

Koury Maurice J  
Form DFAN14A  
July 01, 2008

**SCHEDULE 14A INFORMATION**  
**Proxy Statement Pursuant to Section 14(a) of the Securities Exchange Act of 1934**  
**(Amendment No. \_\_)**

Filed by the Registrant

Filed by a Party other than the Registrant

Check the appropriate box:

Preliminary Proxy Statement

Confidential, for Use of the Commission Only (as permitted by Rule 14a-6(e)(2))

Definitive Proxy Statement

Definitive Additional Materials

Soliciting Material Pursuant to ss.240.14a-12

**CAPE FEAR BANK CORPORATION**

(Name of Registrant as Specified In Its Charter)

Maurice J. Koury

The Maurice and Ann Koury Charitable Trust

The Maurice J. Koury Foundation, Inc.

Scott C. Sullivan

Miltom E. Petty

Mort Neblett

Haywood Cochrane, Jr.

James S. Mahan III

David Lucht

Robert Isser

(Name of Person(s) Filing Proxy Statement, if other than the Registrant)

Payment of Filing Fee (Check the appropriate box):

No fee required

Fee computed on table below per Exchange Act Rules 14a-6(i)(1) and 0-11

(1) Title of each class of securities to which transaction applies:

(2) Aggregate number of securities to which transaction applies:

(3) Per unit price or other underlying value of transaction computed pursuant to Exchange Act Rule 0-11 (set forth the amount on which the filing fee is calculated and state how it was determined):

(4) Proposed maximum aggregate value of transaction:

(5) Total fee paid:

- o Fee paid previously with preliminary materials.
- o Check box if any part of the fee is offset as provided by Exchange Act Rule 0-11(a)(2) and identify the filing for which the offsetting fee was paid previously. Identify the previous filing by registration statement number, or the Form or Schedule and the date of its filing.

(1) Amount Previously Paid::

(2) Form, Schedule or Registration Statement No.:

(3) Filing Party:

(4) Date Filed:

---

### **Koury Responds to Cape Fear Bank Corporation**

Wilmington, NC July 1, 2008 In response to the press release issued by Cape Fear Bank Corporation (NASDAQ: CAPE) on June 26, I was shocked by several of the inaccurate statements made by the company. I feel compelled to address the most egregious statements.

**We do not intend to sell Cape Fear Bank Corporation.** Just like you, I want my investment to deliver the best return it can. With the problems that currently exist at the company, a sale of the company in today's market does not make sense. With our proposed new leadership, the company can remedy its problems, and once resolved, can consider how best to maximize shareholder value.

**My interests and those of the gentlemen that I nominated are aligned with the shareholders.** Unlike current management with its golden parachutes, I will receive the same consideration as every other shareholder in the event of a sale. I am a shareholder, nothing more. I want good, strong leadership at the companies in which I invest. My goal is to ensure that all shareholders of Cape Fear Bank Corporation have the benefit of an experienced and effective board of directors. I believe the gentlemen I nominated offer that opportunity for all shareholders and will be responsible to all shareholders, not just me.

**I have repeatedly asked to meet with the board of directors and been turned down.** The board of directors of the company has steadfastly refused to meet with me or to discuss my vision for the company. For over nine months, I have asked to meet with management and the board of directors to discuss my plan and vision for the company. The board refused to speak with me last fall when I predicated that the bank was in trouble, that asset quality would deteriorate, and that the branch expansion was too costly. The board refused to negotiate with me last December when I offered to buy the company. The board refused to speak with me when I tried to avoid this proxy contest by seeking a mutual resolution of our differences by including two of my nominees on the company's proposed slate of directors. My fear is that the board and Mr. Coburn have no plan or vision for the company, and that they will sell at any price to avoid allowing the shareholders an opportunity to vote on the election of directors at the annual meeting.

The good news is that the company has finally stopped delaying and has set August 19, 2008 for the annual meeting of shareholders. I urge you to review the proxy materials from the company and from us when they arrive and make a wise decision.

#### **Important Information**

Mr. Koury intends to file a definitive proxy statement with the Securities and Exchange Commission (the SEC) in connection with the nomination of Scott Sullivan, Milt Petty, Mort Neblett, Haywood Cochrane, Jr., James Mahan III, David Lucht, and Robert Isser (the Koury Nominees) to serve as directors of Cape Fear Bank Corporation. The definitive proxy statement will be sent to stockholders of Cape Fear Bank Corporation seeking their support of the Koury Nominees at Cape Fear Bank Corporation's 2008 Annual Meeting of Stockholders. **Stockholders are urged to read the definitive proxy statement and proxy card when they become available, because they will contain important information about Mr. Koury, the Koury Nominees, Cape Fear Bank Corporation and related matters.** Stockholders may obtain a free copy of the definitive proxy statement (when available) and other documents filed by Mr. Koury with the SEC at the SEC's web site at [www.sec.gov](http://www.sec.gov).

The following persons will be participants in the solicitation from Cape Fear Bank Corporation's stockholders of proxies in favor of the Koury Nominees: Maurice J. Koury, The Maurice and Ann Koury Charitable Trust, The Maurice J. Koury Foundation, Inc., Scott Sullivan, Milt Petty, Mort Neblett, Haywood Cochrane, Jr., James Mahan III, David Lucht, and Robert Isser (the Opposition Group). Such participants may have interests in the solicitation, including as a result of holding shares of Cape Fear Bank Corporation common stock. **Information regarding the participants and their interests will be contained in the definitive proxy statement to be filed by the Opposition Group with the SEC in connection with Cape Fear Bank Corporation's 2008 Annual Meeting of Stockholders.**

Contact: Richard Grubaugh  
(212) 493-6950  
[rgrubaugh@dfking.com](mailto:rgrubaugh@dfking.com)