



**APPLICATION FOR  
A BRANCH OFFICE  
(INTRASTATE AND INTERSTATE)**

## INSTRUCTIONS FOR BRANCH OFFICE APPLICATIONS

Applications for consent to establish a branch office under Section 7-1-601 O.C.G.A., should utilize the Uniform Interstate Application/Notice form which is made a part of these instructions. The application form should be submitted to the Georgia Department of Banking and Finance, signed by an authorized representative, and shall be accompanied by completed copies of the enclosed supplemental information forms. You should also refer to the Statement of Policies prepared by the Department regarding *Applications to Establish a Branch Office* before completing the application.

**If the bank meets the expedited processing criteria, a letter form notification should be submitted to this office in lieu of the branch office application.** In addition, for a qualifying (expedited) notice the Department no longer requires a public comment publication; however, **federal regulations still require a newspaper publication.** Contact should be made with the appropriate federal regulator to determine the publication requirements. Please refer to the attached page taken from the Department's Applications Manual for more information regarding expedited processing.

### INSTRUCTIONS FOR INTRASTATE APPLICATIONS:

The original and one copy of the application and the appropriate filing fee payable to the Department of Banking and Finance should be submitted for filing to the Department. The bank should also submit a copy of the application to the appropriate federal regulator. For applications processed under regular procedures, the application should be submitted to the Department on the date the required public notice is published or within 5 days after the date of the required publication. The notice must be published one time, in a newspaper of general circulation, in both the county of the main office of the bank and in the county in which the branch office is to be established and may be joint with the federal regulator. As noted above, **there is no Department publication requirement for a qualifying notice** when the bank meets the expedited criteria as set forth in paragraphs (1) through (4) of Rule 80-1-1-.10 of the Department's Rules and Regulations. The following is a sample form of notice which may be used where a publication is required:

#### NOTICE

\* \* \* \* \*

Pursuant to the requirements of Chapter 80-1-1 of the Rules of the Department of Banking and Finance, notice is hereby given that **(name of bank), (city), (county)**, Georgia, has filed an application for approval to establish a branch office. The proposed branch office to be located at **(number and name of street), (city), (county)**, Georgia.

Any person wishing to comment on and/or protest the application filed with the Georgia Department of Banking and Finance may do so by filing written notice with the Department of Banking and Finance, State of Georgia, 2990 Brandywine Road, Suite 200, Atlanta, Georgia 30341-5565, by the 15th day following the date of required publication. The Georgia Department of Banking and Finance will accept and take official constructive notice of all written comments and notices timely filed with the Federal Regulator also. Nonconfidential portions of the application filed with the Department are available for review in the offices of the Department during regular business hours. Costs associated with reproduction of records and formal hearings shall be borne by those persons requesting such information or hearings.

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In lieu of the notice detailed above, such publication may be in a form prescribed by the appropriate Federal regulator for such a transaction, provided it contains a reference to the Department of Banking and Finance with its address, as a regulator to whom comments should be sent (applies to regular applications only).

The address of the proposed site or a precise description of its location will have to be provided. In this regard, a street number is preferred; however, if such has not been assigned, a description of the precise location is essential. For example, "the proposed site is on the east side of U.S. Highway xxx, 400 feet south of the intersection of U.S. Highway xxx and State Road xxx." If this site is at the intersection of two roads, the quadrant in which it lies also should be designated. You should note that the exact location of the site will have to be used for publication purposes.

## INSTRUCTIONS FOR INTERSTATE APPLICATIONS:

File one copy of the Uniform Interstate Application/Notice with the Home State Regulator (Licensing Agency) and with the bank's primary federal regulator -- FDIC or FRB. The Home State Regulator will distribute copies to other interested states as necessary. Member banks have the option of either submitting this form to the FRB or following the FRB's notice requirement in the case of establishing a branch. In addition, for any branch application, state nonmember banks may submit this form to the FDIC or submit a letter application to the FDIC containing all the information required in Part 303 of FDIC Rules and Regulation.

**Note: Many state application requirements parallel federal requirements. Check with the home state regulator to determine whether your institution must file either a notice or application.**

The application forms are self-explanatory and all information requested should be furnished in concise detail. **Any information included in your application considered to be of a confidential nature, which should not be filed in public files, should be clearly marked as confidential and should be bound separately for easy identification.** Please do not submit the application until all requested information is provided.

Regular Application Fee - \$1,250

Expedited Notice Fee - \$ 500

Murali Ramachandran  
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Department of Banking and Finance  
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GEORGIA LAWS 1976, PP. 483,484: A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of State Government shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than five years, or both.

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**UNIFORM INTERSTATE APPLICATION/NOTICE**

(Check one or more appropriate boxes)

	Establish	Relocate	Discontinue
<b>Purpose: Application or Notice:</b> (Circle One)			
<b>Branch Office</b>			
ATM Facility			
Place of Business/LPO			

In shaded area, neither application nor notice is required for federal purposes. \*(Note: Many state application requirements parallel federal requirements. Check with the home state regulator to verify whether your institution must fulfill either a notice or application requirement.)

**APPLICANT INFORMATION:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**LOCATION:**

**Official Name of Branch Office:** \_\_\_\_\_

**Proposed Trade Name:** \_\_\_\_\_ (if applicable)

**Proposed Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **County:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

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

**City:** \_\_\_\_\_ **County:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Proposed Effective Date:** \_\_\_\_\_

**APPLICATION DETAILS (Provide in Letter Form and Attach to Application):**

- Briefly describe the services to be provided from the location, or in the case of a discontinuance, services which will no longer be provided.
- Provide details regarding any involvement in the proposal by any officer, director or ten (10) percent shareholder, or their interests, including any financial arrangements relating to fees, the acquisition of property, leasing of property, and construction contracts.
- Provide a brief statement as to why the subject of the proposed transaction will promote the public needs and advantage, or not have a material adverse effect on the public needs and advantage.

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

- Is the establishment of a branch or relocation of an office consistent with intrastate branching restrictions that may exist in the state where the branch is located? (**Note: For Georgia banks, statewide branching in Georgia is permitted after seeking the Department's approval.**)
- If there is any requirement to provide prior notification to the bank's customers, or to provide general public notification through newspaper publication, provide a copy of the publication and the date and place of such notification.
- State the reasons for closing/discontinuing the branch referenced in this application form. (Branch Discontinuance requires 90 days prior notice to the appropriate federal agency.)
- If the bank's last CRA rating was not at least satisfactory, provide a detailed explanation of how the subject of this application will promote the bank's efforts to meet its CRA goals and correct any current deficiencies.
- If enacted, will the subject of this application result in the demolition or significant alteration of any structure which may have historic or cultural significance?
- Does the proposed branch comply with local zoning ordinances? (**NOTE: response to items 8 & 9 should be provided to the Federal regulator only.**)

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

**Print Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

## INSTRUCTIONS FOR UNIFORM INTERSTATE APPLICATION/NOTICE

- I. **GENERAL INFORMATION** - The "Uniform Interagency Application (UIA)" was developed by the State/Federal Working Group for the purpose of reducing regulatory burden, by eliminating the need for banks to file multiple different application forms for common applications. Provision of the information in this application will meet the normal regulatory and statutory requirements of all state and federal bank regulatory agencies. In that minority of cases where additional information is required, the applicant will receive a separate request for additional information to supplement the application. The UIA may also be used for filing a "Notice" where no formal application is required.
- II. **TYPE OF APPLICATION** - Circle whether this filing represents an application or whether it is being made for "notice" purposes only, then check the appropriate box for establishment, discontinuance, or relocation. Also, check whether the application concerns a "branch office"; "place of business" other than a branch office, such as a "loan production office" (LPO) or representative office; or an "automated service location", such as a stand alone automated teller machine or cash dispensing machine. The activity conducted at the location will determine whether the office is considered a "branch" under state or federal statutes.
- III. **APPLICANT INFORMATION:**
- A. Name and Address: Bank's full name and headquarters office address.
- B. Contact person: Provide the name and address of the individual assigned to handle any inquiries or requests concerning this application.
- C. Official Name/Trade Name: Provide the official name and the trade name, as applicable for the proposed office.
- D. Proposed Location: Provide the complete street address of the location where the bank wishes to establish or relocate a new physical facility.
- E. Address of Office to be Discontinued: If the application involves the discontinuance or relocation of an existing facility, provide the address of the location where the business will be discontinued.
- F. Proposed Effective Date: Indicate the date the bank wishes the change to be effective. A subsequent notice of when the change actually took place may be required.

### SUPPLEMENTAL INFORMATION FOR THE STATE OF GEORGIA

(For expedited notices, refer to the attached page from the Department's Applications Manual for details regarding the letter form notification requirements).

- 1) **PUBLIC NEEDS AND ADVANTAGE**: The answer to Question #3 on the UIA should contain a description of the primary service area for the proposed branch office and a brief discussion of the applicant's decision to branch to the proposed location.
- 2) **CAPITAL AND EARNINGS**: Briefly discuss the impact that the proposed branch expansion will have upon the overall earnings and capital position of the bank during the next three (3) years, particularly in regards to how the bank's Tier 1 Capital ratios will be affected.
- 3) **PREMISES**: Complete Schedule A (attached) and provide a brief description of the premises to be occupied by the proposed branch office. (**NOTE: Where there is insider involvement, details should be provided regarding the individual's involvement, and two independent appraisals (or fair market value estimates if the proposal involves a lease) of the property should be submitted along with the application, if appropriate.**)
- 4) **OTHER**: Discuss other pertinent aspects of the application not previously mentioned above including any other information that you feel will help the Department assess your request to establish a new branch office.

SCHEDULE A

**PREMISES TO BE ACQUIRED**

A) Quarters acquired in conjunction with the proposed branch location:	Total Cost
LAND	_____
BUILDING	_____
FURNITURE AND EQUIPMENT	_____
CAPITAL LEASES	_____
LEASEHOLD IMPROVEMENTS	_____
TOTAL FIXED ASSET EXPENDITURE	_____
INVESTMENT IN REAL ESTATE HOLDING COMPANY SUBSIDIARY	_____
PRESENT FIXED ASSET INVESTMENT AS OF _____	_____
<b>TOTAL OF PRESENT AND PROPOSED FIXED ASSET INVESTMENT</b>	_____

B) Section 7-1-262 O.C.G.A. limits the total investment in fixed assets to 60% of the bank's Statutory Capital Base (SCB) (as defined in Subsection 7-1-4(35) O.C.G.A. Please list your current SCB components below:

**Amount**

Common Equity Tier 1 Capital	_____
Allowance for Loan and Lease Losses	_____
<b>TOTAL STATUTORY CAPITAL BASE (SCB)</b>	_____
<b>Total SCB times 60% (Fixed Asset Capacity)</b>	_____

C) Are total proposed fixed asset expenditures in compliance with the limitations imposed by Section 7-1-262 (O.C.G.A.)?

( ) Yes ( ) No. If no, please explain and provide a plan for coming into compliance with the limitation as prescribed in Department Rule 80-1-10-.01(3).

**DEPARTMENT PROCEDURES  
NEW BRANCH OFFICES  
Regular Processing**

**1. LAW AND REGULATIONS**

- Section 7-1-600. Definitions.
- Section 7-1-602. Branch offices and Applications for Branch Offices.
- Section 7-1-604. Banking business prohibited except as allowed by Title 7.
- Section 7-1-628.6 Powers of out-of-state banks branching into Georgia.
- Section 7-1-628.8. Restrictions on de novo branches (Interstate transactions).
- Section 7-1-628.9. Restrictions on purchase of branches (Interstate transactions).
- Chapter 80-1-1 Applications, Registrations and Notifications.
- Chapter 80-5-1 Supervision, Examination, Registration and Investigation Fees. Administrative Late Fees.

**2. POLICY STATEMENT**

See **Policy Statement for Branch Offices**. The Policy Statement also addresses Interstate Branch Offices. An interstate application is the appropriate application required by and filed with the applicant's Home state.

**APPLICANTS WHO QUALIFY FOR EXPEDITED PROCESSING SHOULD REFER TO THE NOTICE PROCEDURES FOUND ELSEWHERE IN THIS MANUAL (See New Branch Offices under the Notifications Section).**

**Criteria for Expedited processing of Bank Applications:**

- The depository institution must be well capitalized as defined in the appropriate capital regulation and guidance of the institution's primary Federal regulator;
- The depository institution must have received a CAMELS composite rating of "1" or "2" as a result of the most recent state or Federal examination;
- The depository institution must have a satisfactory or better Community Reinvestment Act rating from its primary Federal regulator at its most recent examination;
- The depository institution must not be subject to any agreements, orders, prompt corrective action directives or other enforcement or administrative agreements with the Department or its primary Federal regulator or other chartering authority.
- In addition, the Department may deny or remove from expedited processing, any institution's application where it finds that:
  - Safety and soundness concerns of the Department dictate a more comprehensive review;
  - Any material adverse comment is received by the Department;
  - Other supervisory concerns, legal issues, or policy issues come to the attention of the Department;
  - If applicable, any acquisition of fixed assets would cause the institution to exceed the state fixed asset limitation;
  - Any other good cause exists for denial or removal.In this event, the institution will be notified that expedited processing is not available, the reason, and instructions as to how to proceed.

**3. PROCEDURE (REGULAR PROCESSING)**

- Applicant should call the Department for the **Application for a Branch Office** or obtain the application from the Department's website – [dbf.georgia.gov](http://dbf.georgia.gov).
  - The applicant will be notified within two business days of receipt of the application and the appropriate filing fee.
  - The Department should act on the application within 21 days of receipt of the application or at the end of the public comment period, whichever is later.
  - Publication of the public comment notice may commence up to five days prior to submission of the application with the Department.
- NOTE:** The Department will accept the FDIC's online application in lieu of the Department's application if the bank submits an application through the FDICconnect system. However, the bank should submit the required filing fee to the Department.

**3a. DOCUMENTS REQUIRED (REGULAR PROCESSING)**

- **Application for a Branch Office** (Uniform Interagency Application) or other appropriate application as required by the Home State. **NOTE:** If the transaction involves the purchase and assumption of assets and/or deposits, and would require a merger application with the federal regulator (OAKAR transaction), a copy of the Federal application can be submitted in lieu of the Department's application form.
- The required fee as noted below.
- Publisher's affidavit and a copy of the public notice in the format noted on the following page.

N O T I C E

\* \* \* \* \*

Pursuant to the requirements of Chapter 80-1-1 of the Rules of the Department of Banking and Finance, notice is hereby given that **(name of bank), (city), (county)**, Georgia, has filed an application for approval to establish a branch office. The proposed branch office is to be located at **(number and name of street), (city), (county)**, Georgia.

Any person wishing to comment on and/or protest the application filed with the Georgia Department of Banking and Finance may do so by filing written notice with the Georgia Department of Banking and Finance, 2990 Brandywine Road, Suite 200, Atlanta, Georgia 30341-5565, by the 15th day following the date of required publication. The Georgia Department of Banking and Finance will accept and take official constructive notice of all written comments and notices timely filed with the Federal Regulator also. Nonconfidential portions of the application filed with the Department are available for review in the offices of the Department during regular business hours. Costs associated with reproduction of records and formal hearings shall be borne by those persons requesting such information or hearings.

\* \* \* \* \*

In lieu of the notice detailed above, such publication may be in a form prescribed by the appropriate Federal regulator for such a transaction, provided it contains a reference to the Department of Banking and Finance with its address, as a regulator to whom comments should be sent.

The applicant should publish the notice not more than five days prior to filing the application, in a newspaper of general circulation in the community in which the applicant's main office is located and in any other community in which the applicant proposes to engage in business. Note: The publisher's affidavit and a copy of the notice may be filed after submission of the application; however, action will not be taken on the application until the publisher's affidavit has been received and the comment period has expired.

**NOTE:** Where the proposed expansion will result in a greater investment in fixed assets than allowed the application must provide for an orderly plan for restoring the fixed asset investment to the 60% limitation within not more than five years through one of the following means:

1. Regular annual depreciation charges consistent with current Federal Income Tax regulations,
2. Predetermined plans for restructuring the capital accounts to increase SCB to a sufficient level,
3. Both.

**4. INTERSTATE APPLICATIONS**

An out-of-state bank, already operating in Georgia, should refer to Section 7-1-628.6 for application/notification requirements for establishing additional branch offices in Georgia. If the application is by an out-of-state state bank, the appropriate application should be filed with the Home State Regulator.

**5. PROCESSING TIME**

Regular Applications	21 days from receipt or end of public comment period
Interstate (Georgia as host state)	Maximum of five business days

**6. FEES\***

Regular Fee (Instate or out-of-state)	\$1,250
Interstate Fee (Georgia as host state)	None

(The fee will be paid to the regulatory authority in the home state, if applicable.)

**\* In the case of an application to establish multiple branches related to a purchase and assumption transaction, the total application and investigation fee shall not exceed \$4,500 for expedited applications and \$6,000 for regular applications.**



**DEPARTMENT PROCEDURES  
NEW BRANCH OFFICES  
(Qualifying Notices)**

**1. LAW AND REGULATIONS**

Section 7-1-600. Definitions.  
Section 7-1-601 & 602. Branch Offices and Applications for Branch Offices.  
Section 7-1-604. Banking business prohibited except as allowed by Title 7.  
Section 7-1-628.6 Powers of out-of-state banks branching into Georgia.  
Section 7-1-628.8. Restrictions on de novo branches (Interstate transactions).  
Section 7-1-628.9. Restrictions on purchase of branches (Interstate transactions).  
Chapter 80-1-1 Applications, Registrations and Notifications.  
Chapter 80-5-1 Supervision, Examination, Registration and Investigation Fees. Administrative Late Fees.

**2. POLICY STATEMENT**

See **Policy Statement for Branch Offices**. The Policy Statement also addresses Interstate Branch Offices. An interstate application is the appropriate application required by and filed with the applicant's Home state.

**3. EXPEDITED PROCESSING**

If the bank meets the qualifying criteria, expedited processing will be followed. For qualifying notices, approval to establish the branch office will be effective at the earlier of: an approval letter from the Department or 10 business days from the date of acknowledged receipt.

**NOTE:** There is no longer a public comment publication requirement for the Department; *however, the Federal regulator should be contacted to determine if there are any publication requirements under Federal law/regulation.*

**Criteria for Expedited processing of Bank Applications:**

- The depository institution must be well capitalized as defined in the appropriate capital regulation and guidance of the institution's primary Federal regulator;
- The depository institution must have received a CAMELS composite rating of "1" or "2" as a result of the most recent state or Federal examination;
- The depository institution must have a satisfactory or better Community Reinvestment Act rating from its primary Federal regulator at its most recent examination;
- The depository institution must not be subject to any agreements, orders, prompt corrective action directives or other enforcement or administrative agreements with the Department or its primary Federal regulator or other chartering authority.
- In addition, the Department may deny or remove from expedited processing, any institution's application where it finds that:
  - Safety and soundness concerns of the Department dictate a more comprehensive review;
  - Any material adverse comment is received by the Department;
  - Other supervisory concerns, legal issues, or policy issues come to the attention of the Department;
  - If applicable, any acquisition of fixed assets would cause the institution to exceed the state fixed asset limitation;
  - Any other good cause exists for denial or removal.

In this event, the institution will be notified that expedited processing is not available, the reason, and instructions as to how to proceed.

**3a. PROCEDURE (EXPEDITED PROCESSING)**

- A letter form notification from the bank or their representative which includes the following information: (1) the physical address of the branch office, (2) a statement regarding whether or not an insider is involved in the acquisition, construction, or leasing of the property, (3) the anticipated fixed asset investment for this proposal (i.e., will the bank be in compliance with Section 7-1-262 of O.C.G.A.), and (4) a statement certifying that the applicant qualifies for the notice procedure under the applicable qualifying criteria.

**NOTE:** If an insider is involved in the transaction (see item 2 above) or if the anticipated fixed asset investment will cause the bank to exceed the 60% (of SCB) legal limitation (see item 3 above), the following information should be submitted to prevent the notification from being removed from expedited processing:

- Where there is insider involvement, details should be provided regarding the individual's involvement, and two independent appraisals (or fair market value estimates if the proposal involves a lease) of the property should be submitted along with the notification, if appropriate,

1.  
2.

- Where the proposed expansion will result in a greater investment in fixed assets than allowed by law, the bank must provide for an orderly plan for restoring the fixed asset investment to the 60% SCB limitation within not more than five years through one of the following means:
  - Regular annual depreciation charges consistent with current Federal Income Tax regulations,
  - Predetermined plans for restructuring the capital accounts to increase SCB to a sufficient level,
  - Both.

- Acknowledgment of receipt of the qualifying notice will be written by the Corporate Division within two business days of receipt of

the notification and the required fee as noted below. Note: The notification will not be deemed to be received until the fee has been received also.

- In the event the notification does not qualify for expedited processing, Corporate will advise the applicant of this fact within two (2) business days of receipt. In such case, the applicant may file an application that will be processed under regular processing procedures.

**NOTE:** If the transaction involves the purchase and assumption of assets and/or deposits, and would require a merger application with the federal regulator (OAKAR transaction), a copy of the federal application can be submitted in lieu of the Department’s letter form notification.

**3b. DOCUMENTS REQUIRED (EXPEDITED PROCESSING)**

- Letter form notification as noted above, accompanied by application filed with the appropriate Federal regulator, if applicable.
- The filing fee as noted below.

**NOTE:** The Department will accept the FDIC’s online application in lieu of the Department’s application if the bank submits an application through the FDICconnect system. However, the bank should submit the required filing fee to the Department.

**4. INTERSTATE APPLICATIONS**

An out-of-state bank, already operating in Georgia, should refer to Section 7-1-628.6 for application/notification requirements for establishing additional branch offices in Georgia. If the application is by an out-of-state state bank, the appropriate application should be filed with the Home State Regulator.

**5. PROCESSING TIME**

Expedited Notice Earlier of: an Approval Letter from the Department or 10 business days from the date of acknowledged receipt.

Interstate (Georgia as host state) Maximum of five business days

**6. FEES\***

Expedited Fee \$500

Interstate Fee (Georgia as Host state) None

(The fee will be paid to the regulatory authority in the home state, if applicable.)

**\* In the case of an application to establish multiple branches related to a purchase and assumption transaction, the total application and investigation fee shall not exceed \$4,500 for expedited applications and \$6,000 for regular applications.**