



**RELOCATION**

**APPLICATION**

**(INTRASTATE AND INTERSTATE)**

## INSTRUCTIONS FOR RELOCATION APPLICATIONS

Applications for consent to relocate banking offices shall be submitted to the Georgia Department of Banking and Finance and shall be accompanied by any supplemental information necessary to complete the application. Before completing the application package, the Statement of Policies prepared by the Department regarding *Relocation Applications* should be reviewed.

**If the bank meets the expedited processing criteria as set forth in paragraphs (1) through (4) of Rule 80-1-1.10 of the Department's Rules and Regulations, a letter form notification should be submitted to this office in lieu of the relocation application.** Please refer to the attached pages taken from the Department's Applications Manual for more information regarding expedited processing. For a qualifying (expedited) notice the Department does not require a public comment publication; however, **federal regulatory agencies still require a newspaper publication.** Contact should be made with the appropriate federal regulator to determine the publication requirements.

### 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. **NOTE: if the main office is being relocated, the Federal publication is a two week publication and the bank must amend its Articles of Incorporation.** Please refer to the Department's Applications Manual for detailed instruction and procedures for amending the bank's Articles.

**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 of the requested information is provided.

### 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.

Regular Application Fee - \$1,250  
Expedited Notice Fee - \$ 500

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GEORGIA LAWS 1976, PP. 483,484: A person who knowingly and wilfully 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.

**UNIFORM INTERSTATE APPLICATION/NOTICE**  
(Check one or more appropriate boxes)

**Purpose: Application or Notice:**  
(Circle One)

	Establish	Relocate	Discontinue
Branch Office			
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**

- 1) Distance and direction from the present location:
  
- 2) Are total proposed fixed asset expenditures in compliance with the limitations imposed by Section 7-1-262 (O.C.G.A.)? Use attached optional sheet, if desired, or include a copy of the bank’s latest statement of condition.  
  
( ) Yes ( ) No. If no, please explain and provide a plan for coming into compliance with the limitation as prescribed in Rule 80-1-10-.01(3) of this Department.
  
- 2) **CAPITAL AND EARNINGS:** Briefly discuss the impact that the proposed relocation 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) If the main office is the office being relocated, will your present main office location be maintained as a branch office location?  
( ) Yes ( ) No If so, please indicate the desired name you wish for the branch office to be established at the old main office location:

\_\_\_\_\_ BRANCH OFFICE

**NOTE: Where two existing locations are simply changing their designations (for instance the main office will become a branch office and vice versa), you should refer to the Department’s Applications Manual for instructions on Redesignation applications.**

- 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 relocate.

**OPTIONAL WORKSHEET FOR COMPUTATION OF ANSWERS TO QUESTION 2.**

A) Quarters acquired in conjunction with the proposed relocation:	<b>Total Cost</b>
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 _____	_____
LESS BOOK VALUE OF PREMISES OR EQUIPMENT BEING SOLD	
LESS BOOK VALUE OF PREMISES TRANSFERRED TO OTHER REAL ESTATE	
 <b>NET 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:

	<b>Amount</b>
CAPITAL STOCK	_____
PAID IN SURPLUS	_____
CAPITAL NOTES	_____
APPROPRIATED RETAINED EARNINGS	_____
ONLY IF NEGATIVE - UNDIVIDED PROFITS	_____
<b>TOTAL STATUTORY CAPITAL BASE (SCB)</b>	_____
 <b>Total SCB times 60% (Fixed Asset Capacity)</b>	 _____

## **DEPARTMENT PROCEDURES RELOCATIONS**

### **1. LAW AND REGULATIONS**

Section 7-1-110.1 Posting notice of intent to close banking location.

Section 7-1-262. Power to hold real estate; prior approval of acquisitions.

Section 7-1-600. Definitions.

Section 7-1-601 & 602. Branch offices and Applications for Branch Offices.

Section 7-1-603. Extensions of existing banking locations; automated teller machines, cash dispensing machines, point-of-sale terminals and other extensions.

Rule 80-1-1-.08 Other Transactions which Require Approval.

Rule 80-1-1-.10 Qualifying Criteria for Expedited Processing for Applications by a Bank (Other than Charter).

Chapter 80-5-1 Supervision, Examination, Registration and Investigation Fees. Administrative Late Fees.

#### **General Definitions:**

Relocation: The location of an existing banking office is to be changed to that of a new or additional location which is to be constructed, purchased, or leased. The existing office may remain in service or may be closed.

### **2. POLICY STATEMENT**

See Policy Statement for Relocations.

### **APPLICANTS WHO QUALIFY FOR EXPEDITED PROCESSING SHOULD REFER TO THE QUALIFYING NOTICE PROCEDURES.**

### **3. EXPEDITED PROCESSING**

#### **Criteria for Expedited Processing of Bank Applications:**

1. The depository institution must be well capitalized as defined in the appropriate capital regulation and guidance of the institution's primary Federal regulator;
2. 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;
3. The depository institution must have a satisfactory or better Community Reinvestment Act rating from its primary Federal regulator at its most recent examination; and
4. 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.
5. In addition, the Department may deny or remove from expedited processing, any institution's application where it finds that:
  - a) Safety and soundness concerns of the Department dictate a more comprehensive review;
  - b) Any material adverse comment is received by the Department;
  - c) Other supervisory concerns, legal issues, or policy issues come to the attention of the Department;
  - d) If applicable, any acquisition of fixed assets would cause the institution to exceed the state fixed asset limitation; or
  - e) 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.

#### **4. PROCEDURE (REGULAR PROCESSING)**

1. Applicant should file the Relocation Application.
2. Publication of the public comment notification may commence up to five days prior to submission of the application with the Department.
3. The applicant will be notified within two business days of receipt of the application.
4. 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.

#### **4a. DOCUMENTS REQUIRED (REGULAR PROCESSING)**

1. Application for Relocation.
2. The required fee as noted below.
3. Publisher's affidavit and a copy of the public notice (newspaper).



## NOTIFICATIONS

### DEPARTMENT PROCEDURES RELOCATIONS (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).

Rule 80-1-1-.08 Other Transactions which Require Approval.

Rule 80-1-1-.10 Qualifying Criteria for Expedited Processing for Applications by a Bank (Other than Charter).

Chapter 80-5-1 Supervision, Examination, Registration and Investigation Fees. Administrative Late Fees.

#### 2. POLICY STATEMENT

See Policy Statement for Relocations.

#### 3. EXPEDITED PROCESSING

If the applicant meets the qualifying criteria, expedited processing will be followed. For qualifying notices, approval to relocate a banking location 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:

1. The depository institution must be well capitalized as defined in the appropriate capital regulation and guidance of the institution's primary Federal regulator;
2. 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;
3. The depository institution must have a satisfactory or better Community Reinvestment Act rating from its primary Federal regulator at its most recent examination; and
4. 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.
5. In addition, the Department may deny or remove from expedited processing, any institution's application where it finds that:
  - a) Safety and soundness concerns of the Department dictate a more comprehensive review;
  - b) Any material adverse comment is received by the Department;
  - c) Other supervisory concerns, legal issues, or policy issues come to the attention of the Department;
  - d) If applicable, any acquisition of fixed assets would cause the institution to exceed the state fixed asset limitation; or
  - e) 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. PROCEDURES (EXPEDITED PROCESSING)

1. A letter form notification from the bank or their representative should be filed providing a description of the transaction and stating that the notification qualifies for expedited processing. The letter form notification should include: **(1)** the physical address of the banking location being relocated and the new banking location, **(2)** a statement regarding whether or not an insider is involved in the acquisition, construction, or leasing of the property, and **(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.).

**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:

- a) 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, and

- b) 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:
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, or
  3. Both
2. 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.
  3. 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)**

1. Letter form notification as noted above, accompanied by application filed with the appropriate Federal regulator, if applicable.
2. All relocations should include a notice to customers posted in a conspicuous place of the affected branch for at least 30 days before relocating.
3. The filing fee as noted below.

**4. PROCESSING TIME**

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

Expedited Fee	\$500
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**NOTE:** Changes in the address of the main office may require an amendment to the Articles of Incorporation. Amendments to the Articles of Incorporation will require additional procedures to those described above. Refer to O.C.G.A. Sections 7-1-510 through 7-1-516 and the Department procedures outlined in the Applications Manual for processing amendments to the Articles of Incorporation.