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WAKE CO., C.S.C.

BY

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO.: 12 CVS 13882
THE NORTH CAROLINA STATE BAR, Petitioner v. SUE E. MAKO, Attorney, Respondent	CONSENT ORDER OF PARTIAL DISBURSEMENT

THIS MATTER came on for consideration by the undersigned Judge of the Superior Court of Wake County upon request of the parties herein. Petitioner was represented by Carmen H. Bannon. Respondent, Sue E. Mako, represented herself. Based upon the record in this matter and the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Petitioner, the North Carolina State Bar ("State Bar"), is a state agency duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Respondent, Sue E. Mako, was licensed to practice law in North Carolina in 1988.

3. Mako's address of record on file with the North Carolina State Bar is 3208 Oleander Drive, Wilmington, NC 28403.

4. Mako maintained two attorney trust accounts, one at BB&T and one at PNC Bank.

5. On 4 October 2012, this Court entered a Temporary Restraining Order (TRO) enjoining Mako from handling entrusted funds. The TRO was extended by subsequent orders of the Court on 15 October 2012 and again on 19 October 2012. On 29 October 2012, this Court entered a Consent Order of Preliminary Injunction enjoining Mako from handling client or fiduciary funds or serving in a fiduciary capacity until further order of this Court.

6. The State Bar served the 4 October 2012 TRO on BB&T and PNC Bank, the two banks at which Mako maintains attorney trust accounts. Upon receipt of the

TRO, the banks placed holds on Mako's trust accounts which blocked any further deposits or disbursements. Those holds remain in place pending further orders of the Court.

7. Since the entry of the preliminary injunction, Mako has closed her law firm and ceased practicing law. Two attorneys who worked in Mako's firm—Scott Girdwood and Ben Williams—have assisted the State Bar in its investigation and assumed responsibility for the firm's clients.

8. The State Bar analyzed the activity in both of Mako's trust accounts, and determined that only the client funds in the PNC Bank trust account were compromised. There is no evidence of misappropriation, mismanagement, or deficit in the BB&T trust account (denominated "Mako & Associates PA IOLTA Account," account number ending in -3147—hereafter "the BB&T account"). The balance in the BB&T account is $45,701.37.

9. Some of the funds in the BB&T account are designated for the payment of court costs for Mako's former clients. It would be in the best interests of those clients to release funds from the BB&T account so their costs can be paid and their cases resolved.

10. Mr. Girdwood and Mr. Williams have agreed to: (a) receive the funds from the BB&T account and deposit them into the trust account of their current law firm, Girdwood & Williams, PLLC; (b) disburse the former clients' court costs and resolve their cases, and (c) hold the remainder of the funds in trust pending instructions from the State Bar.

11. Mr. Girdwood has signatory authority on the BB&T account.

12. The public will be protected by a modification to the existing injunction which allows another officer of the court to disburse funds previously entrusted to Respondent that have not been compromised by misappropriation, mismanagement, or otherwise.

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

CONCLUSIONS OF LAW

1. The parties are properly before the Court and the Court has jurisdiction over the parties and over the subject matter of this proceeding.

2. In the interests of justice and to ameliorate and/or avoid harm to the former clients referenced above, the funds in the BB&T trust account should be released to Girdwood & Williams, PLLC.

3. Mr. Girdwood should be authorized to disburse the funds in the BB&T account to Girdwood & Williams, PLLC, and BB&T should be authorized to remove the hold on the account to allow Mr. Girdwood to make this disbursement.

4. The hold on Mako's trust account at PNC Bank should remain in place.

THEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Court enters the following

ORDER

1. BB&T is directed to permit Scott Girdwood to disburse the $45,701.37 currently in "Mako & Associates PA IOLTA Account" (account number ending in -3147) to Girdwood & Williams, PLLC; and

2. The injunction prohibiting Mako from receiving and disbursing entrusted funds, and the resulting hold or freeze on Mako's attorney trust account at PNC, will continue in full force and effect until further order of this Court.

THIS the 9th day of ~~September,~~ OCTOBER 2013.

Howard S.

Wake County Superior Court Judge
Presiding

WE CONSENT:

Carmen H. Bannon

Carmen H. Bannon
Attorney for the Petitioner
The North Carolina State Bar

Sue E. Mako

Sue E. Mako
Respondent