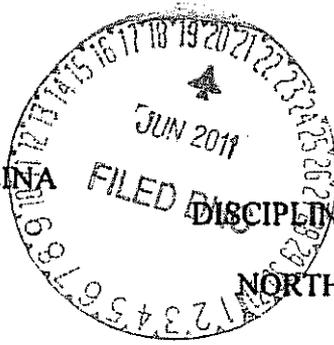


STATE OF NORTH CAROLINA
COUNTY OF WAKE



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
10 DHC 23

THE NORTH CAROLINA STATE BAR,)
)
Plaintiff)
)
v.)
)
L. PATTEN MASON, ATTORNEY,)
)
Defendant)

ORDER

THIS MATTER was heard on May 5 & 6, 2011 before a hearing panel of the Disciplinary Hearing Commission composed of Sharon B. Alexander, Chair, and members Harriett Smalls and David L. Williams. Carmen H. Bannon represented Plaintiff, the North Carolina State Bar. Defendant, L. Patten Mason, appeared and was represented by Stephen E. Culbreth.

Prior to the evidentiary hearing, the panel granted Defendant's motion for summary judgment as to two of the alleged Rule violations in the State Bar's complaint. At the close of Plaintiff's evidence, the hearing panel dismissed one additional alleged Rule violation. Based upon the stipulations entered into herein and the evidence introduced at trial, the hearing panel hereby finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar, is a body 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 promulgated thereunder.

2. The Defendant, L. Patten Mason (Mason), was admitted to the North Carolina State Bar in 1967, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all of the periods relevant hereto, Mason maintained an office for the practice of law in Morehead City, Carteret County, North Carolina.

4. Mason was properly served with process and received due notice of the hearing in this matter.

5. Mason represented Alex Willis, Sr. (hereafter "Willis Sr.") in defending a lawsuit brought by Willis Sr.'s adopted son, Gregory Willis (hereafter "Gregory"). (This case is referred to hereafter as "*Willis v. Willis*").

6. In December 2006 and January 2007, Mason prepared deeds conveying fee simple title to all of Willis Sr.'s real property to his biological son, Alex Willis, Jr. (hereafter "Willis Jr.").

7. After the deeds were recorded, Willis Sr. continued to live in the house located upon a portion of the real property conveyed to Willis Jr.

8. The January 2007 deed prepared by Mason and recorded with the Carteret County Register of Deeds showed revenue stamps of \$20.00.

9. *Willis v. Willis* was set for trial in December 2007. On the day trial was set to begin, Mason and Gregory's attorneys negotiated a settlement.

10. Willis Sr. did not pay Gregory the agreed-upon settlement.

11. Gregory brought another suit against Willis Sr., seeking to set aside the deeds prepared by Mason on the grounds that the transfers were designed to defraud Willis Sr.'s creditors, including Gregory.

12. All of the evidence tendered at trial as to any violation of the Rules of Professional Conduct related Mason's representation of Willis Sr. in *Willis v. Willis* and Mason's preparation of the deeds described herein above.

13. The evidence as to any fraud, misrepresentation or deceit by Mason during the negotiations related to settlement of *Willis v. Willis* did not arise to the level of clear, cogent and convincing.

14. The evidence that Mason participated in a fraudulent conveyance did not arise to the level of clear, cogent and convincing.

Based upon the foregoing Findings of Fact, the hearing panel enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the hearing panel and the panel has jurisdiction over Mason and over the subject matter of this proceeding.

2. The State Bar failed to meet its burden of proving by clear, cogent, and convincing evidence that Defendant, L. Patten Mason engaged in conduct that violated the Rules of Professional Conduct.

Based upon the foregoing Findings of Fact and Conclusions of Law, the hearing panel hereby enters the following:

ORDER

1. The complaint filed herein is hereby DISMISSED as to all allegations.
2. Each party shall bear its own costs.

Signed by the Chair with the consent of the other hearing panel members, this 20 day of June, 2011.



SHARON B. ALEXANDER, CHAIR
DISCIPLINARY HEARING PANEL