

# SECURITIES AND EXCHANGE COMMISSION

## FORM 8-K

Current report filing

Filing Date: **2009-01-26** | Period of Report: **2009-01-23**  
SEC Accession No. **0001144204-09-003339**

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### FILER

#### SMITHTOWN BANCORP INC

CIK: **747345** | IRS No.: **112695037** | State of Incorporation: **NY** | Fiscal Year End: **1231**  
Type: **8-K** | Act: **34** | File No.: **000-13314** | Film No.: **09544104**  
SIC: **6022** State commercial banks

Mailing Address  
100 MOTOR PARKWAY  
SUITE 160  
HAUPPAUGE NY 11788

Business Address  
100 MOTOR PARKWAY  
SUITE 160  
HAUPPAUGE NY 11788  
631-360-9300

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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**

Washington, DC 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)  
January 23, 2009

**Smithtown Bancorp, Inc.**

(Exact name of registrant as specified in its charter)

New York  
(State or other jurisdiction  
of incorporation)

000-13314  
(Commission  
File Number)

11-2695037  
(IRS Employer  
Identification No.)

100 Motor Parkway, Suite 160, Hauppauge, New York 11788  
(Address of principal executive offices)

Registrant's telephone number, including area code  
631-360-9300

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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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SMITHTOWN BANCORP, INC.  
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Item 8.01 Other Events – Exhibit 99.1 - Smithtown Bancorp Press Release dated January 23, 2009 announcing Smithtown Bancorp declines TARP Capital.

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 thereunto duly authorized.

SMITHTOWN BANCORP, INC

/s/ Bradley E. Rock  
\_\_\_\_\_  
Bradley E. Rock, Chairman, President and  
Chief Executive Officer

Dated: January 23, 2009

/s/ Anita M. Florek  
\_\_\_\_\_  
Anita M. Florek, Executive Vice President,  
Treasurer and Chief Financial Officer

Dated: January 23, 2009

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**Exhibit 99.1**  
**Corporate Headquarters**  
100 Motor Parkway, Suite 160  
Hauppauge, NY 11788-5138  
Direct Dial: 631-360-9304  
Direct Fax: 631-360-9380  
[brock@bankofsmithtown.net](mailto:brock@bankofsmithtown.net)

**PRESS RELEASE**

Release Date: January 23, 2009

Contact: Ms. Judith Barber  
Corporate Secretary

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**SMITHTOWN BANCORP  
DECLINES TARP CAPITAL**

Smithtown, NY, January 23, 2009 - Smithtown Bancorp (NASDAQ: SMTB), the parent company of Bank of Smithtown, today informed the United States Department of the Treasury that the Company will not be participating in the TARP Capital Purchase Program.

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