## FORM 4

# UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

OMB APPROVAL

OMB Number: 3235-0287
Estimated average burden
hours per response... 0.5

Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

(Print or Type Responses)

#### STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934 or Section 30(h) of the Investment Company Act of 1940

1 37																
	d Address of ommy Gen	Reporting Person- neral (Ret)		2. Issuer BANK					g Symbo /DE/ [I			X_ Director	(Chec		le) % Owner	
100 NOR		(First) ON STREET		3. Date of 02/05/2		est Tran	saction	(Month	n/Day/Ye	ear)	-	Officer (gi	ve title below)	Oth	ner (specify be	ow)
CHARLO	OTTE, NC	(Street) 28255		4. If Ame	endme	nt, Date	Origin	al Filed	(Month/Da	y/Year)		K_ Form filed by	y One Reporting	oup Filing(Chec g Person e Reporting Perso	**	Line)
(City		(State)	(Zip)			Tabl	le I - N	on-Der	ivative S	Securitie	es Acquire	ed, Dispose	d of, or Ben	eficially Owi	ned	
1.Title of S (Instr. 3)	ecurity		2. Transaction Date (Month/Day/Year)		on Dat	te, if Co	Transa ode ostr. 8)	(	4. Securi (A) or D (Instr. 3,	isposed	of (D)   C	Owned Follo ransaction(s	wing Reports)	ted	6. Ownership Form:	7. Nature of Indirect Beneficial
				(Month/	Day/ Y		Code	V .	Amount	(A) or (D)		Instr. 3 and 4	<del>+</del> )		Direct (D) or Indirect (I) (Instr. 4)	Ownership (Instr. 4)
Common	Stock		02/05/2009				P		10,000	A	\$ 4.27	0,979			D	
Common	Stock		02/05/2009				P		10,000	A	\$ 3.91 3	0,979			D	
Common	Stock		02/05/2009				P		8,600	A	\$ 4.16	9,579			D	
_	Stock		02/05/2009				D		1 400	A	\$ 4	0,979			D	
Common	SIUCK		02/03/2009				P		1,400	А	4.15	.0,979				
		eparate line for eac	h class of securities  Table II -				ectly or	Person contai	tly. ns who ined in displays	respon this for a curr	nd to the	collection ot required id OMB co	of inform to respon	ation	SEC	1474 (9-02)
Reminder: 1	Report on a s		h class of securities  Table II -	Derivativ	ve Sec	urities A	Acquir	Person contai form d	tly.  ns who ined in displays  posed of	responding this for sa current, or Bendele secu	nd to the mare no rently valueficially (	collection of required id OMB co	to respon	ation d unless th ber.	SEC e	
Reminder: 1	Report on a s	3. Transaction	Table II -  3A. Deemed Execution Date, in	Derivativ (e.g., puts 4. Transac Code	ve Sec s, call ction 8)	curities A	Acquir nts, op her ative es d (A)	r indirec Persor contai form of	tly.  ns who ined in displays  posed of convertil	responthis for sa currently, or Bendele seculble	nd to the mare no rently valueficially (	collection to required id OMB co Owned	8. Price of	9. Number of Derivative Securities Beneficially Owned Following Reported Transactions	of 10. Owners Form of Derivat Security Direct ( or Indir (s) (I)	11. Natu of Indir f Benefic Owners: (Instr. 4
Reminder: 1	2. Conversion or Exercise Price of Derivative	3. Transaction Date	Table II -  3A. Deemed Execution Date, is	Derivativ (e.g., puts 4. Transac Code	ve Sec s, call ction 8)	surities As, warra 5. Numboof Deriv Securitic Acquire or Dispoof (D) (Instr. 3, and 5)	Acquir nts, oper active ess d (A) osed	Person contain form of ed, Dispotions, c 6. Date I and Exp (Month/	ns who ined in displays posed of convertil Exercisa piration I Day/Yea	o responthis for sa current of the security of	nd to the rm are no rently value (icially (rities)) 7. Title are of Underly Securities	collection of required id OMB co  Dwned  and Amount ying ind 4)  Amount or Number of	8. Price of Derivative Security	9. Number of Derivative Securities Beneficially Owned Following Reported	of 10. Owners Form or Derivat Security Direct ( or Indir	11. Natu of Indir f Benefic Owners: (Instr. 4
Reminder: 1	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date	Table II -  3A. Deemed Execution Date, is	Derivativ (e.g., puts 4. Transac Code (Instr. 8	ve Secs, call:	s, warra 5. Numb of Deriv Securitie Acquire or Dispo of (D) (Instr. 3,	Acquir nts, oper ener tative ess d (A) osed 4,	Person contain form of ed, Dispotions, c 6. Date I and Exp (Month/	ns who ined in displays posed of convertil Exercisa ciration I Day/Yea	o responthis for sa current of the security of	nd to the mare no rently value (irities) 7. Title ar of Underl Securities (Instr. 3 a	collection of required id OMB co  Dwned  ad Amount ying ind 4)  Amount or Number of Shares	8. Price of Derivative Security (Instr. 5)	9. Number of Derivative Securities Beneficially Owned Following Reported Transactions	of 10. Owners Form o Derivat Security Direct ( or Indir (I) (Instr. 4	11. Natu of Indir f Benefic Owners: (Instr. 4
Reminder: 1  1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year	Table II -  3A. Deemed Execution Date, is	Derivative (e.g., puts) 4. f Transac Code (Instr. 8)	ve Secs, call:	surities As, warra 5. Numb of Deriv Securitie Acquire or Dispo of (D) (Instr. 3, and 5)	Acquir nts, or	r indirect Person contain form of ced, Dispotions, ced. Date I and Exp (Month/	ns who ined in displays posed of convertil Exercisa iration I Day/Yea	o responthis for sa current security of the se	nd to the mare no rently value ficially (rities) 7. Title are of Underl Securities (Instr. 3 a	Amount or Number of Shares	8. Price of Derivative Security (Instr. 5)	9. Number of Derivative Securities Beneficially Owned Following Reported Transaction (Instr. 4)	of 10. Owners Form or Derivat Security Direct (or Indir (s) (I) (Instr. 4	11. Natu of Indir f Benefic Owners: (Instr. 4

### **Reporting Owners**

		Relationsh	nips	
Reporting Owner Name / Address	Director	10% Owner	Officer	Other
Franks Tommy General (Ret) 100 NORTH TRYON STREET CHARLOTTE, NC 28255	X			

#### **Signatures**

Tommy R. Franks/Roger C. McClary POA	02/05/2009
**Signature of Reporting Person	Date
	]

### **Explanation of Responses:**

- \* If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) Reinvested Phantom Stock dividends which are exempt under Rule 16b-3. Phantom Stock units may be settled in cash on death or termination of service as a director
- (2) Phantom stock units may be settled in cash upon death or termination of service as a director.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, see Instruction 6 for procedure.

Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.