

NORTH CAROLINA
WAKE COUNTY

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
98 BCS 5

IN THE MATTER OF THE TENDER)
OF SURRENDER OF LICENSE) ORDER OF DISBARMENT
OF BARRY STEPHEN STANBACK)

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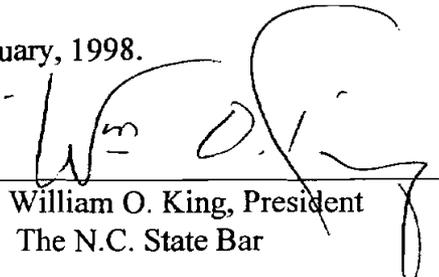
THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0117(a) of the State Bar Discipline & Disability Rules upon an affidavit of tender of surrender of license executed by Barry Stephen Stanback on January 14, 1998 and filed in the offices of the North Carolina State Bar on January 16, 1998.

Based upon the affidavit, the Council finds that Barry Stephen Stanback's conduct of misappropriating client funds is grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Barry Stephen Stanback violated Rules 1.2(b)(and (c) of the 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 Barry Stephen Stanback is hereby accepted.
2. Barry Stephen Stanback is hereby is DISBARRED from the practice of law in North Carolina.
3. Barry Stephen Stanback 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 Barry Stephen Stanback.

Done and ordered this 16th day of January, 1998.



William O. King, President
The N.C. State Bar

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
STATE BAR COUNCIL
98 BCS 45

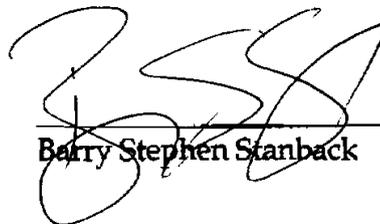
AFFIDAVIT OF TENDER

I, Barry Stephen Stanback, being duly sworn, depose and say:

1. I, hereby tender my license and desire to resign from The North Carolina State Bar. This resignation is freely and voluntarily rendered, is not the result of coercion or duress, and I am fully aware of the implications of submitting this resignation.
2. I understand that the State Bar Council will consider this affidavit of surrender at its meeting on January 16, 1998, and I waive any further notice.
3. I am aware of a pending investigation or other proceedings regarding allegations that I embezzled in excess of \$20,000 from the estate of Ivy J. Mazingo (96-E-116, Lenoir County), after being retained to represent Doris Tuck, the executrix of the estate.
4. I acknowledge that the material facts upon which the grievance is predicated are true.
5. I am submitting this resignation because I know that if charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

Further affiant sayeth not.

This 14 day of January, 1998



Barry Stephen Stanback

Sworn to and subscribed before me
this 14 day of January, 1998


Notary Public

My Commission expires: 4-13-99