

Opinion No. 19-2426

November 8, 1919

BY: HARRY S. BOWMAN, Assistant Attorney General

TO: Hon. J. B. Read, State Bank Examiner, Santa Fe, N.M.

Banks May Be Transferred From One Place in State to Another.

OPINION

We have your letter of the 7th inst., enclosing one from A. W. Skarda, of Clovis, N.M., requesting an opinion as to the legality of the transfer of a state bank charter from one part of the state to another, and in reply would advise you that the provisions of Section 10, Chapter 67, laws of 1915, being the State Banking Act, as it is now in effect, wherein the question of the incorporation of state banks is concerned, provides that the certificate of incorporation shall contain the "city, town and county in which the business of such corporation is to be conducted." This is the only provision of which we have any knowledge which limits the location of a bank and we are of the opinion that by a proper amendment of the certificate of incorporation, the location of such bank may be changed from one part of the state to another.

The amendment of the charter should be made in accordance with the provisions of Section 15 of the same act and after such amendment has been properly filed in the offices named in the said section, the bank would then be authorized to transact business in the new location designated in the amendment.

We are returning to you herewith the letter of Mr. Skarda above referred to.