

BUCKHEAD COMMUNITY BANCORP INC  
Form 8-K  
December 12, 2008

# SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

## FORM 8-K

### CURRENT REPORT

PURSUANT TO SECTION 13 OR 15(d) OF THE  
SECURITIES EXCHANGE ACT OF 1934

Date of Report (Date of earliest event reported) December 9, 2008

## BUCKHEAD COMMUNITY BANCORP, INC.

(Exact Name of Registrant as Specified in its Charter)

Georgia  
(State or Other Jurisdiction  
of Incorporation)

000-53197  
(Commission File Number)

58-2265980  
(IRS Employer  
Identification No.)

415 East Paces Ferry Road, Atlanta, Georgia

30305

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(Address of Principal Executive Offices)

(Zip Code)

Registrant's telephone number, including area code (404) 504-2557

(Former Name or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (*see* General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

**Item 5.03 Amendments to Articles of Incorporation**

On December 9, 2008, Buckhead Community Bancorp, Inc. (the Company ) filed Articles of Amendment with the Secretary of State of the State of Georgia, effecting an amendment (the Amendment ) to the Company s Articles of Incorporation. The Amendment set forth the designation of the rights, privileges, preferences, and limitations of a series of special stock, designated Series A Preferred Stock. A copy of the Amendment is included as an exhibit to this Form 8-K and is incorporated by reference into this Item 5.03.

**Item 9.01 Exhibits**

**(d) Exhibits**

The following exhibits are being filed herewith:

**No. Description**

- 3.1 Articles of Amendment to the Articles of Incorporation of Buckhead Community Bancorp, Inc.
- 4.1 Form of Series A Preferred Stock Certificate

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

BUCKHEAD COMMUNITY BANCORP, INC.

Dated: December 10, 2008

By: /s/ Dawn Kinard  
Dawn Kinard  
Chief Financial Officer

**EXHIBIT INDEX**

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