

STATE OF CALIFORNIA – DEPARTMENT OF BUSINESS OVERSIGHT
**APPOINTMENT OF COMMISSIONER OF BUSINESS OVERSIGHT AS
ATTORNEY FOR SERVICE OF PROCESS**

DBO – 55 (Rev. 08-13) (*Consolidates and replaces Forms 55, 65, 75 and 85*)



This sample is provided only as an illustration of the format of an application.

_____ (hereinafter referred to as the "Bank"),
(Name of Foreign [Other State] or [Other Nation] Bank)

which is a bank organized under the laws of _____
(Name of State or Nation)

hereby irrevocably appoints and designates the Commissioner of Business Oversight of the State of California and his or her successor from time to time in office (hereinafter referred to as the "Commissioner") to be the Bank's attorney to receive service of any lawful process in any noncriminal judicial or administrative proceeding against the Bank or any of its successors which arises out of the activities in this state after this appointment has been filed with the Commissioner, with the same force and validity as if served personally on the Bank or its successor, as the case may be.

Date: _____

(Name of Foreign [Other State] or [Other Nation] Bank)

By _____
(Signature)

(Print Name and Title)

This is a sample format for the appointment of the Commissioner of Business Oversight as attorney for service of process pursuant to:

- 1. Financial Code Section 1703(a) – facilities of insured foreign (other state) banks.*
- 2. Financial Code Section 1718(a)(1) – facilities of uninsured foreign (other state) banks.*
- 3. Financial Code Section 1762(a)(1) - representative offices of foreign (other nation) banks.*
- 4. Financial Code Section 1762(b)(1) – agency and branch offices of foreign (other nation) banks.*

INSTRUCTIONS

A. General.

1. Facilities of Insured Foreign (Other State) Banks.

This form is to be used in cases where an insured foreign (other state) bank that does not maintain a branch office in California, appoints the Commissioner as its attorney for service of process in accordance with Financial Code Section 1703(a).

2. Facilities of Uninsured Foreign (Other State) Banks.

This form is to be used in cases where an uninsured foreign (other state) bank including a trust company, appoints the Commissioner as its attorney for service of process in accordance with Financial Code Section 1718(a)(1).

3. Representative Offices of Foreign (Other Nation) Banks.

Pursuant to Section 10.13278 of the Regulations of the Commissioner, this form and these instructions are to be used in cases where a foreign bank, which proposes to establish a California state representative office, appoints the Commissioner as its attorney for service of process in accordance with Financial Code Section 1762(a)(1).

4. Agency and Branch Office of Foreign (Other Nation) Banks.

Pursuant to Section 10.14180 of the Regulations of the Commissioner, this form and these instructions are to be used in cases where a foreign (other nation) bank, which proposes to establish a California state agency or branch office, appoints the Commissioner to be its attorney for service of process in accordance with Financial Code Section 1762(b)(1).

B. Contents.

The blanks in this Form shall be completed as indicated in the form.

C. Signature.

1. An Insured or Uninsured Foreign (Other State) Bank Licensed to Open and Maintain a Facility.

This form shall be signed in the name of the Bank by an authorized officer of the Bank, and the signature of the Bank shall be acknowledged. (For acknowledgement requirements, refer to Civil Code Section 1180. An appropriate certificate of acknowledgement shall be endorsed on or attached to this form.)

2. A Foreign (Other Nation) Bank Licensed to Open and Maintain a Representative, Agency or Branch Office.

This form shall be signed in the name of the Bank by an officer of the Bank who is assigned to the head office of the Bank and who is not proposed to be assigned to the representative, agency or branch office. The signature of the Bank shall be acknowledged. (For acknowledgement requirements, refer to Civil Code Section 1180. An appropriate certificate of acknowledgement shall be endorsed on or attached to this form.)

The definitions and general provisions in the Regulations of the Commissioner which are applicable to the establishment of a representative, agency, or branch office are also applicable to these instructions, and these instructions should be read in conjunction with such definitions and general provisions.