

### **286.6-710 Merger of credit union.**

- (1) Any credit union may, with the approval of the commissioner, merge with another credit union under the existing charter of the other credit union, pursuant to any plan agreed upon by the majority of each board of directors of each credit union joining in the merger, approved by the affirmative vote of a majority of the members of the merging credit union present at a meeting of its members duly called for such purpose, and consented to by any government agency or other organization insuring the accounts of the credit union.
- (2) The commissioner may approve a merger according to the plan agreed upon by the majority of the board of directors of each credit union if approved by less than a majority of the entire membership, as provided in this section, if the commissioner finds upon the written and verified application filed by the board of directors that:
  - (a) Notice of the meeting called to consider the merger was mailed to each member entitled to vote upon the question;
  - (b) Such notice disclosed the purpose of the meeting and properly informed the membership that approval of the merger might be sought pursuant to this section; and
  - (c) A majority of the votes cast upon the question were in favor of the merger.
- (3) After agreement by the directors and approval by the members of the merging credit union, the president and secretary of the credit union shall execute a certificate of merger, which shall set forth all of the following:
  - (a) The time and place of the meeting of the board of directors at which the plan was agreed upon;
  - (b) The vote in favor of the adoption of the plan;
  - (c) A copy of the resolution or other action by which the plan was agreed upon;
  - (d) The time and place of the meeting of the members at which the plan agreed upon was approved; and
  - (e) The vote by which the plan was approved by the members.
- (4) Such certificate and a copy of the plan of merger agreed upon shall be forwarded to the commissioner, certified by him, and returned to both credit unions within thirty (30) days.
- (5) Upon return of the certificate from the commissioner, all property, property rights, and members' interest of the merged credit union shall vest in the surviving credit union without deed, endorsement or other instrument of transfer; and all debts, obligations and liabilities of the merged credit union shall be deemed to have been assumed by the surviving credit union under whose charter the merger was effected. The rights and privileges of the members of the merged credit union shall remain intact.
- (6) This section shall be construed, whenever possible, to permit a credit union organized under any other act to merge with one (1) incorporated under this subtitle, or to permit any credit union incorporated under this subtitle to merge with one (1) organized under any other act.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 744, effective July 15, 2010. -- Created 1984 Ky. Acts ch. 202, sec. 3, effective July 13, 1984.

**Formerly codified as** KRS 290.710.

**Legislative Research Commission Note (7/12/2006).** In accordance with 2006 Ky. Acts ch. 247, secs. 38 and 39, this statute has been renumbered as a section of the Kentucky Financial Services Code, KRS Chapter 286, and KRS references within this statute have been adjusted to conform with the 2006 renumbering of that code.