

NEBRASKA ADMINISTRATIVE CODE

Title 45 – DEPARTMENT OF BANKING AND FINANCE

Chapter 16 – LOANS SECURED BY DEPOSIT ACCOUNTS

001 SCOPE AND APPLICATION.

001.01 Neb. Rev. Stat. § 8-141 provides that loans or extensions of credit to any person, partnership, limited liability company, association, or corporation which are properly secured by a segregated deposit account in the lending bank shall not be subject to any limitation based on paid-up capital, surplus, and capital notes and debentures, or any limitation based on unimpaired capital and unimpaired surplus.

001.02 For purposes of this Rule, “unimpaired capital” is as defined in Neb. Rev. Stat. § 8-141.

002 ELIGIBLE DEPOSIT ACCOUNTS.

002.01 Deposit accounts which qualify for this exception are limited to deposits in the form generally recognized as time certificates of deposit.

003 COLLATERAL REQUIREMENTS.

003.01 The bank must ensure that a security interest has been perfected in the deposit, including the assignment of the specifically identified deposit.

003.02 The bank must obtain possession of the certificate(s) of deposit.

003.03 The bank must establish written internal procedures which will prevent the release of the deposit prior to the release of the security interest.

003.04 Only that amount in excess of the Neb. Rev. Stat. § 8-141 lending limit must be secured.