

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)
)
B.W. CURRY, III)
OFFICER AND)
FORMER CHAIRMAN AND CHIEF)
EXECUTIVE OFFICER OF)
EAGLE FEDERAL BANK FOR)
SAVINGS,)
WAYNESBORO, MISSISSIPPI)
_____)

Re: Resolution No.: DAL-93-16

Dated: June 29, 1993

STIPULATION AND CONSENT TO
ENTRY OF AN ORDER OF REMOVAL AND PROHIBITION

WHEREAS, the Office of Thrift Supervision ("OTS"), based upon information derived from the exercise of its regulatory responsibilities, has informed B.W. Curry, III, former Chairman and Chief Executive Officer and a current officer of Eagle Federal Bank for Savings, Waynesboro, Mississippi (OTS No. 07498) ("the Association") that the OTS is of the opinion that the grounds exist to initiate an administrative removal and prohibition proceeding against B.W. Curry, III pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e)¹; and

WHEREAS, B.W. Curry, III desires to cooperate with the OTS to avoid the time and expense of such administrative litigation and, without admitting or denying that such grounds exist, hereby stipulates and agrees to the following terms:

1. All references in this Stipulation and Consent to Entry of an Order of Removal and Prohibition and the Order of Removal and Prohibition to the United States Code are references to the United States Code as amended.

1. Jurisdiction and OTS Findings of Fact.

(a) The Association is a "savings association" within the meaning of Section 3(b) of the FDIA, 12 U.S.C. § 1813(b), and Section 2(4) of the Home Owners' Loan Act, 12 U.S.C. § 1462(4). Accordingly, it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, 12 U.S.C. § 1813(c).

(b) B.W. Curry, III, as a former chairman and chief executive officer and a current officer of the Association, is deemed to be and/or to have been an "institution-affiliated party" as that term is defined in Section 3(u) of the FDIA, 12 U.S.C. § 1813(u), having served in such above-referenced former capacities within six years of the date hereof. (See 12 U.S.C. § 1818(i)(3).)

(c) Pursuant to Section 3(q) of the FDIA, 12 U.S.C. § 1813(q), the OTS is the "appropriate Federal banking agency" to maintain an enforcement proceeding against such a savings association and/or its institution-affiliated parties. Therefore, B.W. Curry, III is subject to the authority of the OTS to initiate and maintain a removal and prohibition proceeding against him pursuant to Section 8(e) of the FDIA, 12 U.S.C. § 1818(e).

(d) The OTS has determined (and B.W. Curry, III neither admits nor denies) that:

(i) In a demonstration of continuing disregard for the safety and soundness of the Association, over a period of approximately two years:

(A) B.W. Curry, III, as Chief Executive Officer and in conjunction with the Chief Financial Officer, caused or contributed to the Association's failure to classify its consumer loans adequately and to establish adequate general valuation allowances against its consumer loans, in violation of 12 C.F.R. § 563.160; and

(B) B.W. Curry, III, as Chief Executive Officer and in conjunction with the Chief Financial Officer, caused or contributed to the Association's unsafe and unsound practice of continuing to engage in a high volume of high-risk consumer lending after the Association's consumer loan program had caused the Association to hold a high volume of consumer loans that either were substantially delinquent or would have been substantially delinquent but for extensions; and

(ii) Such actions by B.W. Curry, III resulted in financial loss to the Association.

2. Consent. B.W. Curry, III, desiring to cooperate with the OTS to avoid the time and expense of such administrative litigation, and without admitting or denying that such grounds exist, consents to the issuance by the OTS of the accompanying Order of Removal and Prohibition ("Order"). He further agrees to comply with its terms upon issuance and stipulates that the Order complies with all requirements of law, including Section 8(e) of the FDIA, 12 U.S.C. § 1818(e).

3. Finality. The Order is issued by the OTS under the authority of Section 8(e) of the FDIA, 12 U.S.C. § 1818(e). Upon issuance of the Order, it shall be a final order that is effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C. § 1818(i).

4. Waivers. B.W. Curry, III waives the following legal rights:

(a) the right to be served with a written notice of the OTS's charges against him (referred to as a Notice of Intention to Remove and Prohibit) (see Section 8(e) of the FDIA, 12 U.S.C. § 1818(e));

(b) the right to an administrative hearing of the OTS's charges against him (see Section 8(e) of the FDIA, 12 U.S.C. § 1818(e)); and

(c) the right to seek judicial review of the Order, including, without limitation, any such right provided by Section 8(h) of the FDIA, 12 U.S.C. § 1818(h), or otherwise to challenge the validity of the Order.

5. Indemnification. B.W. Curry, III shall neither cause nor permit the Association (or any subsidiary thereof) to incur, directly or indirectly, any expense for any legal (or other professional) expenses incurred relative to the negotiation and issuance of the Order, nor obtain any indemnification (or other reimbursement) from the Association (or any subsidiary thereof) with respect to such amounts. Any such payments received by or on behalf of B.W. Curry, III in connection with this action shall be returned to the Association.

6. (a) This Stipulation and Consent to Entry of an Order of Removal and Prohibition and the Order do not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of B.W. Curry, III that arise pursuant to this action or otherwise, and that may be or have been brought by the Resolution Trust Corporation or any other governmental entity other than the OTS.

(b) B.W. Curry, III acknowledges and agrees that this proceeding and his consent to the entry of the Order are for the purpose of resolving this OTS removal and prohibition enforcement matter only, and do not resolve, affect or preclude any other civil or criminal proceeding which may be or has been brought against Respondent by the OTS or another governmental entity.

(c) By signing this document, B.W. Curry, III agrees that he will not assert the assessment or payment of this penalty as the basis for a claim of double jeopardy in any pending or future proceeding brought by the United States Department of Justice or any other governmental entity.

7. B.W. Curry, III acknowledges that Section 8(j) of the FDIA, 12 U.S.C. § 1818(j), sets forth criminal penalties for knowing violations of this Order.

WHEREFORE, B.W. Curry, III executes this Stipulation and Consent to Entry of an Order of Removal and Prohibition, intending to be legally bound hereby.

~~B.W. CURRY, III~~

/S/

Accepted by:

OFFICE OF THRIFT SUPERVISION

/S/

Frederick R. Casteel
Regional Director
Midwest Region

Date: 6-29-93

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Re: Resolution No.: DAL-93-16

Dated: June 29, 1993

ORDER OF REMOVAL AND PROHIBITION

WHEREAS, B.W. Curry, III has executed a Stipulation and Consent to Entry of an Order of Removal and Prohibition ("Stipulation") on June 29, 1993; and

WHEREAS, B.W. Curry, III, by his execution of the Stipulation, has consented and agreed to the issuance of this Order of Removal and Prohibition ("Order") by the Office of Thrift Supervision ("OTS"), pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e).

NOW THEREFORE, IT IS ORDERED that:

1. Except as authorized by Paragraph 3 hereof, B.W. Curry, III is removed as an officer of, and prohibited from further participation, in any manner, in the conduct of the affairs of Eagle Federal Bank for Savings, Waynesboro, Mississippi ("the Association") and any holding company, subsidiary, and/or service corporation thereof.

2. Except as authorized by Paragraph 3 hereof, B.W. Curry, III may not hold any office in, or participate in any manner in the conduct of the affairs of any Federally regulated depository institution or the other entities that are described in Section 8(e)(7)(A) of the FDIA, 12 U.S.C. § 1818(e)(7)(A), without

