

STATE OF NEBRASKA
Department of Banking & Finance

In the Matter of the Application of) FINDINGS OF FACT
Battle Creek State Bank, 202 West Main)
Street, Battle Creek, Madison County,) CONCLUSIONS OF LAW
Nebraska, to Establish a Temporary Branch)
at 344 Highway 32, Oakland, Burt County,) AND ORDER
Nebraska

THIS MATTER comes to the attention of the Nebraska Department of Banking and Finance (“Department”) pursuant to an application filed by Battle Creek State Bank, 202 West Main Street, Battle Creek, Madison County, Nebraska (“Battle Creek”), to establish a temporary branch at 344 Highway 32, Oakland, Burt County, Nebraska.

Being fully advised in this matter, the Department, by and through its Director (“Director”), makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On August 22, 2025, Battle Creek submitted an application to the Department to establish a branch at 344 Highway 32, Oakland, Burt County, Nebraska, pursuant to Neb. Rev. Stat. § 8-157 (Reissue 2022; LB 251, 2025).
2. The Department examined the application for form and accepted the application for filing as being substantially complete on November 13, 2025.
3. Battle Creek provided additional information to the Department on September 2, 2025, October 8, 2025, and December 3, 2025, pursuant to requests from the Department.

4. Battle Creek notified the Department on October 14, 2025, that the proposed branch location would be a temporary location, and that new locations were being considered for a permanent branch.

5. Notice of the filing of the application was published in the Burt County Independent, Oakland, Burt County, Nebraska, on November 20, 2025. The notice stated (i) that objections to the application must be filed with the Department within fifteen days after the date of publication, and (ii) if substantive objections to the application were filed with the Department, the matter would be scheduled for hearing.

6. No objections to the application were filed with the Department within the fifteen-day time period.

7. Battle Creek submitted information regarding its business plan and describing the activities to be conducted and the services to be provided at the proposed temporary branch. The proposed temporary branch will be a full-service office.

8. Battle Creek's business plan shows that the activities and services of the proposed temporary branch do not differ from activities and services presently conducted and provided by Battle Creek at its main office. Battle Creek currently operates no other branches.

9. Battle Creek's business plan indicates that the proposed temporary branch will have adequate staffing and supervision.

10. Battle Creek proposes to purchase and renovate an existing building in which the proposed temporary branch will be located. Battle Creek plans to utilize one hundred percent of the building where branch operations will occur. Battle Creek projects a December 2025 opening date for the branch.

11. Battle Creek submitted an analysis of the projected financial impact the branch will have on Battle Creek, including pro forma financial statements for the first three years of operation.

12. Battle Creek has demonstrated that the proposed branch is financially feasible and will not adversely affect Battle Creek's condition.

13. Battle Creek proposes to name this branch, "Creekside State Bank, a branch of Battle Creek State Bank."

14. The proposed name of the branch is not similar to the name of any unaffiliated bank or branch in Oakland, Nebraska, or in Burt County, Nebraska.

15. The proposed name of the branch is a name other than the chartered name of Battle Creek although the name will carry a designation that the office is a branch of Battle Creek. On December 3, 2025, Battle Creek represented to the Department that it is aware of the need to comply with Department Financial Institutions Statement of Policy No. 4, "Bank and Bank Branch Naming Policy" ("Statement of Policy No. 4"), and would comply.

16. Battle Creek does not own or control more than twenty-two percent of the total deposits in Nebraska, nor is it a subsidiary of a bank holding company that owns or controls more than twenty-two percent of the total deposits in Nebraska.

17. The Federal Reserve Bank ("FRB") is Battle Creek's primary federal regulator. As such, Battle Creek filed an application with the FRB for approval of the proposed temporary branch. The FRB approved the application by letter dated October 23, 2025. Deposit accounts in the proposed branch will, accordingly, be insured by the Federal Deposit Insurance Corporation.

18. Battle Creek has paid the branch application fee required by Neb. Rev. Stat. § 8-602 (Cum. Supp. 2024) to the Department.

CONCLUSIONS OF LAW

1. A decision on whether to approve a bank's application to establish a branch is to be based on the facts and circumstances surrounding each application, Nebraska law, and the Department's Rules.
2. Neb. Rev. Stat. § 8-157(2)(a)(i) (Reissue 2022; LB 251, 2025) allows any state-chartered bank located in Nebraska, with the approval of the Director of the Department, to establish and maintain an unlimited number of branches in Nebraska at which all banking transactions allowed by law may be made, unless the bank falls within the limitation provided by Neb. Rev. Stat. § 8-157(2)(a)(ii) (Reissue 2022; LB 251, 2025).
3. Neb. Rev. Stat. § 8-157(2)(a)(ii) (Reissue 2022; LB 251, 2025) restricts the branching rights of a bank which owns or controls more than twenty-two percent of the total deposits in Nebraska, or which is a subsidiary of a bank holding company that owns or controls more than twenty-two percent of such deposits.
4. Based on Finding of Fact No. 16, Battle Creek is eligible, with the approval of the Director of the Department, to establish and maintain an unlimited number of branches in Nebraska at which all banking transactions allowed by law may be made, as it does not fall within the limitation provided by Section 8-157(2).
5. 49 NAC 3 provides that an applicant for a bank branch must submit to the Department a written business plan which contains a description of the activities to be conducted and the services to be provided at the proposed branch; a discussion of the expertise available to the applicant if the proposed activities and services differ from applicant's existing business; and a showing of adequate staffing and supervision.
6. Based on Findings of Fact Nos. 7 through 12, inclusive, Battle Creek has made the required submissions under 49 NAC 3. Based on those submissions and the application, the

Department concludes that Battle Creek has the expertise to conduct a full-service branch at the proposed location; that the office will be adequately staffed and supervised; and that Battle Creek has demonstrated the financial feasibility of the proposed branch.

7. The Director concludes that Battle Creek has met the requirements of Section 8-157 for the establishment of a branch in Nebraska.

8. Neb. Rev. Stat. § 8-1902 (Reissue 2022) provides that it is unlawful for two or more financial institutions in the same city, village, or county to have or use the same name or names so similarly alike, as to cause confusion in the transaction of business.

9. Neb. Rev. Stat. § 8-157(6) (Reissue 2022; LB 251, 2025) provides that the name given to any branch shall not be substantially similar to the name of any existing unaffiliated bank or branch located in the same municipality and that the Director of the Department shall approve the name. Statement of Policy No. 4 is applicable to banks which establish a branch with a name other than the chartered name of the bank. Statement of Policy No. 4 provides ongoing requirements for such banks to alleviate the possibility of customer confusion resulting from the difference between the branch name and the chartered name of the bank.

10. As set forth in Finding of Fact No. 15, Battle Creek has represented to the Department that it is aware of the need to comply with Statement of Policy No. 4 in its operation of the branch and will comply.

11. Based on Findings of Fact Nos. 13, 14, and 15, the Director concludes the proposed name of the branch complies with the limitations and requirements of Section 8-1902 and Section 8-157(6).

12. Based on the facts and circumstances as disclosed by the record in this matter, the Director concludes that the application for the proposed temporary branch should be approved.

ORDER

IT IS THEREFORE ORDERED that the application of Battle Creek State Bank, 202 West Main Street, Battle Creek, Madison County, Nebraska, to establish a temporary branch at 344 Highway 32, Oakland, Burt County, Nebraska, under the name “Creekside State Bank, a branch of Battle Creek State Bank,” be, and hereby is, approved, subject to the following conditions:

1. The temporary branch is established and in full operation by July 1, 2026, or the approval for the branch shall be null and void, unless good cause is shown to the Department for an extension of the time period, and the Department approves such extension in writing.
2. Battle Creek shall notify the Department in writing of the effective date of the opening of the temporary branch, and shall do so at least five days prior thereto.
3. No material change occurs in Battle Creek’s condition prior to the date on which the temporary branch is established and in full operation.
4. Battle Creek shall at all times maintain compliance with Statement of Policy No. 4 in its operation of the temporary branch. This condition will be automatically suspended without further order of the Department if Battle Creek, with the approval of the Department, changes the name of the branch to the same name as its chartered name, or if Statement of Policy No. 4 is suspended or repealed.
5. Battle Creek must file an application and required fees with the Department and obtain the Department’s approval prior to relocating the temporary branch to a permanent location.
6. The Department reserves the right to amend, suspend, or withdraw its approval should any development occur prior to the effective date of the opening of the branch which the Department deems of sufficient significance to warrant such action.

DATED this 8th day of December, 2025.



**STATE OF NEBRASKA
DEPARTMENT OF BANKING AND FINANCE**

By: DocuSigned by:
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Kelly Lammers, Director

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