

BANK OF THE OZARKS INC
Form POS AM
February 06, 2013

As filed with the Securities and Exchange Commission on February 6, 2013.

Registration No. 333- 184811

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

Post-Effective Amendment No. 1

to

FORM S-4

REGISTRATION STATEMENT

UNDER

THE SECURITIES ACT OF 1933

BANK OF THE OZARKS, INC.

(Exact name of registrant as specified in its charter)

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| | | |
|--|---|---|
| Arkansas (State or other jurisdiction of incorporation or organization) | 6022 (Primary Standard Industrial Classifications Code Number) 17901 Chenal Parkway Little Rock, Arkansas 72223 (501) 978-2265 | 71-0556208 (I.R.S. Employer Identification Number) |
|--|---|---|

(Address, including zip code, and telephone number, including area code, of registrant's principal executive offices)

Greg L. McKinney
Chief Financial Officer and Chief Accounting Officer

Bank of the Ozarks, Inc.

17901 Chenal Parkway

Little Rock, Arkansas 72223

Tel. (501) 978-2265

(Name, address, including zip code, and telephone number, including area code, of agent for service)

With copies of all communications to:

H. Watt Gregory, III

Kutak Rock LLP

124 West Capitol Avenue, Suite 2000

Little Rock, Arkansas 72201

Tel. (501) 975-3000

Paul S. Ware

J. Andrew Robison

Bradley Arant Boult Cummings LLP

1819 Fifth Avenue North

Birmingham, AL 35203

Tel. (205) 521-8000

Approximate date of commencement of proposed sale of the securities to the public: Not Applicable.

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If the securities being registered on this Form are being offered in connection with the formation of a holding company and there is compliance with General Instruction G, check the following box. "

If this Form is filed to register additional securities for an offering pursuant to Rule 462(b) under the Securities Act, check the following box and list the Securities Act registration number of the earlier effective registration statement for the same offering. "

If this Form is a post-effective amendment filed pursuant to Rule 462(d) under the Securities Act, check the following box and list the Securities Act registration statement number of the earlier effective registration statement for the same offering. "

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, or a smaller reporting company. See the definitions of large accelerated filer, accelerated filer and smaller reporting company in Rule 12b-2 of the Exchange Act.

Large accelerated filer

Accelerated filer

Non-accelerated filer (Do not check if a smaller reporting company)

Smaller reporting company

If applicable, place an X in the box to designate the appropriate rule provision relied upon in conducting this transaction:

Exchange Act Rule 13e-4(i) (Cross-Border Issuer Tender Offer)

Exchange Act Rule 14d-1(d) (Cross-Border Third-Party Tender Offer)

DEREGISTRATION OF UNSOLD SECURITIES

Bank of the Ozarks, Inc., an Arkansas corporation (the Registrant), filed Registration Statement No. 333-184811 on Form S-4 (the Registration Statement) with the Securities and Exchange Commission on November 7, 2012, as amended by Amendment No. 1, filed on November 13, 2012, which registered 516,370 shares of the Registrant s common stock in connection with the Registrant s acquisition of Genala Banc, Inc. The Registrant issued a total of 423,616 shares of the Registrant s common stock pursuant to the Registration Statement in connection with the merger.

Following the merger, the Registrant terminated the offering of shares of its common stock registered on the Registration Statement. Pursuant to the undertaking made by the Registrant in the Registration Statement to remove from registration by means of a post-effective amendment any of the securities being registered which remain unsold at the termination of the offering, the Registrant is filing this Post-Effective Amendment No. 1 to the Registration Statement to deregister all of the securities which remain unsold under the Registration Statement.

SIGNATURES

Pursuant to the requirements of the Securities Act, the registrant has duly caused this Post-Effective Amendment No. 1 to the Registration Statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of Little Rock, State of Arkansas, on February 6, 2013.

BANK OF THE OZARKS, INC.

(Registrant)

By: /s/ Greg L. McKinney
Greg L. McKinney

Chief Financial Officer and Chief Accounting
Officer

Pursuant to the requirements of the Securities Act of 1933, this Post-Effective Amendment No. 1 to the Registration Statement has been signed by the following persons in the capacities and on the dates indicated.

| SIGNATURE | TITLE | DATE |
|--|--|------------------|
| /s/ George G. Gleason* | Chairman of the Board and Chief Executive Officer | February 6, 2013 |
| George G. Gleason (Principal Executive Officer) | | |
| /s/ Greg L. McKinney | Chief Financial Officer and Chief Accounting Officer | February 6, 2013 |
| Greg L. McKinney (Principal Financial Officer and Accounting Officer) | | |
| /s/ Mark Ross* | Vice Chairman and Chief Operating Officer | February 6, 2013 |
| Mark Ross | | |
| /s/ Jean Arehart* | Director | February 6, 2013 |
| Jean Arehart | | |
| /s/ Nicholas Brown* | Director | February 6, 2013 |
| Nicholas Brown | | |
| /s/ Richard Cisne* | Director | February 6, 2013 |
| Richard Cisne | | |
| /s/ Robert East* | Director | February 6, 2013 |
| Robert East | | |

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/s/ Linda Gleason*

Director

February 6, 2013

Linda Gleason

/s/ Henry Mariani*

Director

February 6, 2013

Henry Mariani

/s/ Robert Proost*

Director

February 6, 2013

Robert Proost

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/s/ R.L. Qualls* Director February 6, 2013

R.L. Qualls

/s/ John Reynolds* Director February 6, 2013

John Reynolds

/s/ Kenneth Smith* Director February 6, 2013

Kennith Smith

/s/ Sherece West* Director February 6, 2013

Sherece West

*By: /s/ Greg L. McKinney
Greg L. McKinney, Attorney-in-Fact

*Pursuant to powers of attorney previously filed with this Registration Statement February 6, 2013