

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE No. 1:09-MD-02036-JLK

**IN RE: CHECKING ACCOUNT
OVERDRAFT LITIGATION**

MDL No. 2036

**THIS DOCUMENT RELATES TO:
FOURTH TRANCHE ACTION**

Shane Swift v. BancorpSouth, Inc.

N.D. Fla. Case No. 1:10-cv-00090-SPM

S.D. Fla. Case No. 1:10-cv-23872-JLK

**APPENDIX II TO PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION AND INCORPORATED MEMORANDUM OF LAW**

Dated: December 20, 2011.

Respectfully submitted,

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Plaintiffs' Executive Committee

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE No. 09-MD-02036-JLK

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MDL No. 2036

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:09-MD-02036-JLK

IN RE: CHECKING ACCOUNT
OVERDRAFT LITIGATION

MDL No. 2036

THIS DOCUMENT RELATES TO:
FOURTH TRANCHE ACTIONS

Swift v. BancorpSouth, Inc.
N.D. FL Case No. 1:10-cv-00090-SPM
S.D. FL Case No. 1:10-cv-23872-JLK

DECLARATION OF SHANE SWIFT

I, Shane Swift, hereby declare as follows:

1. I am a plaintiff in the above-captioned action that is part of MDL No. 2036 and pending in the U.S. District Court for the Southern District of Florida. I am currently a resident of Arkansas. If called to testify, I could and would testify thereto to all facts within my personal knowledge.

2. In August 2003, I opened a checking account at American State Bank in Pochontas, Arkansas. In 2005, I became a customer of BancorpSouth when BancorpSouth acquired American State Bank. I was provided a debit card, which I used for transactions.

3. I am a proposed class representative in a lawsuit. As a class representative, I understand I am representing a class of other persons who have or had checking accounts with BancorpSouth and were charged overdraft fees as a result of BancorpSouth's overdraft fee

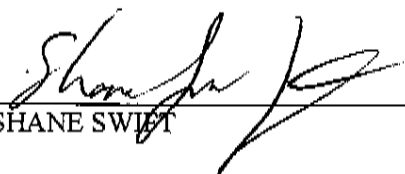
policies. I understand that I must consider the interests of other class members in pursuing my claims.

4. As part of my duties as a class representative, I reviewed the Complaint to ensure the accuracy of the facts as they related to me. I also assisted in the preparation of discovery responses by searching for and providing documents and other information to my attorneys. I also understand that I may need to assist in the preparation of further discovery responses and may need to produce further documents and materials if my attorneys request it. In addition, I understand that I may be called to testify at trial in this case. I am willing and able to fulfill all of my duties as a class representative.

5. If this case were not certified as a class action, it would not be feasible for me to pay an attorney to bring an individual lawsuit on my behalf for the legal claims at issue here.

6. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 14 day of December, 2011, at 0700, Arkansas.


SHANE SWIFT