

SUPREME INDUSTRIES INC
Form 8-K
June 21, 2011

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

DATE OF REPORT (DATE OF EARLIEST EVENT REPORTED): **June 15, 2011**

SUPREME INDUSTRIES, INC.

(Exact name of registrant as specified in its charter)

Delaware
(State of incorporation)

1-8183
(Commission File No.)

75-1670945
(IRS Employer Identification No.)

P.O. Box 237

2581 E. Kercher Road

Goshen, Indiana 46528

(Address of principal executive offices) (Zip Code)

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Registrant's telephone number, including area code: **(574) 642-3070**

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))
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Item 1.01 Entry into a Material Definitive Agreement.

As earlier reported, on May 25, 2011, Supreme Industries, Inc. (the *Company*) and The Armored Group (*TAG*) signed a Civil Settlement Agreement under the terms of which the lawsuit between the parties will be dismissed and the Company agreed to: (i) pay to TAG the cash sum of \$1,100,000; and (ii) issue and deliver to TAG on or about May 25, 2011, 350,000 shares of the Company's Class A Common Stock and an additional 350,000 shares on January 15, 2012. Under the terms of the Civil Settlement Agreement, the Company is required to file with the Securities and Exchange Commission a Registration Statement registering all 700,000 shares. On June 7, 2011, the Company and TAG entered into an Amendment to Civil Settlement Agreement under the terms of which TAG waived the obligation of the Company to file a Registration Statement in exchange for a cash payment of \$25,000 payable \$15,000 at the time of signing the Amendment and the balance of \$10,000 payable on January 15, 2012 (collectively, the Civil Settlement Agreement and the Amendment to Civil Settlement Agreement being the *Settlement*).

On June 15, 2011, the Company and its subsidiaries entered into a Third Amendment (the *Third Amendment*) to the Company's Amended and Restated Credit Agreement (the *Credit Agreement*) with JPMorgan Chase Bank, N.A. (the *Lender*).

The Credit Agreement prohibits settlements of any claims or causes of action in aggregate amounts exceeding \$250,000. Under the terms of the Third Amendment, the Lender approved the Settlement referred to above and waived noncompliance caused by such Settlement with the Credit Agreement's \$250,000 cap on settlements of any claims or causes of action. In addition, the Third Amendment increased the revolving commitment amount under the Credit Agreement by \$3,000,000 beginning June 15, 2011.

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.

SUPREME INDUSTRIES, INC.

Date: June 21, 2011

By:

/s/ Kim Korth
Kim Korth
President and Chief Executive Officer