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WAKE COUNTY, C.S.C.

| STATE OF NORTH CAROLINA<br>WAKE COUNTY | IN THE GENERAL COURT OF JUSTICE<br>SUPERIOR COURT DIVISION<br>FILE NO.: 11 CVS _____ |
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| THE NORTH CAROLINA STATE BAR,<br>BY_____<br>Petitioner<br>v.<br>KEVIN P. BYRNES, Attorney,<br>Respondent | CONSENT ORDER OF<br>PRELIMINARY INJUNCTION |

THIS MATTER is before the undersigned Judge of Superior Court of Wake County on motion of petitioner, the North Carolina State Bar. Petitioner was represented by Carmen H. Bannon. Respondent, Kevin P. Byrnes, represented himself. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Respondent, Kevin P. Byrnes ("Byrnes"), was licensed to practice law in North Carolina in 1981.

2. Byrnes's address of record on file with the North Carolina State Bar is P.O. Box 5486, Charlotte, NC, 28299.

3. Byrnes has failed to properly document his receipt and disbursement of entrusted funds for more than ten years. Byrnes has withdrawn funds from his attorney trust account in the form of cash, telephone transfers, and electronic debits, none of which document the client balance upon which the disbursements were drawn. Byrnes has not maintained individual client ledgers tracking the amounts he holds in trust for each client, nor has he performed monthly or quarterly account reconciliations.

4. Byrnes desires to cooperate with the State Bar.

5. While the State Bar reviews the matter and affected accounts, a need for prompt action exists to ensure that funds entrusted to Byrnes are properly safeguarded.

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 Byrnes's trust,

fiduciary, and/or operating accounts and to ensure that client funds are properly safeguarded.

2. Until permitted to do so by further order of this Court, Byrnes should be enjoined from accepting any further funds from or on behalf of clients or other individuals in any fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this order.

3. To assist the State Bar's analysis of his trust and operating accounts, Byrnes should provide the State Bar, to the extent not already provided, with records of all accounts in which client or fiduciary funds have been deposited.

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

THEREFORE, IT IS HEREBY ORDERED:

1. Kevin P. Byrnes 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 have been deposited 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 have been deposited until and unless permitted by subsequent orders of this Court.

2. Byrnes 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 Byrnes'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. Byrnes 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 made available or produced within 24 hours of demand by the State Bar and closed client files shall be made available or produced within 3 days of demand by the State Bar.

4. If Byrnes 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

Revised 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 at Price's expense.

5. Byrnes shall provide the State Bar within 30 days with identification of all funds held in trust in any trust account, including but not limited to providing a client ledger for each client who has a positive balance in any client trust account he maintains, along with contact information for each such client.

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

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

This the 18th day of November, 2011.

Wake County Superior Court Judge

WE CONSENT

Carmen H. Bannon
Attorney for Petitioner

Kevin P. Byrnes
Respondent