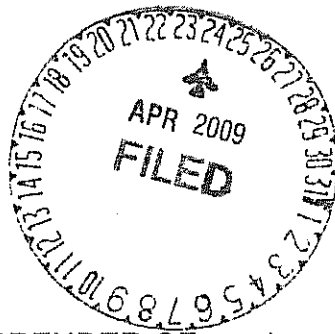


WAKE COUNTY
NORTH CAROLINA



BEFORE THE COUNCIL OF THE
NORTH CAROLINA STATE BAR
09 BCS 2

IN RE TENDER OF SURRENDER OF)
LICENSE OF)
BENITA W. GIBBS)

ORDER OF DISBARMENT

THIS MATTER was heard by the Council of the North Carolina State Bar pursuant to 27 N.C.A.C. 1B §.0117 (a) of the State Bar Discipline and Disability Rules upon the affidavit of tender of surrender of license executed by Benita W. Gibbs on April 6, 2009, and filed in the offices of the State Bar on April 6, 2009.

Based on the affidavit, the Council finds that Benita W. Gibbs misappropriated at least \$770,500.00 from her attorney trust account that had been entrusted to her in a fiduciary capacity, at least \$70,000.00 of which she utilized for her own benefit without authorization from the beneficial owners of the funds. This conduct constitutes grounds for discipline, under N.C. Gen. Stat. § 84-28 (b)(2), in that Gibbs violated Rule 1.15-2(j) and Rule 8.4 of the Revised Rules of Professional Conduct.

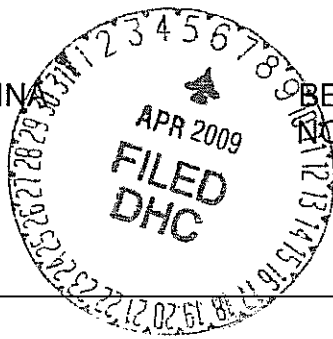
WHEREFORE, upon motion made and duly seconded, the Council enters the following Order:

1. The tender of surrender of the license of Benita W. Gibbs is hereby accepted.
2. Benita W. Gibbs hereby is DISBARRED from the practice of law in North Carolina.
3. Benita W. Gibbs shall comply with the provisions of 27 NCAC 1B § .0124 of the State Bar Discipline and Disability Rules and shall surrender her license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 NCAC 1B § .0124 of the State Bar Discipline and Disability Rules.
4. The costs of this action are taxed against Benita W. Gibbs.

Done and ordered this the 24th day of April, 2009.


John B. McMillan, President
The North Carolina State Bar

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE COUNCIL OF THE
NORTH CAROLINA STATE BAR
09 BCS 2

THE NORTH CAROLINA STATE BAR,)
PETITIONER)

v.)

AFFIDAVIT OF SURRENDER

BENITA W. GIBBS, ATTORNEY,)
RESPONDENT)

BENITA W. GIBBS, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to State Bar Discipline & Disability Rule 27 NCAC 1B §.0117.

2. My resignation is freely and voluntarily rendered, and 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 by the State Bar regarding allegations that I misappropriated at least \$770,500.00 from my attorney trust account that had been entrusted to me in a fiduciary capacity, at least \$70,000.00 of which I utilized for my own benefit without authorization from the beneficial owners of the funds.

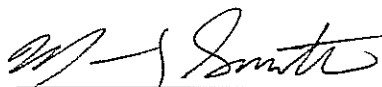
4. I acknowledge that the material facts upon which the investigation is predicated are true.

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 is the 6th day of April, 2009.


BENITA W. GIBBS

Sworn to and subscribed before me
this the 6th day of April, 2009.


Notary Public

My commission expires: 2/21/12

