

4-2. **Determination of Current Market Quotation of Eligible Collateral.**

The current market quotation of eligible collateral pledged by a depository under the Savings and Loan Association Public Deposit Protection Act shall be determined as follows:

(a) ~~Except as provided in subsection (d) hereof, if~~ If the eligible collateral is regularly traded and its value regularly quoted by the Federal Reserve Bank of New York or a securities dealer, the current market quotation shall be as reported by said Federal Reserve Bank of New York or securities dealer in its published quotation sheets.

(b) Except as provided in subsections (a) ~~and (d)~~ hereof, the current market quotation of eligible collateral shall be as determined by a licensed Colorado securities dealer.

(c) If the current market quotation is determined by a licensed Colorado securities dealer pursuant to subsection (b), the reports submitted to the Commissioner by the depository shall include written confirmation of a current market quotation. Such written confirmation shall be signed by said securities dealer.

(d) For eligible collateral consisting of obligations wholly or partially guaranteed or insured as to payment of principal by the United States or any agency thereof, or other obligations evidenced by notes secured by first lien mortgages or deeds of trust, ~~the current market quotation shall be the unpaid principal balance of the obligation discounted, using the computation for a 30-year obligation prepaid in 12 years for conventional loans and 15 years for guaranteed and insured loans, to yield a rate equal to the current average yield quoted by the Federal National Mortgage Association.~~ amount eligible for collateral pledging is 75% of the unpaid principal balance.

4-4. **Provisions to be Included in Deposit Pledge Agreements.** With respect to the segregation of collateral, each deposit pledge agreement between the custodian and the depository shall be in a form prescribed by the Commissioner and shall contain the following provisions:

(a) That upon receiving notice of default and seizure from the Commissioner, pursuant to C.R.S. 11-47-113, the custodian maintaining custody of eligible collateral for the depository shall immediately surrender title and possession of said collateral to the Commissioner.

(b) That for the purpose of transfer of collateral to the custodian, in the case of insured, guaranteed or conventional mortgage loans, the original note and deed of trust, at minimum, shall be transferred. For other types of collateral, the security instrument itself or the original safekeeping receipt for such security shall be transferred.

(c) That the agreement shall be terminated (1) if the Commissioner seizes all eligible collateral pledged, or (2) by either party to the agreement, if 10 days' prior written notice thereof is given to the other party and if such termination is approved by the Commissioner. Upon any such termination, any remaining eligible collateral pledged hereunder shall be returned to depository, and the custodian shall be relieved of all further responsibility under the agreement.

(d) That if said custodian is a Federal Home Loan Bank or a Federal Reserve Bank, the custodian shall promptly, upon the request of the Commissioner and in a form prescribed by the Commissioner, provide a written inventory of pledged collateral signed by one of its officers.

~~(c) That no deposit pledge agreement shall have a term longer than five (5) years from the effective date of the agreement. For purposes of enacting this rule all eligible public depositories authorized under C.R.S. 11-47-101 et. seq. shall enter into new deposit pledge agreements by December 31, 2013.~~

Note: Proposed language not adopted at hearing.

4-13. Minimum Amount of Eligible Collateral.

(a) In accordance with C.R.S. 11-47-112 (6) (a), the aggregate market value of the total pledged eligible collateral of an eligible public depository shall, at all times, be no less than 100% of the depository's uninsured public deposit liability, notwithstanding additional amounts required by Section 4-8 of these regulations, or \$250,000, whichever is greater.

(b) Compliance with this regulation shall be the responsibility of each depository regardless of the frequency or form of reports required by the Commissioner.

- 7-1. In addition to the agreement of merger, savings and loan associations proposing to merge shall submit to the Commissioner one copy of the application for merger filed with ~~the Office of Thrift Supervision or the~~ Federal Deposit Insurance Corporation or its ~~their~~ successors.

7-4. The application filed pursuant to C.R.S. 11-41-121 (1.5) (c) shall contain sufficient information to demonstrate compliance with C.R.S. 11-41-121 (1.5) (a). The Commissioner may also request additional information in order to make the determinations under C.R.S. 11-41-121 (1.5). In addition, a copy of the application filed with the Federal Deposit Insurance Corporation ~~or the Office of Thrift Supervision or itstheir~~ successors shall be filed with the Commissioner.

10-1. The application filed pursuant to C.R.S. 11-41-133 (2) (a) shall contain sufficient information to demonstrate compliance with C.R.S. 11-41-133 (3). In addition, a copy of the application filed with the Federal Deposit Insurance Corporation ~~or the Office of Thrift Supervision or their~~its successors shall be filed with the Commissioner.

10-2. The application filed pursuant to C.R.S. 11-41-133 (6) (c) shall contain sufficient information to demonstrate compliance with C.R.S. 11-41-133 (6) (a). The Commissioner may also request additional information in order to make the determinations under C.R.S. 11-41-133 (6). In addition, a copy of the application filed with the Federal Deposit Insurance Corporation ~~or the Office of Thrift Supervision or itstheir~~ successors shall be filed with the Commissioner.

14-1. **Business Plans.** Each savings and loan association shall prepare a written business plan that specifies the association's operating goals and details the strategies to achieve the association's goals. The plan shall consist of a narrative and proforma financial statements. Said business plan shall reflect a minimum period of three years into the future, updated no less than annually.

~~The business plan shall be submitted to the Commissioner within 30 days of its approval by the association's board of directors, whether an annual update or an interim revision of the plan.~~

Note:
Proposed language
not adopted at
hearing.