

STATE OF NEBRASKA

Department of Banking & Finance

INSTRUCTIONS FOR CHANGE OF CONTROL NOTICE

No individual, corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other form of entity acting personally or as agent shall acquire control of any state chartered bank, trust company, or industrial loan and investment company without first giving sixty days' notice to the Department. This notice requirement is pursuant to Sections 8-1501 through 8-1505 of the Revised Statutes of Nebraska.

Accompanying this form are the *Interagency Notice of Change in Control*, the *Interagency Biographical and Financial Report* and the *Department of Banking & Finance Supplement to the Interagency Biographical and Financial Report*. These forms also address the requirements of your primary federal regulator (the FDIC or Federal Reserve Bank). The *Interagency Biographical and Financial Report* must bear an original signature on all copies submitted to the Department of Banking & Finance. The Department supplement must be completed and attached to the respective *Interagency Biographical and Financial Report*. In order to be properly filed in accordance with sections 8-1501 through 8-1505, a notice must be substantially complete and responsive to every item. Attach additional sheets as necessary. If an answer is "no", "none", or "not applicable", so indicate.

When an original and one copy of a substantially complete notice is received by the Department, the Director will issue a letter of acknowledgement to the acquiring party or designated correspondent indicating the date of receipt. The Director must act within thirty days of receipt of the notice except that the director may extend the thirty-day period an additional thirty days if in his or her judgement any material information submitted is substantially inaccurate or the acquiring party has not furnished all the information required by sections 8-1501 through 8-1505 or by the Director. Unless the Director disapproves the proposed acquisition within that period of time, it may become effective on the sixty-first day after receipt without his or her approval. An acquisition may be made prior to the expiration of the disapproval period if the Director issues written notice of his or her intent not to disapprove the acquisition.

If the Director notifies the acquiring party that the proposed acquisition is disapproved, the acquiring party may request an agency hearing on the proposed acquisition. At such hearing, all issues shall be determined on the record pursuant to Nebraska administrative rules of procedure and the rules and regulations issued by the Department.

Submit with this notice a check made payable to the Department of Banking and Finance in the amount of \$500, the statutory fee.

The Applicant is responsible for filing appropriate copies with their primary federal regulator.

The Department requires submission of a Criminal History Report from each state in which potential acquirers, board members and senior officers resided over the past ten years. [Click here](#) for the link to Criminal History Record repositories for each state.