WAKE COUNTY

WARE WORLD C.S.C. SUPERIOR COURT DIVISION

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NORTH CAROLINA

THE NORTH CAROLINA STATE BAR, PETITIONER,)
٧.) CONSENT ORDER OF) PRELIMINARY INJUNCTION
HAROLD W. BEAVERS, 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 Harold W. Beavers was not represented by counsel. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Harold W. Beavers ("Beavers"), was licensed to practice law in North Carolina on August 22, 1981.
- 2. As of the date of this petition, Beavers' last known address of record on file with the North Carolina State Bar is 127 North Greene Street, 3rd. Floor, Greensboro, Guil ford County, North Carolina 27401.
- 3. The State Bar has received evidence indicating that funds held in trust by Beavers were mishandled by Beavers.
 - 4. Beavers desires to cooperate with the State Bar.
- 5. A need for prompt action exists to ensure that further entrusted funds are not mishandled.

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

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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 Beavers' trust and operating accounts and to ensure that no client funds are mishandled.
- 2. Beavers 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 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 the Court.
- 3. Beavers 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, Beavers should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Harold W. Beavers 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 the Court.
- 2. Harold W. Beavers 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 Beavers' 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. Harold W. Beavers 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 Beavers 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 Beavers' expense.
- 5. Beavers 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 24 Mday of June, 2008.

Wake County Superior Court Judge

WE CONSENT

Katherine E. Jean Attorney for Petitioner

Harold W. Beavers Respondent