

STATE OF NORTH CAROLINA
WAKE COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
14 CVS 12398

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

TIFFANY L. ASHHURST, Attorney,

Respondent

2016 APR -4 A 11: 12

WAKE CO., C.S.C.

BY

CONSENT ORDER OF DISBARMENT

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of the law license of Tiffany L. Ashhurst. Petitioner, the North Carolina State Bar, was represented by Leonor Bailey Hodge. Respondent, Tiffany L. Ashhurst, appeared *pro se*.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Tiffany L. Ashhurst and the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Ashhurst was licensed to practice law on 20 March 1999.
2. During all periods relevant hereto, Ashhurst was actively engaged in the practice of law in Durham, Durham County, North Carolina.
3. On several occasions Ashhurst held funds in trust for the purpose of paying title insurance premiums for the benefit of clients and then failed to disburse the funds to the title insurers in payment of the premiums for such clients.
4. Ashhurst failed to respond to clients' requests for information about the status of Ashhurst's payment of their title insurance premiums.
5. On several occasions Ashhurst disbursed more funds from her trust account on behalf of clients than were held on deposit in her trust account for the benefit of those clients.
6. On several occasions, Ashhurst failed to deposit into her trust account cash that buyers brought to real estate closings as part of the purchase price for the property being purchased.
7. Ashhurst misappropriated entrusted funds in excess of \$62,000 by transferring these funds from her trust account to other bank accounts held in Ashhurst's name for her personal benefit.

8. Ashhurst misappropriated an additional \$49,224.48 she held in trust for the benefit of the seller in a real estate transaction between Knight and GMAC Mortgage, LLC.

CONCLUSIONS OF LAW

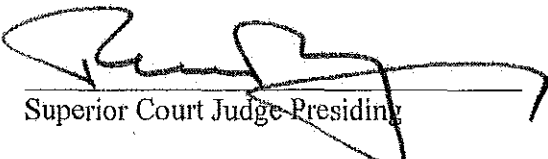
1. This court has jurisdiction over Respondent and over the subject matter of this proceeding.
2. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.
3. By failing on several occasions to disburse payment of title insurance premiums that she held in trust for the benefit of clients, Respondent failed to act with reasonable diligence and promptness in representing a client in violation of Rule of Professional Conduct 1.3, failed to maintain entrusted property according to the Rules of Professional Conduct in violation of Rule of Professional Conduct 1.15-2(a), and failed to promptly pay to third persons as directed by the client entrusted property belonging to the client and to which the client is currently entitled in violation of Rule of Professional Conduct 1.15-2(m).
4. By failing to respond to client requests for information about the status of her payment of their title insurance premiums, Respondent failed to communicate with her clients in violation of Rule 1.4(a)(3) and (4).
5. By disbursing more funds from her trust account for the benefit of clients than she held in trust for such clients she utilized funds she held in trust for some clients to pay the obligations of other clients, thereby failing to maintain entrusted property according to the Rules of Professional Conduct in violation of Rule of Professional Conduct 1.15-2(a), and used entrusted property for the benefit of one other than the legal or beneficial owner in violation Rule of Professional Conduct 1.15-2(j).
6. By failing on several occasions to deposit into her trust account cash that buyers brought to real estate closings as part of the purchase price to be paid for the property, Respondent failed to deposit entrusted property into a trust account and maintain it according to the Rules of Professional Conduct in violation of Rule of Professional Conduct 1.15-2(a)(b).
7. By misappropriating entrusted funds in excess of \$111,224, Respondent used entrusted property for the benefit of one other than the legal or beneficial owner in violation Rule of Professional Conduct 1.15-2(j), committed a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule of Professional Conduct 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule of Professional Conduct 8.4(c).

8. Ashhurst's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).
9. Ashhurst has engaged in professional misconduct warranting disbarment.


ORDER

1. The surrender of the license of Tiffany L. Ashhurst is hereby accepted.
2. Tiffany L. Ashhurst is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.
3. Ashhurst shall wind-down her law practice within 30 days of entry of this order in accordance with 27 N.C. Admin. Code 1B §.0117(e).
4. Ashhurst shall comply with the provisions of 27 N.C. Admin. Code 1B §.0124 and shall surrender her law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C. Admin. Code 1B § .0124.
5. Within 15 days of the effective date of this Order, Ashhurst shall provide the State Bar with a physical address and telephone number at which clients seeking return of files can communicate with Ashhurst and obtain such files.
6. Ashhurst shall promptly return client files to clients upon request, within 5 days of receipt of such request. Ashhurst will be deemed to have received any such request 3 days after the date such request is sent to Ashhurst if the request is sent to the address Ashhurst provided the State Bar pursuant to the preceding paragraph.
7. Ashhurst shall not petition for reinstatement of her law license until the expiration of at least five years from the date of entry of this order.
8. Ashhurst's law license shall not be reinstated until she has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that she has complied with 27 N.C. Admin. Code 1B § .0125.
9. The costs of this action and administrative fees assessed by the State Bar are taxed against Ashhurst.

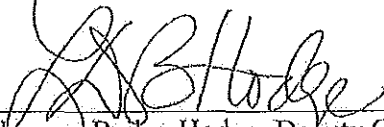
Done and Ordered this the 1st day of April, 2016.


Superior Court Judge Presiding

Seen and consented to:



Tiffany L. Ashhurst, Respondent



Eleanor Bailey Hodge, Deputy Counsel
North Carolina State Bar
Counsel for Petitioner

STATE OF NORTH CAROLINA
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v.

BY

AFFIDAVIT OF SURRENDER
OF LAW LICENSE

TIFFANY L. ASHHURST, Attorney,

Respondent

Tiffany L. Ashhurst, being first duly sworn, deposes and says:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of 27 N.C. Admin. Code 1B § .0117.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.
3. I am aware that there is a pending investigation against me regarding the following allegations:
 - a. On several occasions I collected funds to pay title insurance premiums for the benefit of clients and then failed to disburse those funds to the title insurers to pay the title insurance premiums for such clients.
 - b. I did not respond when clients asked me for information about the status of my payment of their title insurance premiums.
 - c. On several occasions I disbursed more funds from my trust account on behalf of clients than were held on deposit in my trust account for the benefit of those clients.
 - d. On several occasions, I did not deposit into my trust account cash that buyers brought to real estate closings as part of the purchase price to be paid for the real property.
 - e. I misappropriated entrusted funds in excess of \$62,000 by transferring these funds from my trust account to other bank accounts held in my name for my personal benefit.

f. I misappropriated an additional \$49,224.48 in entrusted funds I held for the benefit of the seller in a real estate transaction between Knight and GMAC Mortgage, LLC.

4. I acknowledge that the material facts upon which the investigation is predicated are true.

5. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 31st day of March, 2016.



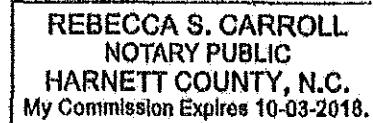
Tiffany L. Ashhurst

I, Rebecca S. Carroll, Notary Public of the County of Harnett, State of North Carolina, certify that Tiffany L. Ashhurst personally appeared before me this day, was sworn, and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me

This the 31st day of March, 2016.

Rebecca S. Carroll
Notary Public



My Commission Expires: 10/3/2018