

STATE OF NORTH CAROLINA
COUNTY OF WAKE

4610
BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
88 BCS 5

IN THE MATTER OF THE TENDER)
OF SURRENDER OF LICENSE OF) ORDER OF DISCIPLINE
JOE C. WEATHERSPOON)

This matter was heard by the Council of the North Carolina State Bar pursuant to Section 17 of Article IX of the Rules and Regulations of the North Carolina State Bar on October 28, 1988 upon the surrender of license to practice law of Joe C. Weatherspoon filed on that date. Based upon the affidavit of Joe C. Weatherspoon, the Council makes the following findings:

1. Joe C. Weatherspoon waived any further notice of this hearing in his affidavit.
2. Joe C. Weatherspoon closed a real estate loan on May 20, 1987 and failed to pay the sum of \$33,479.13 to a prior mortgage holder as instructed by his clients.
3. Joe C. Weatherspoon retained those funds for his own use until he voluntarily paid the loan on September 8, 1988.

Based upon the foregoing FINDINGS, the Council makes the following CONCLUSIONS:

1. The affidavit of surrender of license of Joe C. Weatherspoon should be accepted.
2. Joe C. Weatherspoon's conduct, as set out in his affidavit, is grounds for discipline pursuant to N. C. Gen. Stat. §84-28(b)(2) in that Weatherspoon violated Rules 1.2(B) and (C) and 10.2(E) of the Rules of Professional Conduct.

THEREFORE, upon motion duly made and seconded, the Council ORDERS that:

1. The tender of surrender of license of Joe C. Weatherspoon is hereby accepted.
2. Joe C. Weatherspoon is DISBARRED.

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3. The costs of this proceeding as imposed by the Secretary are taxed to Joe C. Weatherspoon.

This the 28th day of October, 1988.

James Y. Preston

James Y. Preston, President
North Carolina State Bar