Nebraska Department of Banking and Finance
Financial Institutions Division
https://ndbf.nebraska.gov

1526 K Street, Suite 300
Lincoln, NE 68508-2732 or
PO Box 95006
Lincoln, NE 68509-5006
(402) 471-2171

Instructions for Filing an Application for a Federal Savings Association to Convert to a Nebraska State Bank

The following is intended to assist you in meeting the Department's requirements for approval of an application to convert your charter. This list is provided for your convenience and may not be all inclusive.

PRE-APPLICATION PROCESS:

- ❒ 1. Draft a Plan of Conversion.
- ❒ 2. The Board of Directors of the Association must approve the Plan of Conversion, by a two-thirds majority vote. The approval must be in the form of a Board Resolution.
- ❒ 3. Submit the Plan of Conversion and the Board Resolution adopting it to the Department.
- ❒ 4. The Director will review the Plan of Conversion. The Director must find that the Plan of Conversion is (i) fair and equitable; and (ii) protects the interests of the Association, its members or shareholders, saving account holders and the public. The Director will also make a finding as to whether the Association has followed the statutory procedure.
- ❒ 5. An Applicant may submit any information to support the statutory requirements.
- ❒ 6. The Director will approve or disapprove the Plan of Conversion in writing. If approved, terms and conditions may be required. If disapproved, the Association will have the opportunity to amend and resubmit the Plan of Conversion.
- ❒ 7. Following receipt of approval, the Association must call a meeting of its members or shareholders. Three weeks notice must be given. The notice must contain a copy of the Plan and a summary plan description.
- ❒ 8. The Plan of Conversion must be approved by not less than sixty percent of total outstanding shares. Voting may be by proxy.
- ❒ 9. If approved by the members or shareholders, a certified copy of the proceedings at the meeting must be filed with the Department within thirty days after the meeting.
- ❒ 10. The Association may simultaneously file the Application, or it may do so at a later time.

APPLICATION PROCESS:

- ❒ 1. Prepare the application in typewritten form. Sign all papers with ink. Forward the original and two copies to this Department.
- ❒ 2. Remit check or bank draft in the sum of $2,500 for filing and reviewing the application. If trust powers are currently held by the Association and will be continued, an additional fee of $1,000 is required. If branches are requested, an additional fee of $250 per branch is required.
- ❒ 3. The Department will give notice of the application by publishing in a legal newspaper in the county where the main office of the Association is located. The applicant must pay the cost of publication and the newspaper will be instructed to bill the applicant accordingly.

❒ 4. Should objections be filed in this office within fifteen days after publication, a hearing will be scheduled. All expenses incurred, including that of the reporter who will prepare a transcript of the hearing, will be assessed prorata to the applicant and protestant which will be in addition to the original $2,500 filing fee. If no protests are filed, no hearing will be held, unless the condition of the Association requires a hearing.

❒ 5. The Department will review a copy of the Association's last Report of Examination and, depending on the report, may conduct an entrance examination.

❒ 6. The Department will issue an Order of Approval or Order of Denial.

POST APPROVAL PROCESS:

❒ 1. The requirements of Nebraska Revised Statute Section 8-702 must be met. *(FDIC Insurance)*

❒ 2. Applications for Approval of Directors Form filed and approved for each director on the Board.

❒ 3. Executive Officer License obtained by each officer.

❒ 4. Statement of Intention to make personal loans filed along with the $50 filing fee.

❒ 5. A fidelity bond must be secured in accordance with Nebraska Revised Statue Section 8-110.

❒ 6. Effective date of operation submitted in writing to Department.

❒ 7. All requirements provided for in the Order of Approval must be met.

❒ 8. Remit Bank Charter fee of $1.50 per $1,000 of authorized capital stock as set forth in Nebraska Revised Statute Section 8-602(3), with a minimum fee of $225. A mutual savings bank will pay the minimum fee.

❒ 9. Remit $100 fee pursuant to Section 8-602(1) for filing and examining articles of incorporation. A certified copy is required. If such articles have been amended to reflect a name change, a certified copy of the amended articles will also be required.

❒ 10. If trust powers were authorized, additional fees are required, and securities must be pledged or transferred from the existing Association.