WAKE COUNTY NORTH CAROLINA	IN THE GENERAL COURTS OF JUSTICE SUPERIOR COURT DIVISION 11 CVS \$\frac{1}{5} \frac{1}{5}\$	
THE NORTH CAROLINA STATE BAR, PETITIONER v. CREIGHTON W. SOSSOMON, ATTORNEY, RESPONDEN) CONSENT ORDER OF SOME NOTION	

THIS MATTER is before the undersigned Judge of Superior Court of Wake County on motion of the North Carolina State Bar. Petitioner, the North Carolina State Bar, is represented by Carmen Hoyme Bannon. Respondent, Creighton W. Sossomon, represents himself. Based upon the pleadings herein and the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Creighton W. Sossomon ("Sossomon"), was licensed to practice law in North Carolina in 1969.
- 2. As of the date of this order, Sossomon's address of record on file with the North Carolina State Bar is P.O. Box 9, Highlands, NC, 28741.
- 3. On 30 November 2010, the North Carolina State Bar served Sossomon with a Letter of Notice and Subpoena for Cause Audit in grievance file #10G1141. Sossomon produced some of the subpoenaed records related to his attorney trust account.
- 4. The State Bar's preliminary investigation of the records produced by Sossomon indicates that Sossomon has failed to comply with several of the provisions of Rules of Professional Conduct 1.15-2 and 1.15-3, regarding handling entrusted funds and trust account management.
 - 5. Sossomon desires to cooperate with the North Carolina State Bar.
 - 6. A need for prompt action exists to ensure that client funds are not mishandled.

BASED UPON THE FOREGOING FINDINGS, the Court makes the following:

CONCLUSIONS OF LAW

- 1. This Court has personal jurisdiction over Respondent and jurisdiction over the subject matter. This matter is properly before the Wake County Superior Court pursuant to N.C. Gen. Stat. § 84-28(f).
- 2. Prompt action, pursuant to § 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Sossomon's trust accounts and to ensure that no client funds are mishandled.
- 3. Sossomon should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from withdrawing funds from and/or writing checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to withdraw funds from and/or draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this order.
- 4. To assist the State Bar's analysis of his trust and operating accounts, Sossomon should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited. Sossomon shall provide the North Carolina State Bar with all records of all accounts in which client or fiduciary funds were deposited.
- 5. Sossomon should not be permitted to serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until further order of this Court.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Creighton W. Sossomon is enjoined from accepting any further funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or writing any checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to withdraw funds from and/or draw a check on any account in which client or fiduciary funds have been deposited until permitted by subsequent order(s) of the Court.
- 2. Creighton W. Sossomon or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall, upon request, immediately produce to the North Carolina State Bar for inspection and copying all of Sossomon's financial records relating to such accounts 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. If Sossomon does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where his trust account(s) (and all other accounts) 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, at Sossomon's expense.

- 4. Creighton W. Sossomon, or any other person having custody or control over records relating to individuals for whom Sossomon 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.
- 5. Sossomon shall not serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until further order of this Court.
- 6. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

This the 3 day of March, 2011.

Wake County Superior Court Judge

WE CONSENT

Carmen Hoyme Bannon Attorney for Petitioner

The North Carolina State Bar

Mantine Honer 3/20/2011 Creighton W. Sossomon

Respondent