

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

In the Matter of:

Thomas E. Durham
Former Senior Vice President and
Commercial Loan Officer
First National Bank of Shelby
Shelby, North Carolina

AA-EC-14-76

NOTICE OF TERMINATION

WHEREAS, in an effort to protect the public confidence in First National Bank of Shelby, Shelby, North Carolina (“Bank”) and the interests of the Bank’s depositors pending final resolution of the April 4, 2012 Grand Jury indictment against Thomas E. Durham (“Respondent”) as a result of his commission of or participation in crimes involving dishonesty and breach of trust that are punishable by imprisonment for a term exceeding one year under State or Federal law, and with violations of 18 U.S.C. §§ 1956(h) and 1957, the Comptroller of the Currency (“Comptroller”) issued a Notice of Prohibition on May 23, 2012, No. AA-EC-2012-51, pursuant to the Federal Deposit Insurance Act, as amended, 12 U.S.C. § 1818(g), that prohibited Respondent from further participation in any manner in the conduct of the affairs of any institution or agency specified in 12 U.S.C. § 1818(e)(7);

WHEREAS, there has been a final disposition of the Grand Jury indictment against Mr. Durham as a result of his guilty plea to violating 18 U.S.C. § 371, “Conspiracy to Commit Offense or to Defraud United States,” that was filed in the District Court of the United States for the Western District of North Carolina, Asheville Division, on September, 24, 2013;

WHEREAS, on February 21, 2014, the Federal Deposit Insurance Corporation (“FDIC”), pursuant to 12 U.S.C. § 1818(e) and the FDIC’s Rules of Practice and Procedure, 12 C.F.R. Part

308, issued an Order of Prohibition from Further Prohibition, FDIC-13-0407e, (“FDIC Prohibition Order”), to which the Respondent consented, against the Respondent; and

WHEREAS, the Notice of Prohibition no longer needs to remain in effect as result of the final disposition of the Grand Jury indictment and the issuance of the FDIC Prohibition Order;

NOW, THEREFORE, the Comptroller, pursuant to 1818(g)(1)(B)(ii), has terminated the Notice of Prohibition dated May 23, 2012, No. AA-EC-2012-51.

WITNESS, my hand given at Washington, DC, this 15th day of Sep, 2014

/s/ Toney M. Bland_____

Toney M. Bland

Senior Deputy Comptroller for Midsize and Community Bank Supervision

