

# Interagency Branch Application/Notice

## Interagency LPO Notice

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Nebraska Department of Banking and Finance  
<https://ndbf.nebraska.gov>

1526 K Street, Suite 300  
PO Box 95006  
Lincoln, NE 68509-5006 402-471-2171

## Instructions and Information

### FINANCIAL INSTITUTION BRANCH

These instructions are for an application to establish or relocate a branch of a Nebraska state-chartered bank or credit union. The application/notice addresses the requirements of the Nebraska Department of Banking and Finance ("Department") and your primary federal regulator (the Federal Deposit Insurance Corporation ("FDIC"), the National Credit Union Administration ("NCUA") or Federal Reserve Bank ("FRB").

Please be aware of the following Nebraska statutes:

[Neb. Rev. Stat. § 8-149](#) states in part that investment in bank premises cannot exceed the paid-up capital stock, surplus, and capital notes and debentures of the bank. After consideration of all costs involved with this project, you should ascertain that completion of the branch or relocation project will not result in a level of bank premises assets which exceeds the stated limitation.

[Neb. Rev. Stat. § 8-157](#) sets forth branching restrictions. You should familiarize yourself with this law to ensure this application is in compliance with all appropriate provisions.

[49 NAC 1, 2 and 3](#) should be reviewed as these are applicable rules for applications.

It will be expected that construction of the new facility will not be commenced nor will the financial institution enter into non-cancelable construction contracts or lease agreements, etc., until such time as the application has the approval of both the Department and the appropriate federal regulatory agency.

Financial institutions that are not members of the Federal Reserve System are required by the FDIC or NCUA to provide an affirmative statement as to whether the site is included in or eligible for inclusion in the National Register of Historic Places. The National Historic Preservation Act Form and instructions are available to assist management in meeting this requirement. The completed form should be mailed directly to the State Historic Preservation Officer (SHPO), Nebraska State Historical Preservation Office, 1500 "R" Street, Lincoln, NE 68508, along with the request that the SHPO return the form to the FDIC or NCUA within thirty days. The SHPO should also be advised that if additional information is needed, the request should be sent directly to the bank rather than to this office. FDIC or NCUA will act on applications prior to obtaining SHPO clearance; however, such approvals will be expressly conditioned upon obtaining approval.

### LOAN PRODUCTION OFFICE

Notification only is required to establish or relocate a loan production office (LPO). Complete only those portions of the Application/Notice applicable to LPOs.

### SCHOOL BRANCH

If applicant is providing notice pursuant to Neb. Rev. Stat. § 8-157 (8) to establish savings account programs at any elementary or secondary school, complete the [Student Savings Account Program – Notice](#). No additional information is requested for notice of this savings account program.

### FEES

Remit check or bank draft to the Department in the sum of \$250 for a branch application or relocation, as provided by Neb. Rev. Stat. § 8-602. No fees are assessed for notice of the discontinuance of a branch, for any notice related to a loan production office, or for any notice related to a school branch. Contact your federal regulator to determine any applicable fees.

## **PUBLICATION NOTICE**

If this application is for a branch or to relocate a branch, the Department will give notice of the application by publishing in a legal newspaper in the county where the proposed branch office is to be located and in the county where bank's main office is, if different. The applicant must pay the cost of publication and the newspaper will be instructed to bill the applicant accordingly. The applicant is to provide proof to the Department that such costs have been paid.

Should substantive objections be filed with the Department within fifteen days after publication, a hearing will be scheduled. Notice of the hearing shall be published for two consecutive weeks. The date of the hearing shall not be more than 90 days after the filing of the application and not less than 30 days after the publication of notice of the hearing. A hearing will include additional costs including that of the reporter who will prepare a transcript of a hearing.

You are also directed to Paragraph 4 of the attached Uniform Interagency Application/Notice Application form regarding federal publication requirements.

## **SUBMISSION OF APPLICATION**

Prepare the application in PDF form and print two copies. Sign one as the original and submit both the original wet signature document and the copy of the application to the Department. A separate copy is to be filed with your federal regulator.

## **APPROVAL/DENIAL**

Branches: The Director of the Department will issue an Order approving or denying each application. Your federal regulator will issue a separate decision.

Loan Production Offices: The Department will acknowledge receipt of the notice by letter.

School Branches: The Department will acknowledge receipt of the notice by letter.

## **COMPLETING THE APPLICATION/NOTICE**

### **TYPE OF APPLICATION/NOTICE**

Regarding the first line of information, check whether this filing represents an application or is being made for notice purposes only, then check the appropriate box for establishment, relocation or discontinuance. Also check whether the application concerns a branch office location. The activity conducted at the location will determine whether the office is considered a branch under state or federal statutes.

### **APPLICATION INFORMATION**

**Name and Address:** Financial Institution's full name and main address.

**Correspondent:** Provide the name and address of the individual the financial institution wants to handle any inquiries or requests concerning this application.

### **LOCATION**

**Official Name:** Provide the official or trade name for the proposed office, such as "17<sup>th</sup> and Main," or "Wholesale Mart."

**Proposed Address:** Provide the complete street address of the location where the bank wishes to establish or relocate a new entity. If the street address is not yet assigned, provide information such as "Southwest Corner of the Intersection of X and Y Streets."

**Address of Entity to Be Discontinued:**

If the application involves the discontinuance, or relocation of an existing entity, provide the address of the location where the business will be discontinued.

### **PROPOSED**

**EFFECTIVE DATE:** Indicate the date the financial institution wishes to effect the change. A subsequent notice of when the change actually took place may be required.

**ANSWERS TO THE FOLLOWING QUESTIONS SHOULD BE PROVIDED IN LETTER FORM, AND ATTACHED TO THE APPLICATION'S COVER SHEET.**

**APPLICATION DETAILS**

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1. Only a brief description is necessary, such as full-service branch, or mortgage loan origination. It is not necessary to provide a complete laundry list of proposed activities, but just the principal purpose of the office.
2. If the proposed transaction will result in the purchase or lease of any asset from an insider, officer, director or 10 percent shareholder, or one of his/her interests, or result in the payment of money to an insider or one of his/her interests for services, please provide details. If the proposed transaction does not require disclosure based upon the above, please make a statement that no reporting is required.
3. Complete and submit the *Nebraska Supplement to Interagency Branch Application/Notice*. Use exhibits as necessary.

For additional information on the application process, contact the Department and/or your federal regulator before filing an application.

# Uniform Interagency Application/Notice Application

Type of Application Notice     BRANCH  
      PLACE OF BUSINESS/LPO

<input type="checkbox"/> ESTABLISH:	<input type="checkbox"/> RELOCATE:	<input type="checkbox"/> DISCONTINUE:
<input type="checkbox"/> Application	<input type="checkbox"/> Application	<input type="checkbox"/> Notice
<input type="checkbox"/> Notice	<input type="checkbox"/> Notice	<input type="checkbox"/> Notice

**APPLICANT INFORMATION:**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_ Zip Code \_\_\_\_\_  
 Correspondent's Name: \_\_\_\_\_ Phone \_\_\_\_\_  
 Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_ Zip Code \_\_\_\_\_

**LOCATION:**

Official Name of Office: \_\_\_\_\_  
 Proposed Address: \_\_\_\_\_  
 City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_ Zip Code \_\_\_\_\_

**Address of Office to be Discontinued** \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_ Zip Code \_\_\_\_\_  
 Proposed Effective Date of Change: \_\_\_\_\_

**APPLICATION DETAILS:**

1. Briefly describe the services to be provided from the location, or in the case of a discontinuance, services which will no longer be provided.
2. Are premises or equipment to be purchased or leased from an officer, director or ten (10) percent shareholder in connection with this application? If so, provide details.
3. Is the establishment or relocation of the branch consistent with intrastate branching restrictions which may exist in the state where the branch is located?
4. If there is any requirement to provide prior notification to the financial institution's customers, or general public notification through newspaper publication, please provide the date and place of such notification. (Branch Discontinuance requires 90 days prior notice to appropriate federal agency)
5. For applications involving branch offices only, complete the *Nebraska Supplement to Interagency Branch Application* (information for State purposes).

**For Applications Involving Branch Offices Only (Information for federal purposes):**

6. If the bank's last CRA rating was not at least satisfactory, please provide a detailed explanation of how the subject of this application will promote the financial institution's efforts to meet its CRA goals, and correct any current deficiencies.
7. If enacted, will the subject of this application result in the demolition or significant alternation of any structure which may have historic or cultural significance? For FDIC or NCUA purposes, non-member financial institutions must also provide a letter from the State Historic Preservation Office.
8. Does the proposed branch comply with local zoning ordinances?

Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

*Regulatory agencies reserve the right to request additional information.*