

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY

THE NORTH CAROLINA STATE BAR,	
Petitioner	
v.	
DON S. NEILL, Attorney,	AFFIDAVIT OF SURRENDER OF LAW LICENSE
Respondent	

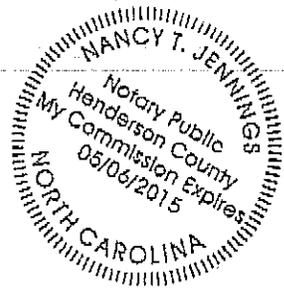
I, Don S. Neill, being first duly sworn, say:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of Section .0117 of the North Carolina State Bar Discipline and Disability Rules, 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I hereby acknowledge the fact that I have misappropriated entrusted funds.
4. My resignation is being submitted because I know that if charges were predicated upon my misconduct, I could not successfully defend against them.

Respectfully submitted, this the 13th day of May 2011.

Don S Neill
Don S. Neill

Sworn to and subscribed before me
This the 13 day of May 2011.
Nancy T. Jennings
Notary Public
My commission expires: 5/6/2015



STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY

FILE NO.: 11 CVS

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

DON S. NEILL, Attorney,

Respondent

CONSENT ORDER
OF DISBARMENT

THIS MATTER came on for consideration by the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Jennifer A. Porter. Respondent, Don S. Neill, was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the court by Respondent, Don S. Neill (hereinafter "Neill") and upon the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Neill misappropriated entrusted funds for his own benefit or the benefit of third parties without authorization to do so from the beneficial owner of the funds.

Based upon the foregoing Findings of Fact, the court makes the following:

CONCLUSIONS OF LAW

1. By misappropriating entrusted funds for his own personal benefit or for the benefit of third parties without authorization to do so from the beneficial owner of the funds, Neill violated Rule 8.4 (c) of the Rules of Professional Conduct.

2. Neill's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2).

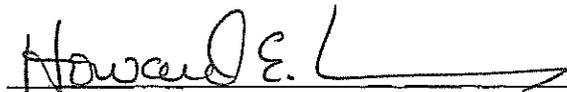
IT IS NOW, THEREFORE, ORDERED:

1. Don S. Neill is DISBARRED from the practice of law in North Carolina.

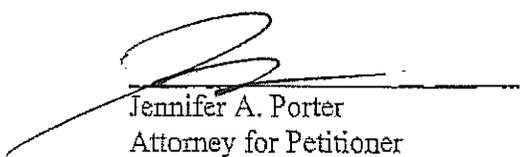
2. Neill shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Section .0124.

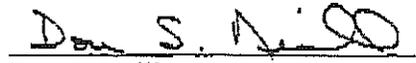
3. The costs of this action are taxed against Neill.

Done and Ordered this 16th day of MAY, 2011.


Superior Court Judge, Presiding

CONSENTED TO BY:


Jennifer A. Porter
Attorney for Petitioner


Don S. Neill
Respondent


Alan M. Schneider
Attorney for Respondent