

NEWTEK BUSINESS SERVICES, INC.

Form 8-K

August 09, 2013

**UNITED STATES**  
**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**

**August 9, 2013 (July 16, 2013)**

**Date of Report (date of Earliest Event Reported)**

**NEWTEK BUSINESS SERVICES, INC.**

**(Exact Name of Company as Specified in its Charter)**

**NEW YORK**  
**(State or Other Jurisdiction of**

**001-16123**  
**(Commission**

**11-3504638**  
**(I.R.S. Employer**

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Incorporation or Organization)

File No.)

Identification No.)

212 West 35<sup>th</sup> Street, 2nd floor, New York, NY 10001

(Address of principal executive offices and zip code)

(212) 356-9500

(Company's telephone number, including area code)

(Former name or former address, if changed from 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))

**Forward-Looking Statements**

Statements in this Current Report on Form 8-K (including the exhibits), including statements regarding Newtek Business Services, Inc.'s (Newtek or the Company) beliefs, expectations, intentions or strategies for the future, may be forward-looking statements under the Private Securities Litigation Reform Act of 1995. All forward-looking statements involve a number of risks and uncertainties that could cause actual results to differ materially from the plans, intentions and expectations reflected in or suggested by the forward-looking statements. Such risks and uncertainties include, among others, intensified competition, operating problems and their impact on revenues and profit margins, anticipated future business strategies and financial performance, anticipated future number of customers, business prospects, legislative developments and similar matters. Risk factors, cautionary statements and other conditions which could cause Newtek's actual results to differ from management's current expectations are contained in Newtek's filings with the Securities and Exchange Commission. Newtek undertakes no obligation to update any forward-looking statement to reflect events or circumstances that may arise after the date of this filing.

**ITEM 1.01 Entry Into a Material Definitive Agreement.**

On July 16, 2013, Newtek Business Services, Inc. (the Company) entered into a Waiver and First Amendment to Credit Agreement (the Amendment) with the several banks or other financial institutions or entities from time to time parties to the Credit Agreement (as defined below) (the Lenders), and ABC Funding, LLC, as administrative agent (the Administrative Agent), amending that certain Credit Agreement, dated as of April 25, 2012 (the Credit Agreement), by and among the Company, the Administrative Agent and the Lenders.

The Amendment had the primary effect of conforming certain financial covenants to accommodate changes made to the credit facility by and between Newtek Small Business Finance, Inc., a subsidiary of the Company, and Capital One, National Association, as reflected in that certain Amended and Restated Loan and Security Agreement, dated July 16, 2013, and clarifying certain definitions.

The above description is a summary and is qualified in its entirety by the terms of the Amendment, a copy of which is filed as Exhibit 10.1 to this Current Report on Form 8-K and is incorporated by reference herein.

**ITEM 2.03. Creation of a Direct Financial Obligation or an Obligation under an Off-Balance Sheet Arrangement of a Registrant.**

The information contained in Item 1.01 of this Current Report on Form 8-K is incorporated by reference herein.

**Item 9.01. Financial Statements and Exhibits.**

**(d) Exhibits.**

Exhibit Number	Description
10.1	Waiver and First Amendment to Credit Agreement, dated as of July 16, 2013, by and among the Company, the Lenders and the Administrative Agent (Exhibits Omitted).

**SIGNATURES**

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

**NEWTEK BUSINESS SERVICES, INC.**

Date: August 9, 2013

/s/ Barry Sloane  
Barry Sloane  
Chairman of the Board and Chief Executive Officer

**EXHIBIT INDEX**

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