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July 11, 2006

06 JUL 24 PM 3:07

Top Hat Plan Exemption
Employee Benefits Security Administration
Room N-1513
U.S. Department of Labor
200 Constitution Avenue NW.
Washington, DC 20210

Re: Home BancShares, Inc. 2006 Stock Option and Performance Incentive Plan
("Plan") Protective Top Hat Filing

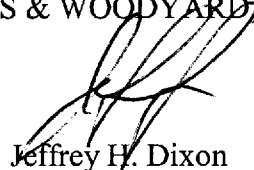
Dear Department Personnel:

Enclosed for filing with respect to the above Plan is a Protective Top Hat Filing.

Very truly yours,

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, P.L.L.C.

By


Jeffrey H. Dixon

cc: Randy Mayor

PROTECTIVE TOP HAT FILING

July 11, 2006

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Employers Names, Addresses and Employer Identification Numbers:

Home BancShares, Inc.
719 Harkrider Street, Suite 300
Conway, Arkansas 72032
71-0682831

First State Bank
620 Chestnut
P.O. Box 966
Conway, Arkansas 72033
71-0009885

First Data Solutions, Inc.
719 Harkrider Street, Suite 300
Conway, Arkansas 72032
36-4381981

Community Insurance Agency, Inc.
2171 West Main
Cabot, Arkansas 72043
71-0841082

Twin City Bank
2716 Lakewood Village Place
North Little Rock, Arkansas 72116
36-4370837

FirsTrust Financial Services, Inc.
2610 Cantrell Road
Little Rock, Arkansas 72202
36-4444815

Community Bank of Cabot
P.O. Box 1028
Cabot, Arkansas 72023
71-0009710

Community Home Lenders of Arkansas Inc.
1 City Plaza
Cabot, Arkansas 72023
71-0765963

Community Title Services, Inc.
203 Dakota Drive
Cabot, Arkansas 72023
71-0845873

Lonoke Abstract Company
122 South 2nd Street
Cabot, Arkansas 72023
71-0850681

Grand Prairie Title Co., Inc.
203 Dakota Drive
Cabot, Arkansas 72023
71-0538867

Marine Bank of the Florida Keys
11290 Overseas Highway
Marathon, Florida 33050
65-0414448

Bank of Mountain View
Main Street
Mountain View, Arkansas 72560
71-0009990

Plan Name: Home BancShares, Inc. 2006 Stock Option and Performance Incentive Plan ("Plan").

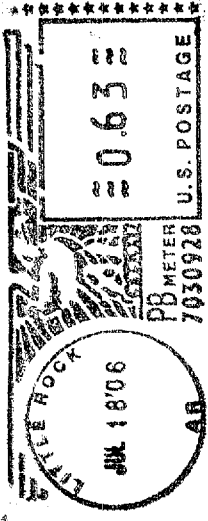
The Employer is of the opinion that the Plan is not an employee benefit plan as defined in ERISA §3(3) because the Plan provides equity based compensation which is a bonus or incentive arrangement and which is not necessarily a deferral of compensation until termination of covered employment or beyond. However, because the Plan defers compensation, and in the event that the Plan, or any portion of the Plan, were found to be an employee benefit plan, **the Employer asserts that the Plan is a plan primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.** In making this statement, the Employer is not conceding that the Plan, or any portion thereof, is an

employee benefit plan, nor is the Employer waiving any right to assert that the Plan is not an employee benefit plan.

The Plan contains five different programs to provide different types of equity based compensation. The Plan currently has five persons who have received option grants pursuant to the Plan or a predecessor plan.

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