

~~Effective date: January 9, 1991~~

Title 45 - DEPARTMENT OF BANKING AND FINANCE

Chapter 32 - ~~REPEALED. SCHEDULE FOR RETENTION OF RECORDS: BANKS
EXERCISING TRUST POWERS AND TRUST COMPANIES~~

~~001 The Department of Banking and Finance, pursuant to statutory authority granted in Section 8-170 and 8-175, authorizes banks exercising trust powers and stand-alone trust companies organized pursuant to 8-201 through 8-233 R.R.S., to dispose of old records pursuant to the conduct of fiduciary business in accordance with the following schedule for destruction of trust records, except those ledger sheets and records showing unpaid balances in favor of any trustor, grantor, beneficiary, or other parties interested in fiduciary accounts administered by the bank or trust company. Corporate records that relate to the authorization and existence of trust powers shall not be destroyed.~~

~~Records established through a computer and information received relative to this record in the form of a computer print-out shall be maintained in such a manner as the accounts reflected thereon can be reconstructed from the date of origin to show all entries, and may be retained in accordance with the attached schedules. Computer print-outs reflecting unpaid balances in favor of trustors, beneficiaries and/or other interested parties shall not be destroyed without means of reconstruction of each such account. Microfilm and microfiche are acceptable means of maintaining such records provided the same is clearly readable.~~

~~This retention schedule indicates only the minimum retention period prescribed by the Department. Longer retention periods may be prescribed by other agencies in some cases and individual entities may prefer to maintain certain records for longer periods of time. This schedule is also not considered an all-inclusive list of records which the bank or trust company may be responsible for retaining.~~

~~001.01 PERMANENT RECORDS~~

~~001.01A Original document must be kept~~

~~001.01A1 Capital stock ledger (stand-alone trust company)~~

~~001.01A2 Charter certificate; numbered and executed by the Director of Banking~~

~~001.01A3 Department of Banking & Finance "Order" granting trust powers~~

~~001.01A4 Minutes of stockholder meetings (stand-alone trust company)~~

~~001.01A5 Minutes of the board of directors (stand-alone trust company)~~

~~001.01A6 Minutes of the trust committee and all other committees appointed by the board of directors to oversee fiduciary activity~~

~~001.01A7 Receipts for final distribution of account assets~~

~~001.01A8 Records and receipts for cash or property conveyed to the State of Nebraska under the Uniform Unclaimed Property Act (Escheat Laws)~~

~~001.01A9 Registration confirmation regarding "Direct" or "Indirect Inquiry" concerning lost, stolen or misplaced securities (Rule 17-f-1)~~

~~001.01A10 Required records and logs pursuant to FDIC Regulation Part 344 (O.C.C. 12 CFR 12.6 or FRB Regulation "H")~~

~~001.01A11 All other records relating to the corporate existence of a stand-alone trust company or the authorization for a bank to conduct a trust business pursuant to Sections 8-201 through 8-233 R.R.S.~~

~~001.02 OTHER CORPORATE RECORDS~~

~~001.02A Retain original records for ten (10) years following date of issue or expiration (which ever is later). Records may be microfilmed after ten (10) years and the original destroyed provided microfilm is clearly readable.~~

~~001.02A1 Annual call reports of corporate and fiduciary activity, prepared for any supervisory agency~~

~~001.02A2 Federal, state and other governmental tax records (stand-alone trust company)~~

~~001.02A3 Insurance records, Bankers' Blanket Bond, Excess Dishonesty Bonds~~

~~001.02A4 Receipts for stock certificates issued (stand-alone trust company)~~

~~001.02A5 Stock certificate stubs (stand-alone trust company)~~

~~001.02A6 Surrendered stock certificates (stand-alone trust company)~~

~~001.03 ALL OTHER FIDUCIARY RECORDS~~

~~001.03A Retain the following original records for six (6) years after fulfillment of duties specified in the governing documents of individual accounts. After six (6) years, the original document may be microfilmed and destroyed, provided microfilm is clearly readable.~~

~~001.03A1 Advice of payments of bequests, gifts, discretionary distributions, income distributions, scheduled payments, or extraordinary payments requested by interested parties~~

~~001.03A2 Common Investment Fund (CIF) or Common Trust Fund (CTF) records including annual reports, annual fund audits, governing plan documents, and all terminations reports. (Retention shall continue 6 years beyond the date of termination of the CIF or CTF and full payment of all investor share accounts.)~~

~~001.03A3 Correspondence relative to the administration of accounts~~

~~001.03A4 Court orders issued regarding legal appointment, judgements or other litigation settlement and/or trustee requests for direction~~

~~001.03A5 Cremation/destruction certificates regarding matured, redeemed or cancelled corporate bond issue certificates~~

~~001.03A6 Dividend checks paid on corporate bond issue accounts~~

~~001.03A7 Escrow account records (including payment schedules)~~

~~001.03A8 Final accounting report for any fiduciary account~~

~~001.03A9 Legal opinions or other letters of legal counsel pertaining to the administration of trust accounts~~

~~001.03A10 Real estate records~~

~~001.03A11 Safekeeping records relating to assets held during course of account administration~~

~~001.03A12 Trust indentures and other authorizing documents creating fiduciary relationships and/or limiting authority of the named fiduciary~~

~~001.03A13 Wills of decedents which appointed the bank or trust company as personal representative and/or trustee of subsequent trust accounts created by the will~~

~~001.03A14 Worthless assets, including documentation regarding determination of worthless status and distribution of such assets in kind (if applicable)~~

~~001.03B Retain the following records within individual account files until six (6) years after accounts have been closed or terminated:~~

~~001.03B1 Accounting records of individual fiduciary accounts~~

~~001.03B2 Administrative expenses charged to and paid from individual account funds~~

~~001.03B3 Annual (or other periodic) reports provided grantors/beneficiaries during administration of the account~~

~~001.03B4 Approvals of administrative action by co-fiduciaries and third parties authorized to provide advice~~

~~001.03B5 Authorization of transactions by co-fiduciaries and investment advisors~~

~~001.03B6 Bondholder records regarding corporate bond issues over which the institution exercises trustee or agency authority~~

~~001.03B7 Bond transfer records for corporate bond issue accounts~~

~~001.03B8 Broker/dealer statements relating to liquidation of assets for final distribution and/or re-registration of securities for distributions in kind~~

~~001.03B9 Cash journals or ledgers reflecting receipt and disposition of principal and income cash~~

~~001.03B10 Corporate bond issue accounting records~~

~~001.03B11 Corporate bond issue asset ledgers where fiduciary capacity included trustee or escrow agent investment duties~~

~~001.03B12 Coupon and/or Dividend collection records pertaining to assets held by accounts~~

~~001.03B13 Employee benefit plan account records (both as agent and trustee)~~

~~001.03B14 Indemnification agreements and surety bonds in regard to lost, stolen, or misplaced certificates of corporate bond issues for which the institution acted as trustee or agent~~

~~001.03B15 Keogh & IRA account records (custodial accounts)~~

~~001.03B16 Mortgage and loan collection records for individual accounts (when an asset of the account)~~

~~001.03B17 Mortgage and loan payment records for individual accounts (when a liability of the account)~~

~~001.03B18 Original records and documents pertaining to trust entries at the inception of accounts~~

~~001.03B19 Receipts for the exchange or substitution of trust assets~~

~~001.03B20 Rent and lease payment receipts for accounts holding income producing real or personal property~~

~~001.03B21 Signature files of authorized signatories for direction of accounts~~

~~001.03B22 Stock transfer ledgers where institution is fiduciary for an equity stock issue~~

~~001.03B23 Stockholder records specifying current stock ownership where institution is fiduciary for an equity stock issue~~

~~001.04 TEMPORARY RECORDS~~

~~001.04A During active administration, retention of the originals of following items will vary in accordance with suggested time frames as noted:~~

~~001.04A1 Annual account review documents - 2 years~~

~~001.04A2 Annual reports of securities held in accounts - until superseded~~

~~001.04A3 Appraisal of personal property held in fiduciary accounts - until superseded~~

~~001.04A4 Appraisal of real estate parcels held in fiduciary accounts - until superseded~~

~~001.04A5 Audit reports and work files of internal/external auditors - 2 years~~

~~001.04A6 Broker/dealer invoices - 3 years~~

~~001.04A7 Broker/dealer transaction confirmations - 3 years~~

~~001.04A8 Checking account statements with paid drafts - 6 years~~

~~001.04A9 Check register detailing disposition of fiduciary account funds - 6 years~~

~~001.04A10 Contracts and agreements - 3 years after expiration~~

~~001.04A11 Correspondence not relative to administration of account - 3 years~~

~~001.04A12 Decedents' final tax returns - 3 years after filing~~

~~001.04A13 Farming leases - 3 years after expiration~~

~~001.04A14 Federal and State Estate Tax Returns - 3 years after filing~~

~~001.04A15 Federal and State Gift Tax Returns - 3 years after filing~~

~~001.04A16 Fiduciary Income Tax Returns (Fed & State) - 3 years after filing~~

~~001.04A17 General ledger and journal entry tickets or advices - 3 years~~

~~001.04A18 Income statements from account assets - 3 years after closing~~

~~001.04A19 Internal policies and procedures - until superseded~~

~~001.04A20 Investment records - 3 years~~

~~001.04A21 Invoices paid from individual fiduciary accounts - 3 years after closing~~

~~001.04A22 Other documentation not specified - 3 years~~

~~001.04A23 Proxy statements regarding voting of company stock (stand-alone trust company) - 2 years~~

~~001.04A24 Proxy statements regarding voting rights for securities held as assets of fiduciary accounts - 2 years~~

~~001.04A25 Stop payment orders - 3 years~~

~~001.04A26 Surety bonds required by court order or other agreement - 3 years after release~~

~~001.04A27 Synoptic account records - until superseded~~