WAKE COUNTY

NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION

THE NORTH CAROLINA STATE BAR, PETITIONER,	)	
v.	)	CONSENT ORDER OF PRELIMINARY INJUNCTION
TREVE B. LUMSDEN, JR., ATTORNEY, RESPONDENT.	)	

THIS MATTER came on to be heard and was heard by the undersigned Judge of the Superior Court of Wake County on motion of petitioner, the North Carolina State Bar. Petitioner was represented by Katherine E. Jean. Respondent Treve B. Lumsden, Jr. was represented by Douglas J. Brocker. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Respondent, Treve B. Lumsden, Jr. ("Lumsden"), was licensed to practice law in North Carolina on August 21, 1982.

2. As of the date of this petition, Lumsden's address of record on file with the North Carolina State Bar is 8752 Reed Drive, Suite 3, Emerald Isle, North Carolina 28594.

3. The State Bar has received evidence indicating that funds held in trust by Lumsden were mishandled by Lumsden.

4. Lumsden desires to cooperate with the State Bar.

5. A need for prompt action exists to preserve the status quo while the State Bar conducts an analysis of Lumsden's trust, operating and personal bank accounts.

Based upon the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Lumsden's trust, operating and personal bank accounts.

2. Lumsden should be enjoined from accepting or receiving any funds from clients or third parties in any fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds are currently held and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds are currently held until and unless permitted by subsequent orders of the Court. These accounts include BB&T trust account number 0005100300259, First Citizens Bank general trust account number 053100300 003412297899 and any other accounts in which client or fiduciary funds are currently held by Lumsden.

3. Lumsden should not be permitted to serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until and unless permitted to do so by further order of this Court.

4. To assist the State Bar's analysis of his trust and operating accounts, Lumsden should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited or sign appropriate authorizations so that the State Bar can obtain, at his expense, any necessary missing records from the bank(s) where those accounts are maintained.

THEREFORE, IT IS HEREBY ORDERED:

1. Treve B. Lumsden, Jr. is enjoined from accepting or receiving any funds from clients or third parties in any fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds are currently held and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds are currently held until and unless permitted by subsequent orders of the Court. These accounts include BB&T trust account number 0005100300259, First Citizens Bank general trust account number 053100300 003412297899 and any other accounts in which client or fiduciary funds are currently held by Lumsden.

2. Treve B. Lumsden, Jr. or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Lumsden's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.

3. Treve B. Lumsden, Jr. or any other person having custody or control over records relating to individuals for whom he has provided legal services shall produce to the North Carolina State Bar for inspection and copying all records and documents including but not limited to client files, billing statements, memoranda and receipts. Current client files shall be produced within 24 hours of demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.

4. If Lumsden does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rules 1.15-2 and 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where his bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar or sign appropriate authorizations so that the State Bar can obtain any such necessary missing records from the bank(s). Lumsden shall be responsible for all costs of obtaining any necessary missing records from the bank(s).

5. Lumsden shall not serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until and unless he is permitted to do so by further order of this Court.

6. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

THIS the 23 day of NOVEMBER, 2009.

Howard E. L

Wake County Superior Court Judge

WE CONSENT

Katherine E. Jean
Attorney for Petitioner

Treve B. Lumsden, Jr.
Respondent

Douglas J. Brocke
Respondent's Counsel