

5 AUG 1996 12:30
NEW YORK STATE BAR

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR

96 BCS 3

IN THE MATTER OF THE TENDER)
OF SURRENDER OF LICENSE OF) ORDER
)
GEORGE B. HERNDON, JR.)

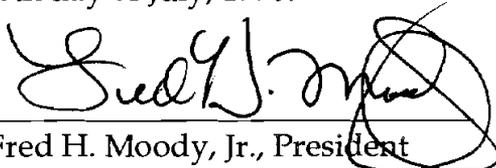
This matter coming on to be heard and being heard before the Council of the North Carolina State Bar on October 20, 1995, pursuant to Title 27, N.C.A.C., Chapter 1, Subchapter B, Section .0117 upon the tender of surrender of license of George B. Herndon, Jr. sworn to and subscribed on July 22, 1996 and filed in the offices of the North Carolina State Bar on July 23, 1996; and

BASED UPON the affidavit, the Council finds that George B. Herndon entered a plea of guilty to the charge that he received, in currency, approximately \$78,779.00 in two or more related transactions and unlawfully failed to file a Form 8300, also known as a currency transaction report, with the Internal Revenue Service in violation of Title 26, United States Code, Section 6050I and Rule 1.2(b) of the Rules of Professional Conduct.

WHEREFORE, upon motion being duly made and seconded, the Council enters the following ORDER:

1. The tender of surrender of license of George B. Herndon, Jr. is hereby accepted subject to the conditions set forth in the above-referenced affidavit.
2. George B. Herndon, Jr. is hereby DISBARRED from the practice of law in North Carolina.
3. The costs of this action are taxed against George B. Herndon, Jr.

DONE AND ORDERED, this the 26th day of July, 1996.


Fred H. Moody, Jr., President

23 JUL 10:01

FILE NO 01412 001

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR

96 BCS 3

IN THE MATTER OF THE TENDER)
OF SURRENDER OF LICENSE OF)
) AFFIDAVIT
GEORGE B. HERNDON, JR.)

The undersigned, being first duly sworn, hereby states as follows:

I, George B. Herndon, hereby tender my license to practice law in North Carolina and desire to resign form 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 is presently an investigation regarding allegations that I have been guilty of misconduct, to wit: plea of guilty to the charge that I received, in currency, approximately \$78,779.00, in two or more related transactions and unlawfully failed to file a Form 8300, also known as a currency transaction report, with the Internal Revenue Service in violation of Title 26, Untied States Code, Section 60501 and Rule 1.2(b) of the Rules of Professional Conduct.

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

I am also aware that the State Bar is performing an audit on my trust account. I hereby stipulate and agree that the President of the N.C. State Bar has jurisdiction to amend the order of disbarment nunc pro tunc, and make additional findings and conclusions if the Grievance Committee finds probable cause to believe that I engaged in misconduct in the matter currently under investigation.

If the Grievance Committee finds probable cause but the parties cannot agree about the terms of the amended disbarment order, I hereby stipulate that the Disciplinary Hearing Commission

has jurisdiction to consider such additional allegations of misconduct and to enter whatever order of discipline it deems appropriate, after hearing. I further stipulate that, in such case, the Disciplinary Hearing Commission will have the authority to enter a prospective order of discipline, which would take effect at the conclusion of the term of disbarment and will not be limited to imposing discipline which would run concurrently with the term of disbarment.

This affidavit is submitted pursuant to Subchapter B, Section .0017 of the Discipline and Disability Rules. I am aware that I have 30 days from the date of the filing of this affidavit to wind down my practice in accordance with Sections .0117(e) and .0124.

This the 22nd day of July, 1996


George B. Herndon, Jr.

Sworn to and subscribed
before me, this the 22nd
day of July, 1996.


Notary Public

My Commission Expires:
June 20, 1997