## 2. Bank Premises

Will the projected cost of the relocation/ branch establishment result in an investment in bank premises that requires an application under 12 USC 371d (see the "[Investment in Bank Premises](#)" booklet)? \_Yes \_No

If yes, has prior approval been granted? \_Yes \_No

If no, submit a separate investment in bank premises request to the appropriate OCC supervisory office for the bank.

### 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 (or 12 USC 1828(z) after July 20, 2011)?

Yes  No

Are there any other financial or business arrangements, direct or indirect, involving the proposed branch or main office and bank insiders or their immediate family members? (Refer to the Glossary of the Branch booklet 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 the answer is "yes" to any of the above questions:

- A. 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.
- B. 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.
- C. Where applicable, provide information demonstrating that the requirements of 12 USC 371c, 371c-1, and Regulation W are satisfied.
- D. Attach a copy of the board resolution approving details of the insider/immediate family member transaction.

### 4. 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.

**5. Historic Properties**

Will the proposal affect any district, site, building, structure or object listed 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. \_ Yes    \_ No

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

**6. 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/Acknowledgement**

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: