

# **APPLICATION/NOTIFICATION TO ESTABLISH A NEW BRANCH FACILITY- RELOCATE A BRANCH FACILITY – RELOCATE THE MAIN OFFICE OF A BANK**

## **FILING INSTRUCTIONS**

**Revised March 28, 2016**

Institutions seeking permission to open a new branch, relocate a branch or relocate the main office of a bank should complete the application/notification and file the original with the Tennessee Department of Financial Institutions. **Banks with a CAMELS Rating of 1 or 2 should complete the notification on Pages 2 and 3.** All other banks must complete the entire application. Completed applications/notifications will be automatically accepted as of the date they are received by the Department; however, the Commissioner retains the right to request additional information and delay acceptance of the application/notification until such time as the information is received.

The FDIC will accept a copy of the application/notification submitted to the Department. The application/notification should be mailed or delivered to the Regional Director on the date the notice required by Section 303.44 of the FDIC Regulations is published, or within five days after the date of the last publication. A copy of each newspaper publication required by Section 303.44, the name and address of the newspaper, and the date(s) of publication should be submitted with the application/notification. The FDIC retains the right to request additional information.

## **PUBLICATION INSTRUCTIONS**

### **Department of Financial Institutions**

Chapter 0180-5 of the Rules of the Department of Financial Institutions requires that institutions give public notice of the application/notification. Within 3 days after mailing or delivering your application/notification, you must publish one time in a newspaper of general circulation in the community where you intend to establish your facility or relocate your facility, and in a newspaper of general circulation in the community where your main office is located, if they are not the same.

To relocate a branch, the notice must be published within 3 days after mailing or delivering your application/notification to the Department. The notice must be published one time in a newspaper of general circulation where the current branch is located and also in the community to be served by the branch at the new location if they are not the same.

To relocate a main office, the notice must be published within 3 days after mailing or delivering your application/notification to the Department. The notice must be published one time in a newspaper of general circulation where the current main office is located and also in the community to be served by the new main office at the new location if they are not the same.

See Attachment A for the information that must be included in the public notice. A copy of the clipping evidencing publication must be furnished to the Department and the comment period expired in order for the application/notification to be considered by the Commissioner. However, a certification from the publisher is no longer required.

### **Federal Deposit Insurance Corporation**

The public comment period is 15 days after the date of the last newspaper publication required. To establish or relocate a branch, the notice is to be published once. To establish a branch, the notice is to be published in the community in which the main office is located and in the community to be served by the branch. To relocate a branch, the notice is to be published in the community in which the branch is located.

To relocate the main office, the notice is to be published at least once each week on the same day for two consecutive weeks. It is to be published in the community in which the main office is currently located and in the community to which it is proposed the main office will relocate.

In the case of applications to relocate a main office or a branch, a copy of the required newspaper publication is to be posted in the public lobby of the office to be relocated for at least 15 days beginning on the date of the last published notice required.

Publication requirements to establish a branch provide that the notice shall be published once in a newspaper of general circulation in the community in which the main office is located and in the community or communities to be served by the branch. Comments and requests for hearings must be received by the Regional Director within 15 days after the date of the last newspaper publication. A sample publication can be found at Attachment A.

## **FEES**

\$300 for each facility (payable to the Department of Financial Institutions) must be submitted with the application/notification to the Department of Financial Institutions whether a branch, a relocation of a branch or relocation of a main office. The FDIC does not require a fee for the establishment of a new branch, a relocation of a branch or relocation of a main office.

The \_\_\_\_\_ hereby makes application/notification to the Tennessee Commissioner of  
(name & city location of institution)

Financial Institutions for:

\_\_\_\_\_ a bank branch to be located at \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_ in \_\_\_\_\_  
street address city state county

\_\_\_\_\_ a relocation of a branch from \_\_\_\_\_ to \_\_\_\_\_  
street/city/state/county street/city/state/county

\_\_\_\_\_ to relocate the main office from \_\_\_\_\_ to \_\_\_\_\_  
street/city/state/county street/city/state/county

Public notice of the application/notification was made on \_\_\_\_\_/will be made on \_\_\_\_\_.

1. The institution hereby represents that its Tier One Capital Ratio is \_\_\_\_\_% as of the date of the application/notification.

2. Estimated cost of fixed assets for the branch \$ \_\_\_\_\_ \$ \_\_\_\_\_ \* \$ \_\_\_\_\_ \$ \_\_\_\_\_  
(land) (building) (F&F) (Total)

\*If leased, please provide total cost to bank to build out space.

3. Bank premises for the bank will be \_\_\_\_\_ owned \_\_\_\_\_ leased. [If leased, please provide a copy of the lease agreement.]

4. Estimated **new** expenses associated with opening the branch:

	Year 1	Year 2	Year 3
Occupancy Costs	\$ _____	\$ _____	\$ _____
Personnel & Other Costs	\$ _____	\$ _____	\$ _____

5. Briefly discuss the impact of the proposal on the human environment, specifically, information on compliance with local zoning laws and regulations and the effect on the traffic patterns.

\_\_\_\_\_  
\_\_\_\_\_

6. The applicant must submit a statement to indicate whether or not the site is included or is eligible for inclusion in the National Register of Historic Places; including evidence that clearance has been obtained from the State Historic Preservation Officer (SHPO). For such clearance, the enclosed form, "Request for Cultural Resource Assessment" must be completed, signed and forwarded directly to the appropriate SHPO whose address is enclosed. A map which clearly identifies the site must be forwarded to the SHPO, as well as photographs of any existing buildings. It is not necessary to have the SHPO's clearance in hand before filing the application/notification. You only need to demonstrate that the Request has been filed with the SHPO and to subsequently provide evidence of such clearance.

**However**, consultation with the SHPO/THPO **may not be necessary** if the proposed undertakings are located in recently constructed supermarkets or shopping centers, are properties that have been newly constructed and the applicant had no ownership interest prior to or during construction, or are newly constructed properties whose immediate prior usage was that of a financial institution and no ground disturbing activities will take place. Below is the link to the FDIC Statement of Policy. Please review the policy carefully and provide any necessary clearance and/or consult with the appropriate FDIC Regional Office to confirm requirements. Link to FDIC Policy: <https://www.fdic.gov/regulations/laws/rules/5000-1400.html>

7. Comments on any changes in services to be offered, the community to be served, or any other effect the proposal may have on compliance with the Community Reinvestment Act.

\_\_\_\_\_  
\_\_\_\_\_

8. Please provide the official name to be used by the branch \_\_\_\_\_

9. Please disclose details, including copies of any contracts or lease agreements, concerning any involvement in the proposal by an insider (a director, an officer, or a shareholder who directly or indirectly controls five (5) percent of any class of the applicant's outstanding voting stock, or the associates and interest of any such person) of the bank including any financial arrangements relating to fees, the acquisition of property, leasing of property and construction contracts. This includes property purchased at a prior date. It also applies to possible future involvement in this proposal but not limited to paving, landscaping, supplying of materials, subcontracting work, and labor, or any other work on the branch. Fair market value comparisons should be included if applicable. If there is no insider involvement please answer as not applicable. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned has the authority to submit this application/notification on behalf of the bank and the information provided herein is true and correct to the best of my knowledge and belief.

Date of Application/Notification \_\_\_\_\_

\_\_\_\_\_  
Name and Title

**Application Filing Requirements for all other banks in addition to information on Pages 3 and 4.**

- A) Provide the most recent month-end balance sheet statement for bank and holding company (if applicable).
- B) The name of the proposed branch manager. Please include a resume and current credit report if the person is not currently employed with the bank.
- C) A summary of all costs involved with the proposal. Please indicate what basis is used for these costs. Be sure to include land, building, furniture, fixtures, equipment, paving, commissions, fees, and other significant costs.
- D) A copy of all contracts (lease agreements, options to purchase, construction contracts, etc.) executed in connection with the application. Fair market value comparisons should be included if applicable.
- E) A Signed Resolution by the Board of Directors approving the projected total costs of the branch facility, proposed branch manager, and their agreement with needs assessment and site selection.
- F) Income and Expense projections of the proposed branch and bank (including the branch) for three (3) years. Provide the basis for these assumptions.
- G) Please provide branch-only and bank (including the branch) projections at year-end for each of the first full three years of operation as to total deposits, total assets and total loans. Include the basis for assumptions.
- H) Please discuss details regarding where the bank stands in regard to hiring an architect, having plans drawn for the new building, various zoning and local ordinance requirements, employment of a general contractor and/or builder, and expenditures-to-date for site acquisition and site preparation work.
- I) Discuss details of the bank's projected year-end capital ratios, annual dividends and debt service (if any) of the holding company during the next three years.

**ATTACHMENT A****FEDERAL DEPOSIT INSURANCE CORPORATION**  
**PUBLIC NOTICE REQUIREMENTS**

The public notice must contain the following information to meet FDIC requirements:

Notice is hereby given that the (name and location of institution) has made application/notification to the Federal Deposit Insurance Corporation for (subject matter of application/notification, including specific location).

Any person wishing to comment on this application/notification may file his or her comments in writing with the Regional Director (DSC) of the Federal Deposit Insurance Corporation at its Area Office at 6060 Primacy Parkway, Suite 300, Memphis, Tennessee, 38119, not later than (insert closing date of the public comment period specified in the appropriate subpart of part 303). The nonconfidential portions of the application/notification are on file in the Area Office and are available for public inspection during regular business hours. Photocopies of information in the nonconfidential portion of the file will be made available upon request.

By:

\_\_\_\_\_  
Name of Bank

\_\_\_\_\_  
President

**TENNESSEE DEPARTMENT OF FINANCIAL INSTITUTIONS**  
**PUBLIC NOTICE REQUIREMENTS**

The public notice for the Tennessee Department of Financial Institutions must contain the following information:

- a) The name and location of the institution;
- b) The street address, city, state and zip code of the proposed new branch;
- c) The date the application/notification was mailed/delivered to the Department;
- d) If the proposed branch will operate under a different name from the bank, the operational name must also be included in the public notice; and
- e) The notice must include the following statement:

"Any person wishing to comment on or protest this application/notification or any person having information which may have a bearing on the fitness of any of the organizers or proponents of this application/notification, may file comments with the Commissioner of Financial Institutions, Tennessee Tower, 26th Floor, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243, or telephone the Department of Financial Institutions at 615/741-5018. Written or telephonic notice must be made to the Commissioner within fifteen (15) days of this publication."

**JOINT PUBLICATION**

Banks wishing to satisfy the requirement of both the FDIC and the Tennessee Department of Financial Institutions in one combined notice may publish the notice required by FDIC followed by items (d) and (e) in the Department's notice requirements.

**REQUEST FOR CULTURAL RESOURCE ASSESSMENT**

1. Applicant \_\_\_\_\_ County of project \_\_\_\_\_  
 Applicant address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
 Contact person \_\_\_\_\_ Telephone \_\_\_\_\_  
 Contact person's address, if different from applicant  
 Street/P. O. Box \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
 If applicant is not a federal agency, to which federal agency is applicant applying \_\_\_\_\_  
 Federal Program: \_\_\_\_\_ Circle type of assistance sought: Grant Loan Other  
 Signature of applicant or person requesting this assessment \_\_\_\_\_  
 Date \_\_\_\_\_

II. 1. Briefly describe this project. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Has the identical project been previously submitted for cultural resource assessment? Yes \_\_\_\_\_ No \_\_\_\_\_  
 (If Yes, enclose copy of State Historic Preservation Officer's comments, if available, and disregard remaining questions.)

3. Project location  
 a. Attach a county, city, or USGS quadmap indicating the precise location of the project and the acreage involved. If program involves more than one project/activity, one map indicating all projects is sufficient.  
 b. Approximately how many acres are in the project area? \_\_\_\_\_ acres \_\_\_\_\_  
 c. If the project is outside city limits, give a quarter-by-quarter section, township, and range description (not necessary if the project map contains the information). \_\_\_\_\_  
 \_\_\_\_\_

4. To your knowledge, has a cultural resources survey been conducted in the project area? Yes \_\_\_\_\_ No \_\_\_\_\_  
 (If Yes, attach survey report.)

5. a. Will the project involve an addition to, or destruction, alteration, or renovation of any structure?  
 Yes \_\_\_\_\_ No \_\_\_\_\_ If NO, proceed to Item 6.  
 b. Was affected structure built before World War II? Yes \_\_\_\_\_ No \_\_\_\_\_ If NO, proceed to Item 6.  
 c. Who owns the structure? \_\_\_\_\_  
 d. What was the approximate date of construction? \_\_\_\_\_  
 e. Attach snapshots of front and rear elevations; another snapshot should indicate the location of any proposed addition/alteration.  
 f. Have plans and specifications for the renovation, alteration, or addition been completed?  
 Yes \_\_\_\_\_ No \_\_\_\_\_  
 g. Attach plans. (Plans for a new structure to replace a demolished one should not be attached.)

6. a. Will construction take place adjacent to any structure which is approximately fifty years old or older?  
 Yes \_\_\_\_\_ No \_\_\_\_\_ If NO, proceed to Item 7.  
 b. Give address of structure(s), and, if known, owner's name and telephone. \_\_\_\_\_  
 \_\_\_\_\_  
 c. Give approximate construction date of structure(s) \_\_\_\_\_  
 d. Attach snapshots of structure(s) and on project map indicate its location in relation to the project.

7. Has the ground at the project location been previously developed, graded, or distributed (other than in connection with any structure described in Item 5)? Yes \_\_\_\_\_ No \_\_\_\_\_  
If YES, describe disturbed/developed portion (graded, farmed, etc.) and indicate on project map.

\_\_\_\_\_

8 a. Will this project necessitate the acquisition of fill material? Yes \_\_\_\_\_ No \_\_\_\_\_  
If NO, proceed to Item 9.

b. Approximately how many cubic yards of material will be acquired? \_\_\_\_\_

c. Has the site from which material will be acquired been selected? Yes \_\_\_\_\_ No \_\_\_\_\_  
If NO, proceed to Item 9.

d. Indicate borrow area(s) on project map and GIVE APPROXIMATE ACREAGE of each borrow site.

e. Has material been taken from the borrow area(s) for other projects? Yes \_\_\_\_\_ No \_\_\_\_\_

9. a. Does this project involve road/street construction? If NO, proceed to Item 10. Yes \_\_\_\_\_ No \_\_\_\_\_

b. Give special attention to Item 6 AND indicate on project map each:

- 1. New right-of-way
- 2. New street/road construction
- 3. Street/road to be overlaid
- 4. Street/road to be widened

10. Will this project affect any property which is of apparent educational or scientific interest? Yes \_\_\_\_\_ No \_\_\_\_\_  
If YES, describe the interest (geological, biological, etc.) \_\_\_\_\_

\_\_\_\_\_

11. Describe the present use and condition of the property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. If necessary, elaborate on the above questions, and/or include any additional information which you think would be helpful in the review of this project.

Mail the completed form to:

Mr. Joseph Y. Garrison, PhD  
Review and Compliance Coordinator  
Tennessee Historical Commission  
2941 Lebanon Road  
Nashville, Tennessee 37214

Please view additional information and/or forms relative to Tennessee Historical Commission for Compliance with the National Historic Preservation Act at:

[http://tn.gov/assets/entities/environment/attachments/thc\\_sect106\\_check12.pdf](http://tn.gov/assets/entities/environment/attachments/thc_sect106_check12.pdf)