



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD**  
ATTORNEY GENERAL

June 25, 1953

Hon. J. M. Falkner  
Commissioner  
State Department of Banking  
Austin 14, Texas

Letter Opinion No. MS-65

Re: Authority of the Bank-  
ing Commissioner to ap-  
prove location of the  
Brazosport Savings &  
Loan Association at  
Velasco.

Dear Sir:

Your request for opinion of this office is as follows:

"On January 21, 1953, we approved a charter for the Brazosport Savings & Loan Association to be domiciled in Freeport, Texas. Subsequent to said approval, the association for various reasons has decided it would like to move its domicile to Velasco, Texas, and has submitted to this Department a certified copy of a resolution adopted at a special meeting of the shareholders of the association on May 18, 1953, requesting that such amendment be approved by this Department. A copy of said resolution is enclosed herewith.

"Since the building and loan statute makes no provision for changing a location from one city to another, we shall appreciate advice from you as to whether or not we have authority to approve such amendment."

We are also informed by your department that the proposed charter of the association was investigated by a representative of the Banking Commissioner in accordance with the provisions of Article 881a-2, V.C.S., who

inspected the premises located in Velasco proposed to be occupied by the association and that as a result of the investigation the Banking Commissioner ascertained to his satisfaction that the public convenience and advantage would be promoted by allowing the Brazosport Savings & Loan Association to be incorporated and engage in business, and that the population in the neighborhood of the proposed location and in the surrounding country would afford a reasonable promise of adequate support for the proposed association. The investigation further disclosed that there was no building and loan association engaged in business in Brazoria County which contains, in addition to the incorporated cities of Freeport and Velasco, the cities of Alvin, Angleton, and other smaller communities. It is also a fact that the cities of Freeport and Velasco, although separately incorporated, constitute one general neighborhood or community in Brazoria County with a combined population of 8272 inhabitants.

Article 881a-31, V.C.S., provides that any building and loan association may amend its articles of association or by-laws "in any manner not inconsistent with the provisions of this Act."

We have carefully examined the provisions of the statutes governing building and loan associations (Articles 881a-1 - 881a-68, V.C.S.), and find no provisions therein contained which would be inconsistent with the proposed charter amendment changing the location of the building and loan association from the city of Freeport to the City of Velasco. Incidentally, this office is advised that at the time of the filing of the original application for charter the city of Freeport was designated as the location of the proposed building and loan association through error, and at all times it was the intent and purpose of the incorporators that the association be located in the city of Velasco.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
C.K. Richards  
Assistant

CKR:wb