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WAKE COUNTY, C.S.C.

WAKE COUNTY IN THE GENERAL COURTS OF JUSTICE

NORTH CAROLINA SUPERIOR COURT DIVISION

11 CVS 19414

BY

THE NORTH CAROLINA STATE BAR, PETITIONER,	)	
v.	)	CONSENT ORDER OF PRELIMINARY INJUNCTION
LEWIS E. WADDELL, 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 Jennifer A. Porter. Respondent, Lewis E. Waddell, Jr., was not represented by counsel. Based upon the pleadings herein and the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Respondent, Lewis E. Waddell, Jr. ("Waddell"), was licensed to practice law in North Carolina on August 18, 1966.

2. As of the date of this petition, Waddell's last known address of record on file with the North Carolina State Bar is Post Office Box 206, Newton, North Carolina 28658.

3. Waddell is the attorney for an estate. The State Bar's preliminary investigation indicates that client funds in the estate account may have been mishandled.

4. Waddell desires to cooperate with the North Carolina State Bar.

5. A need for prompt action exists to ensure that further client funds are not mishandled in the future.

BASED UPON THE FOREGOING FINDINGS, 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 Waddell's trust, operating and personal bank accounts and to ensure that no client funds are mishandled.

2. Waddell should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against or withdrawing funds from any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to write a check against or withdraw funds from any account in which client or fiduciary funds have been deposited, until and unless expressly permitted by subsequent Orders of the court.

3. To assist the State Bar's analysis of his trust and operating accounts, Waddell should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited and with all client files requested by the State Bar as set forth below.

4. Waddell should be prohibited from serving as a trustee, attorney-in-fact, executor, personal representative or in any other fiduciary capacity.

THEREFORE, IT IS HEREBY ORDERED:

1. Lewis E. Waddell, Jr. 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 write a check against any account in which client or fiduciary funds have been deposited until permitted by subsequent orders of the Court.

2. Waddell, 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 at its Raleigh, North Carolina location for inspection and copying all of Waddell'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, deposited items and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.

3. Waddell, or any other person having custody or control over records relating to individuals for whom Waddell has provided legal services, shall produce to the North Carolina State Bar at its Raleigh, North Carolina location 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.

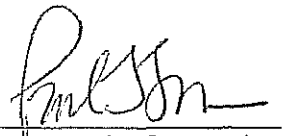
4. If Waddell does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, he shall direct the bank(s) where his trust and operating bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit

any such missing records directly to the North Carolina State Bar at its Raleigh, North Carolina location, at Waddell's expense.

5. Waddell is hereby enjoined from serving as an attorney-in-fact, trustee, executor, personal representative or in any other fiduciary capacity.

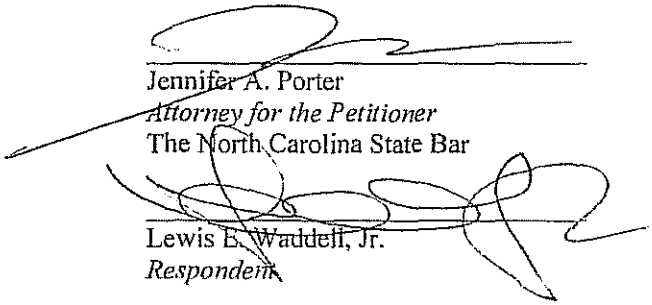
6. This Consent Order of Preliminary Injunction shall remain in effect until further order of this Court.

THIS the 6th day of January, 2012.



Wake County Superior Court Judge
Presiding

WE CONSENT:



Jennifer A. Porter
Attorney for the Petitioner
The North Carolina State Bar

Lewis E. Waddell, Jr.
Respondent