

## **NOTICE TO APPLICANTS**

### **Change of Home Office**

These instructions for a Notice or Application for the Change of Home Office (Notice or Application) have been designed to elicit the **minimum information required** by the Texas Department of Banking (Department) for the purpose of evaluating the Notice. The original and duplicate copy of the Notice or Application 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 Notice or Application or any other corporate application with the Department should be directed to the [Corporate Activities Division](#) at 512/475-1322.

Once the Notice or 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. An 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 Notice or Application pursuant to 7 TAC §21.2. **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 Notice or 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) §182.202(c) and 7 TAC §21.41(a), a state trust company may relocate their home office by filing a Notice if the location that is the home office of a trust company prior to a proposed relocation of the home office will remain an additional office of the trust company after the relocation. The Notice must include the following:

1. A notice in the form of a letter **signed by an authorized officer** that:
  - a. Includes the items listed in 7 TAC §21.41(c); and
  - b. Includes the certification that, "I hereby certify under penalty of perjury that the information contained herein is true and correct and that there is no misrepresentation or omission of material fact."
2. A completed [Trust Company Worksheet - Transaction](#).

Public notice is not required.

## ***Section II - Relocation by Application***

Relocation pursuant to TFC §182.202(d) and 7 TAC §21.41(b).

An Application is required for a trust company to change its home office to any location in Texas other than as permitted by TFC §182.202(c) and 7 TAC §21.41(a). The Application must include the following:

1. The following completed worksheets to determine if expedited treatment is available:
  - a. [Worksheet to Determine Eligibility](#); and
  - b. [Trust Company Worksheet - Transaction](#).
2. *Expedited Treatment* - If you determine that your trust company is an eligible trust company and that the proposed transaction qualifies for expedited treatment, please submit:
  - a. A cover letter **signed by an authorized officer** that:
    1. Includes the items listed in 7 TAC §21.41(d); and
    2. Includes the certification that, "I hereby certify under penalty of perjury that the information contained herein is true and correct and that there is no misrepresentation or omission of material fact."
  - b. The completed expedited filing worksheets.
3. *Non Expedited Treatment* - If you determine that your trust company is not an eligible trust company or that the proposed transaction does not qualify for expedited treatment, please submit:
  - a. A cover letter **signed by an authorized officer** that:
    1. Includes the items listed in 7 TAC §21.41(d); and
    2. Includes the certification that, "I hereby certify under penalty of perjury that the information contained herein is true and correct and that there is no misrepresentation or omission of material fact."
  - b. The completed [Trust Company Worksheet - Transaction](#).
4. *Public Notice* - The applicant shall publish a notice in a newspaper of general circulation in the county where the trust company's home office is located and the county in which the proposed home office is located. The published notice must comply with 7 TAC §21.5 and §21.41(e).