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ALABAMA STATE BANKING DEPARTMENT

In the Matter of:

MICHAEL P. McCANN, a former officer of
SunSouth Bank, Dothan, Alabama

ASB Docket No. 17-1

Order of Prohibition
Issued Upon Consent

WHEREAS, Michael P. McCann ("McCann") was employed with SunSouth Bank, Dothan, AL ("SSB") as the Chief Lending Officer and was a member of the Board of Directors until McCann resigned on or about April 15, 2011. McCann then entered into a consulting/non-compete agreement with SSB, which agreement was amended on or about November 15, 2012 for three years in the form of a noncompete agreement;

WHEREAS, the Alabama State Banking Department ("Department"), after investigation, identified facts that during McCann's employment at SSB, McCann violated Section 5-3A-6 of the Code of Alabama;

WHEREAS, based on these facts, pursuant to provisions of Sections 5-3A-6 and 5-2A-12 of the Code of Alabama, the Alabama Superintendent of Banks ("Superintendent") has the authority to issue and publish an order to prohibit participation by McCann in the affairs of any Alabama State Bank or any holding company that owns an Alabama state bank ("Order");

Whereas, by affixing his signature hereunder, McCann has consented to the issuance of this Order by the Superintendent and the Department, and has agreed to comply with each and every provision of this Order, and has waived any and all rights he might have relating to this Order including, without limitation, (a) to the issuance of a notice of intent to prohibit on any matter implied or set forth in this Order; (b) to a hearing for the purpose of taking evidence with respect to any matter implied or set forth in this Order; (c) to obtain judicial review of this Order or any provision hereof; and

(d) to any rights, procedural and otherwise, under Code of Alabama Section 5-2A-12 and Section 5-3A-6 or other provisions of law;

NOW, THEREFORE, before the filing of any notices, or taking of any testimony or adjudication of or finding on any issue of fact or law herein, and solely for the purpose of settling this matter without a formal proceeding being filed and without the necessity for protracted or extended hearings or testimony, and with the understanding that McCann does not admit any conduct which could be construed as a violation of Section 5-3A-6 of the Code of Alabama and, specifically and adamantly, denies any such conduct, but agrees to this Order only as an effort to resolve the issues raised by the Department:

ORDER

IT IS HEREBY ORDERED, pursuant to Alabama Code Section 5-3A-6 and Section 5-2A-12, that:

1. Michael P. McCann, without the prior written approval of the Superintendent, is hereby and henceforth prohibited from participating in the affairs of any Alabama state bank or any holding company that owns an Alabama state bank.
2. Civil money penalties are not imposed by this Order.
3. Nothing in this Order, express or implied, shall give to any person or entity, other than the parties hereto, and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim under this Order.
4. This Order shall be construed and interpreted in accordance with the laws of the State of Alabama.
5. Each provision of this Order shall remain fully effective and enforceable until expressly stayed, modified, terminated, or suspended in writing by the Superintendent.
6. All communications regarding this Order shall be sent to:

(a) Mike Hill
Superintendent of Banks
Alabama State Banking Department
401 Adams Avenue, Suite 680
Montgomery, Alabama 36104

With a copy to:
Elizabeth Bressler
401 Adams Avenue, Suite 680
Montgomery, Alabama 36104

(b) Michael P. McCann
420 Hazelwood Avenue
Dothan, Alabama 36303

With a copy to:
Stephen T. Etheredge
Buntin, Etheredge & Fowler, L.L.C.
185 N. Oates Street
Dothan, Alabama 36603

This Order is dated as of the 27TH day of FEB., 2017.

AGREED:

ALABAMA STATE BANKING DEPARTMENT
AND SUPERINTENDENT

By: Mike Hill

Title: SUPERINTENDENT

Date Executed: 2/27/17

MP McCann

Michael P. McCann

Date Executed: 2/24/17

STATE OF ALABAMA)
COUNTY OF _____)

I, the undersigned, a Notary Public, in and for said county in said state, hereby certify that Michael P. McCann, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he executed the same voluntarily.

Given under my hand and seal this the 24th day of February, 2017.

[NOTARIAL SEAL]

Stephen T. Etheredge
Notary Public
My Commission Expires: 5/1/18