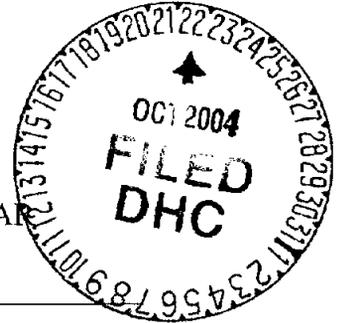


NORTH CAROLINA  
WAKE COUNTY

BEFORE THE COUNCIL  
OF THE  
NORTH CAROLINA STATE BAR  
04 BCS 4



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IN THE MATTER OF THE TENDER )  
OF SURRENDER OF LICENSE ) ORDER OF DISBARMENT  
OF LEWIS H. SWINDELL IV )

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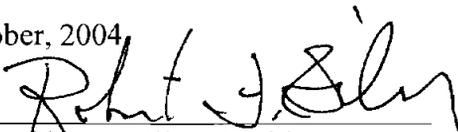
THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0117(a) of the State Bar Discipline & Disability Rules upon an affidavit of tender of surrender of license executed by Lewis H. Swindell IV on Sept. 28, 2004 and filed in the offices of the North Carolina State Bar on Sept. 29, 2004.

Based upon the affidavit, the Council finds that the conduct of Lewis H. Swindell IV in misappropriating client and/or fiduciary funds is grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Lewis H. Swindell IV violated Rules 8.4(b) and (c) of the Revised Rules of Professional Conduct.

WHEREFORE, upon Motion made and duly seconded, the Council enters the following Order:

1. The tender of surrender of license of Lewis H. Swindell IV is hereby accepted.
2. Lewis H. Swindell IV is DISBARRED from the practice of law in North Carolina.
3. Lewis H. Swindell IV shall comply with the provisions of 27 N.C.A.C. Chapter 1, Subchapter B, § .0124 of the State Bar Discipline & Disbarment Rules and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124 of the State Bar Discipline & Disbarment Rules.
4. The costs of this action are taxed against Lewis H. Swindell IV.

Done and ordered this 22<sup>th</sup> day of October, 2004.

  
Robert F. Siler, President  
The N.C. State Bar

North Carolina

Pitt County

**AFFIDAVIT**

TO: The Council of The North Carolina State Bar

I, Lewis H. Swindell, IV, hereby tender my license to practice law and I desire to resign from The North Carolina State Bar. My resignation is tendered freely and voluntarily, is not the result of coercion or duress, and I am fully aware of the implications of submitting the resignation.

I am aware that there are presently pending investigations or other proceedings regarding allegations that I have been guilty of misconduct, to wit: I misappropriated funds belonging to the Trust created by Will of Sam B Underwood.

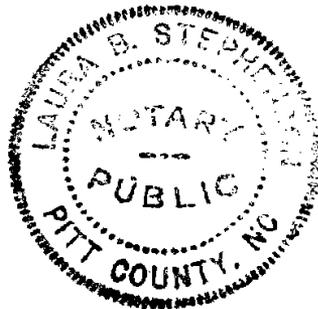
I acknowledge that the material facts upon which the complaints are predicated are true. I am submitting my resignation because I know that if charges were predicated upon the misconduct under investigation I could not successfully defend against them.

This 28<sup>th</sup> day of September 2004.

Lewis H. Swindell, IV  
Lewis H. Swindell, IV

Subscribed and sworn to before me this the  
28<sup>th</sup> day of September, 2004.

Laura B. Stephenson  
Notary Public



My commission expires: 10-27-04