

Rules of
Department of Economic
Development
Division 140—Division of Finance
Chapter 26—Interstate Activity by Associations

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 140—Division of Finance
Chapter 26—Interstate Activity by
Associations**

**4 CSR 140-26.011 Transactions of Business
in Missouri by Foreign Associations**

PURPOSE: This regulation establishes the guidelines for a foreign association to transact business within the state of Missouri.

(1) Definitions. The words and terms shown as follows when used in this regulation shall have the following meaning:

(A) Foreign association shall mean any federally-chartered or state-chartered association with its principal office located outside Missouri; and

(B) Transact business shall mean transacting the business of a savings and loan association, but shall not include the activities set forth in section 362.423, RSMo or permissible conduct authorized by 4 CSR 140-25.020.

(2) A foreign association may transact business in this state only with prior written approval of the director. In applying for approval, a foreign association shall submit the following to the director:

(A) A written application on a branch application form that may be obtained from the division;

(B) Written documentation indicating that the applicant has received authority from its regulatory agency to transact business in Missouri;

(C) A certified copy of its Articles of Incorporation or charter and bylaws;

(D) A certified copy of a Certificate of Good Standing from the secretary of state or similar office in the foreign association's home state;

(E) A certified copy of a Certificate to do Business in Missouri as a Foreign Corporation from the Missouri secretary of state;

(F) An estimate of the number of personnel to be employed at the proposed business location(s); and

(G) Any additional information the director may in his/her discretion require.

(3) An application fee of two hundred fifty dollars (\$250) must accompany any application under this regulation. This fee shall be made payable to the director of revenue and will be processed only if the application is approved by the director. No application shall be approved if, in the opinion of the director

or a majority of the members of the State Savings and Loan Commission on appeal, the policies, condition or operation of the applicant afford a basis for supervisory objection to the application. The director may hold a hearing at his/her discretion on the application in accordance with such procedures as s/he may require.

(4) No foreign association shall be authorized to transact business in this state unless its home state shall allow Missouri-chartered associations to transact business of substantially the same type in that state.

(5) A foreign association authorized to transact business in the state of Missouri shall be subject to the following:

(A) All rules applicable to Missouri chartered associations;

(B) Permit and pay the costs of such examinations as the director from time-to-time deems necessary; and

(C) Any further requirements or restrictions imposed by its state on Missouri-chartered associations as a condition of doing business in that state.

(6) This regulation does not apply to the activities authorized by section 369.361, RSMo.

*AUTHORITY: sections 369.299 and 369.359, RSMo 1994. * This rule previously filed as 4 CSR 260-14.011. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed Dec. 1, 1988, effective Feb. 15, 1989. Changed to 4 CSR 140-26.011, effective July 6, 1994. Amended: Filed Nov. 8, 1994, effective March 30, 1995.*

**Original authority: 369.299, RSMo 1971, amended 1994 and 369.359, RSMo 1971, amended 1986, 1994.*



STATE OF MISSOURI
DIVISION OF FINANCE
APPLICATION BY A STATE CHARTERED THRIFT

301 W. HIGH STREET
P. O. BOX 716
JEFFERSON CITY, MO 65102-0716
(314) 751-3242

APPLICATION FOR PERMISSION TO ESTABLISH A: (CHECK ONE)
[] BRANCH [] LOAN [] AGENCY [] OTHER
[] RELOCATION
APPLICANT INSTITUTION (Name and Home Office Address)
PRESENT OFFICE LOCATION (Street Address or Nearest intersection, City, County, State)
PROPOSED OFFICE LOCATION (Street Address or Nearest intersection, City, County and State)
EXPECTED OPENING DATE:
FUNCTIONS TO BE PERFORMED
ESTIMATED VOLUME OF BUSINESS AT THE PROPOSED OFFICE
ESTIMATED ANNUAL EXPENSE AND MODE OF PAYMENT

[] YES [] NO WILL ESTABLISHMENT OF THE PROPOSED BRANCH OR CHANGE OF OFFICE LOCATION RESULT IN AN INVESTMENT WHICH EXCEEDS THE LIMITATIONS DEFINED IN 4 CSR 260-4.010(9) AND 12 C.F.R. 545.77?
[] YES [] NO WILL OFFICE SPACE BE PURCHASED OR LEASED FROM AN AFFILIATED PERSON AS DEFINED IN 12 CFR 561.4
[] YES [] NO IS THE PROPOSED BRANCH OR CHANGE OF LOCATION TO BE LOCATED OUT OF STATE? IF YES, PLEASE PROVIDE LEGAL OPINIONS THAT EVIDENCE THE AUTHORITY TO BRANCH INTERSTATE.

IF OFFICE SPACE WILL BE LEASED, SUBMIT THE FOLLOWING INFORMATION:
Annual Lease \$
Term of Lease
Leasehold Improvements \$
Options
Anticipated Additional Cost for Furniture, Fixtures and Equipment \$
Term of Options

IF THE PROPOSED OFFICE WILL OCCUPY SPACE OWNED OR TO BE PURCHASED BY THE ASSOCIATION, SUBMIT THE FOLLOWING COST/APPRaisal INFORMATION
Building \$
Land \$
Capital Improvements \$
Anticipated additional cost for furniture, fixtures and equipment \$
If land is to be purchased, has it been appraised? [] YES [] NO
Fair Market Value \$
If land and building is to be purchased, has it been appraised? [] YES [] NO
Fair Market Value \$

ATTACH A COPY OF THE APPLICANT'S CURRENT CRA STATEMENT AND ANY AMENDMENT NECESSITATED BY THE ESTABLISHMENT OF THE PROPOSED OFFICE. IF ANY PUBLIC COMMENT LETTERS HAVE BEEN RECEIVED REGARDING YOUR RECORD OF PERFORMANCE UNDER CRA SINCE YOUR LAST EXAMINATION, PLEASE PROVIDE A COPY OF SUCH LETTER(S) UNDER SEPARATE COVER.

ATTACH A BUDGET OF THE ASSOCIATION FOR THE CURRENT EARNINGS PERIOD AND FOR THE NEXT SEMIANNUAL PERIOD WHICH REFLECTS THE ADDITIONAL EXPENSE OF MAINTENANCE OF SUCH BRANCH OFFICE, LOAN OR AGENCY OFFICE. IF THIS APPLICATION INVOLVES A RELOCATION ONLY, DO NOT SUBMIT A BUDGET.

IF THIS IS AN AGENCY OFFICE APPLICATION, THE ASSOCIATION AND APPLICANT AGENT SHOULD FILE AN APPLICATION FOR AGENT'S LICENSE WITH THE DIVISION OF FINANCE.

IF THE APPLICANT HAS APPROVAL TO ESTABLISH AN OFFICE(S) THAT HAS NOT YET OPENED FOR BUSINESS, OR IF THE APPLICANT HAS ANOTHER APPLICATION PENDING TO ESTABLISH A BRANCH OFFICE OR AGENCY OFFICE, PROVIDE THE FOLLOWING:

PROPOSED LOCATION OF OFFICE	PENDING	UNOPENED	EXPECTED DATE OF OPENING	ESTIMATED COST OF ESTABLISHMENT OF OFFICE

RESOLUTION AND CERTIFICATION OF BOARD OF DIRECTORS

As the duly elected officials of the above association, we certify that at a legally held meeting of the Board of Directors, a resolution was passed directing the officers of the institution to prepare and file an application for permission to establish or relocate a branch or relocate a home office as required by the Division of Finance, State of Missouri and Office of Thrift Supervision.

The undersigned officials of the institution hereby attest to the adoption of the necessary resolution and certify to the correctness of all information submitted in support of this application.

PRESIDENT

SECRETARY

DATE



4 CSR 140-26.020 Regional Acquisitions and Mergers

PURPOSE: This regulation requires associations, foreign associations and savings and loan holding companies to notify the director of a proposed regional acquisition or merger.

(1) Definitions. The words and terms shown as follows when used in this regulation shall have the following meanings:

(A) Foreign association shall mean any federally-chartered or state-chartered association with its principal office located outside Missouri; and

(B) Savings and loan holding company shall mean any company or corporation authorized or existing under the laws of any jurisdiction or authority which directly or indirectly controls a savings and loan association.

(2) Any association, foreign association or savings and loan holding company intending to merge with, or acquire control of, any association, foreign association or savings and loan holding company pursuant to section 369.361, RSMo shall submit written notification to the director of its intention prior to that merger or acquisition.

(3) Any foreign association intending to acquire any proprietary interest in, to gain control of, or to merge or enter into any merger agreement with any Missouri-chartered association must file an application for approval with the director. The director may require the application to include the information specified in section 369.079, RSMo. The applicant must file one (1) copy of any document or report filed with the appropriate federal regulatory agency in connection with the proposed merger or acquisition.

AUTHORITY: section 369.299, RSMo 1994. This rule previously filed as 4 CSR 260-14.020. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed Dec. 1, 1988, effective Feb. 15, 1989. Changed to 4 CSR 140-26.020, effective July 6, 1994. Amended: Filed Nov. 8, 1994, effective March 30, 1995.*

**Original authority: 369.299, RSMo 1971, amended 1994.*