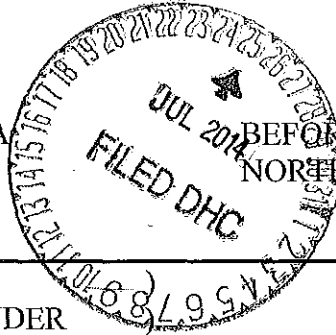


STATE OF NORTH CAROLINA
WAKE COUNTY



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

IN THE MATTER OF THE TENDER
OF SURRENDER OF LICENSE OF

DONALD F. LIVELY

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ORDER OF DISBARMENT

THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code 1B § .0117(a) of the State Bar Discipline and Disability Rules upon tender of an affidavit of surrender of license executed by Donald F. Lively and filed in the offices of the North Carolina State Bar on 22 July 2014.

Based upon the affidavit, the Council finds that Lively knowingly and intentionally engaged in the unauthorized practice of law for at least 2 years after being administratively suspended from the practice of law in North Carolina, including obtaining property under false pretenses by receiving fees for the legal work he performed, and that he falsely represented his suspended status and/or his knowledge of his suspended status to the court, to other attorneys, to clients, and to third parties in violation of Rules 1.4(b), 3.3(a)(1), 4.1, 5.5(a), 8.4(b), 8.4(c), and 8.4(d) of the North Carolina Rules of Professional Conduct, and that Lively's conduct is grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

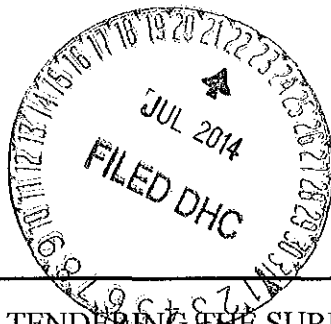
WHEREFORE, upon motion made and duly seconded, the Council enters the following Order:

1. The tender of surrender of license of Donald F. Lively is hereby accepted.
2. Donald F. Lively is hereby DISBARRED from the practice of law in North Carolina.
3. To the extent not already completed, Lively shall comply with the provisions of 27 N.C. Admin. Code 1B § .0124 of the State Bar Discipline and Disability Rules and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by .0124 of the State Bar Discipline and Disability Rules.
4. The administrative fees and costs of this action are taxed against Lively.

Done and ordered this 25 day of July, 2014.

Ronald G. Baker, Sr., President
The North Carolina State Bar

NORTH CAROLINA
WAKE COUNTY



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

AFFIDAVIT TENDERING THE SURRENDER OF THE LICENSE OF
DONALD F. LIVELY

DONALD F. LIVELY, 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 Rules, 27 N.C. Admin. Code 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 knowingly and intentionally engaged in the unauthorized practice of law for at least 2 years after being administratively suspended from the practice of law in North Carolina, including obtaining property under false pretenses by receiving fees for the legal work I performed. Further, I falsely represented my suspended status and/or my knowledge of my suspended status to the court, to other attorneys, to clients, and to third parties.
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.
6. I understand that the hearing by the Council of the North Carolina State Bar with regard to the acceptance of the tender of surrender of my license to practice law will occur at the regularly scheduled meeting of the Council of the North Carolina State Bar on Friday, 25 July 2014 at the Doubletree by Hilton Hotel, located at 100 Middle Street in New Bern, North Carolina. I hereby waive any further notice of the hearing before the Council on my affidavit of surrender. I waive any claim, argument, or assertion that I have not received proper or timely notice of the hearing before the Council on my affidavit of surrender or any other defect in notice. I further waive any and all right or privilege to appear before the Council at the hearing.

This is the 22 day of JULY, 2014.

Donald F. Lively

I, Rebecca S. Carroll, Notary Public of the County of Harnett, State of North Carolina, certify that Donald F. Lively personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 22nd day of July, 2014.

Rebecca S. Carroll
Notary Public

My Commission Expires: 10-3-2018
REBECCA S. CARROLL
NOTARY PUBLIC
HARNETT COUNTY, N.C.
My Commission Expires 10-03-2018.