

## **NOTICE TO APPLICANTS**

### **Change of Home Office**

The requirements listed in this Notice to Applicants have been designed to elicit the minimum information required by the Texas Department of Banking (the "Department") for the purpose of determining whether a particular application should be granted. The original and duplicate copy of the application form and all attachments should be delivered to: Banking Commissioner, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705-4294. Inquiries concerning the preparation and filing of this or any other corporate application with the Department should be directed to the [Corporate Activities Division](#) at 512/475-1322.

Once the application and accompanying documents are received by the Department they will be reviewed. The applicant will be notified if additional information is required to complete the review of the proposed transaction. The application will be officially accepted for filing only when it is determined that sufficient information has been filed to adequately review the proposed transaction. Therefore, full and complete answers will facilitate processing of the application.

#### **Fees**

A check payable to the Texas Department of Banking is required as a filing fee for each application pursuant to 7 TAC §15.2. ***It is not refundable.***

#### **Public Disclosure of Information**

All information submitted to the Department is presumed to be public information, unless it is deemed confidential under the *Texas Open Records Act*. Any document in the application for which you request confidential treatment must be segregated and reference the *Texas Open Records Act* exception supporting the request. Final determination as to the confidentiality of any information will rest with the Banking Commissioner.

#### **Notice and Application Specific Requirements**

##### ***Section I - Relocation by Notice***

Pursuant to Texas Finance Code ("TFC") §32.202(b) and 7 TAC §15.41(a), a state bank may relocate their home office by filing a notice if:

- It is changing its home office to one of its previously established branch locations in Texas while retaining the existing home office as a branch;
- The relocation will not result in an abandonment of all or part of the community served by the bank's present home office location; and
- There is no anticipated reduction in banking services presently offered by the bank at its present home office location within the 18 month period after the effective date of the relocation.

*Contents of Notice* - The notice may be provided in a form of a letter and must include the items listed in 7 TAC §15.41(c). Public notice is not required.

## ***Section II - Relocation by Application to an Existing Branch Location***

Relocation pursuant to TFC §32.202(c) and 7 TAC §15.41(b).

An application is required for a state bank to change its home office to any location in Texas other than as permitted by TFC §32.202(b) and 7 TAC §15.41(a).

1. Complete the following worksheets to determine if expedited treatment is available:
  - [Worksheet to Determine Eligibility for Expedited Filings.](#)
  - [Worksheet for Expedited Filings.](#)
2. *Expedited Treatment* - If you determine that your bank is an eligible bank and that the proposed transaction qualifies for expedited treatment, please submit:
  - A cover letter that includes the items listed in 7 TAC §15.41(c) and indicates the distance between the current home office and the proposed home office location.
  - [Application Signature Form](#);
  - The completed expedited filing worksheets; and
  - A check made payable to the Texas Department of Banking in the amount of the expedited filing fee. See 7 TAC §15.2.
3. *Non Expedited Treatment* - If you determine that your bank is not an eligible bank or that the proposed transaction does not qualify for expedited treatment, please submit:
  - A cover letter that includes the items listed in 7 TAC §15.41(c);
  - [Application Signature Form](#); and
  - A check made payable to the Texas Department of Banking in the amount of the filing fee. See 7 TAC §15.2.
4. *Public Notice* - The applicant shall publish a notice in a newspaper of general circulation in the county where the state bank's home office is located and the county in which the proposed home office is located. The published notice must comply with 7 TAC §15.5.

## ***Section III - Relocation by Application to a New Location That is Not Already a Branch***

Relocation to a newly established location pursuant to TFC §32.202(c) and 7 TAC §15.41(b).

An application is required for a state bank to change its home office to any location in Texas other than as permitted by TFC §32.202(b) and 7 TAC §15.41(a).

1. Complete the following worksheets to determine if expedited treatment is available:
  - [Worksheet to Determine Eligibility for Expedited Filings.](#)

- [Worksheet for Expedited Filings.](#)
2. *Expedited Treatment* - If you determine that your bank is an eligible bank and that the proposed transaction qualifies for expedited treatment, please submit:
    - A cover letter that includes the items listed in 7 TAC §15.41(c);
    - [Application Signature Form](#);
    - The completed expedited filing worksheets; and
    - A check made payable to the Texas Department of Banking in the amount of the expedited filing fee. See 7 TAC §15.2.
  3. *Non Expedited Treatment* - If you determine that your bank is not an eligible bank or that the proposed transaction does not qualify for expedited treatment, please submit:
    - A cover letter that includes the items listed in 7 TAC §15.41(c);
    - [Application Signature Form](#);
    - The completed section V – Supplemental Information of the Branch Application form ([Application to Establish or Relocate a Branch](#)); and
    - A check made payable to the Texas Department of Banking in the amount of the filing fee. See 7 TAC §15.2.
  4. *Public Notice* - The applicant shall publish a notice in a newspaper of general circulation in the county where the state bank's home office is located and the county in which the proposed home office is located. The published notice must comply with 7 TAC §15.5.