

Edgar Filing: NOVASTAR FINANCIAL INC - Form S-8 POS

NOVASTAR FINANCIAL INC
Form S-8 POS
November 21, 2008

As filed with the Securities and Exchange Commission on November 21, 2008

Registration No. 333-138998

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

POST-EFFECTIVE
AMENDMENT NO. 1
to
FORM S-8
REGISTRATION STATEMENT
UNDER THE SECURITIES ACT OF 1933

NovaStar Financial, Inc.

(Exact name of registrant as specified in its charter)

Maryland

(State or other jurisdiction
of incorporation or organization)

74-2830661

(I.R.S. Employer
Identification No.)

**8140 Ward Parkway, Suite 300
Kansas City, Missouri 64114**

(Address of Principal Executive Offices, including Zip Code)

NovaStar Financial, Inc. 401(k) Plan
(Full title of the plan)

W. Lance Anderson
Chairman of the Board and Chief Executive Officer
NovaStar Financial, Inc.
8140 Ward Parkway, Suite 300, Kansas City, MO 64114

(Name and address of agent for service)

(816) 237-7000

(Telephone number, including area code, of agent for service)

PLEASE SEND COPIES OF COMMUNICATIONS TO:

Edgar Filing: NOVASTAR FINANCIAL INC - Form S-8 POS

Kirstin Pace Salzman, Esq.
Husch Blackwell Sanders LLP
4801 Main Street, Suite 1000
Kansas City, Missouri 64112
(816) 983-8000

DEREGISTRATION OF SECURITIES

On November 29, 2006, NovaStar Financial, Inc. (the "Company") filed a registration statement on Form S-8, Registration Number 333-138998 (the "Registration Statement"), with respect to 275,000 shares of the Company's common stock, par value \$0.01 per share (the "Common Stock"), relating to the Company's 401(k) Plan (the "Plan"). The Company is deregistering the Common Stock and Plan interests because the Company has permanently removed Common Stock as an investment option in the Plan. Accordingly, the Company files this Post-Effective Amendment No. 1 to the Registration Statement solely to deregister all remaining unsold Plan interests and Common Stock.

2

SIGNATURES

Pursuant to the requirements of the Securities Act of 1933, the registrant certifies that it has reasonable grounds to believe that it meets all of the requirements for filing on Form S-8 and 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 Kansas City, County of Jackson, State of Missouri, on November 21, 2008.

NOVASTAR FINANCIAL, INC.

By: /s/ W. Lance Anderson

W. Lance Anderson
Chairman of the Board and
Chief Executive Officer

Pursuant to the requirements of the Securities Act, this Registration Statement has been signed by the following persons in the capacities and on the dates indicated.

| <u>Signature</u> | <u>Position</u> | <u>Date</u> |
|---|---|--------------------|
| * /s/ W. Lance Anderson ----- W. Lance Anderson | Chairman of the Board, Chief Executive Officer (Principal Executive Officer) | November 21, 2008 |
| * /s/ Rodney E. Schwatken | Chief Financial Officer (Principal Financial and Accounting Officer) | November 21, 2008 |

Edgar Filing: NOVASTAR FINANCIAL INC - Form S-8 POS

Rodney E. Schwatken

* /s/ Gregory T. Barmore Director November 21, 2008

Gregory T. Barmore

* /s/ Edward W. Mehrer Director November 21, 2008

Edward W. Mehrer

* /s/ Art N. Burtscher Director November 21, 2008

Art N. Burtscher

* /s/ Donald M. Berman Director November 21, 2008

Donald M. Berman

* /s/ W. Lance Anderson by W. Lance Anderson as power of attorney

W. Lance Anderson

3

Pursuant to the requirements of the Securities Act of 1933, the administrator of the Plan has duly caused this Amendment No. 1 to the Registration Statement on Form S-8 to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of Kansas City, Missouri, as of the 21st day of November, 2008.

NOVASTAR FINANCIAL, INC. 401(K) PLAN

BY: NOVASTAR FINANCIAL, INC., PLAN ADMINISTRATOR

By: /s/ W. Lance Anderson

W. Lance Anderson
Chairman of the Board and
Chief Executive Officer

4