



Department of Banking and Finance

2990 Brandywine Road, Suite 200

Atlanta, Georgia 30341-5565

770-986-1633

www.gadbf.org

Sonny Perdue
Governor

Robert M. Braswell
Commissioner

April 24, 2008

VIA

Regular Mail; Certified Mail: 7005 1820 0006 4359 5694; E-Mail: contact@capitalbankandtrust.net

Capital Bank & Trust
1170 Peachtree Street NE
Atlanta, Georgia 30305

Re: Order to Cease and Desist

To the Owner/Manager:

On March 27, 2008, the Department sent a letter to Capital Bank & Trust requiring a written response by April 11, 2008 concerning the unauthorized use of the words "bank" and "trust" by Capital Bank & Trust. As of April 24, 2008, the Department has not received a written response Capital Bank & Trust. Therefore, the Department has issued the enclosed Order to Cease and Desist (Order) effective April 24, 2008.

Sincerely,

Grace M. Lurry, CFE, CEM
Deputy Commissioner for Supervision
Phone: (770) 986-1646
Fax: (770) 986-1654

Enclosure

cc: Federal Deposit Insurance Corporation
Federal Reserve Board
Georgia Secretary of State
Georgia Office of Attorney General
Federal Trade Commission



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Regular Mail; Certified Mail: 7005 1820 0006 4359 5700; E-Mail: contact@capitalbankandtrust.net

Capital Bank & Trust
1170 Peachtree Street NE
Atlanta, Georgia 30309

Re: Order to Cease and Desist

To the Owner/Manager:

On March 27, 2008, the Department sent a letter to Capital Bank & Trust requiring a written response by April 11, 2008 concerning the unauthorized use of the words "bank" and "trust" by Capital Bank & Trust. As of April 24, 2008, the Department has not received a written response Capital Bank & Trust. Therefore, the Department has issued the enclosed Order to Cease and Desist (Order) effective April 24, 2008.

Sincerely,

A handwritten signature in blue ink that reads "Grace M. Lurry".

Grace M. Lurry, CFE, CEM
Deputy Commissioner for Supervision
Phone: (770) 986-1646
Fax: (770) 986-1654

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FINANCIAL INSTITUTION ORDER TO CEASE AND DESIST

The Department of Banking and Finance of the State of Georgia ("Department") has the authority pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sections 7-1-91(d) and 7-1-5 to issue a Cease and Desist Order to any financial institution which has violated any law of this state or any order or regulation of the Department, to any financial institution which is conducting business in an unsafe or unauthorized manner, or to any person or corporation conducting business as a financial institution without authority under Chapter 1 of Title 7 of the Official Code of Georgia Annotated.

Capital Bank & Trust ("Capital") is a company which, according to documentation obtained by the Department, is providing financial services from at least one address in Georgia – 1170 Peachtree Street NE, Atlanta, Georgia 30309. This documentation indicates that Capital is using the "bank" and "trust" in its name in Georgia without the Department's written consent authority, which is in violation of O.C.G.A. Section 7-1-243.

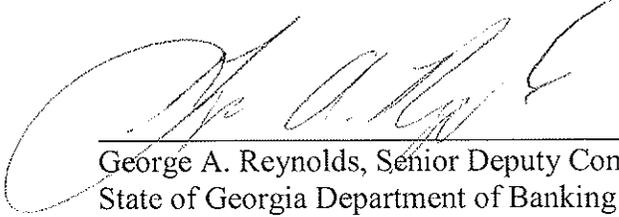
On March 27, 2008, the Department sent a letter to the Owner/Manager of Capital informing Capital of the Department's concerns regarding Capital's unauthorized use of the words "bank" and "trust" in its name. Capital was instructed to cease using the words "bank" and "trust" in its name and provide a written response to the Department by April 11, 2008 stating the specific actions taken to comply with the Department's March 27, 2008 letter. As of April 24, 2008, the Department has received no response in writing or otherwise from Capital.

Therefore the Georgia Department of Banking and Finance, pursuant to O.C.G.A. Sections 7-1-91 and 7-1-5, does hereby Order Capital Bank & Trust, its successors and assigns and the officers, employees and directors thereof, to Cease and Desist using the words "bank" and "trust" in its name in violation of Georgia Law and to take the following actions:

- 1) Capital shall immediately cease using "Bank & Trust" in its name in any form, including any internet website, marketing material, signage, correspondence, and/or legal documentation that could reach Georgia consumers.
- 2) Capital shall not provide financial products or services to the citizens of Georgia by any delivery system, including the internet, while using the words "bank", "trust" or any derivative thereof without the written authorization of the Department pursuant to O.C.G.A. Section 7-1-241(c).
- 3) Capital shall immediately return all funds in their entirety, if any, collected from Georgia consumers and provide evidence to the satisfaction of the Department that such funds were returned to Georgia consumers.
- 4) Representatives of Capital shall respond to the Department by May 9, 2008 indicating the actions taken regarding compliance with the provisions of this

Order. The Department may take further legal action through the State Attorney General as authorized by law.

The above provisions are effective on April 24, 2008, the date of issuance of this Order.

A handwritten signature in cursive script, appearing to read "G. A. Reynolds", is written over a horizontal line.

George A. Reynolds, Senior Deputy Commissioner
State of Georgia Department of Banking and Finance