

FILED

STATE OF NORTH CAROLINA 2019 SEP 19 PM 3:05 IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY WAKE COUNTY, C.S.C. SUPERIOR COURT DIVISION
19 CVS _____

THE NORTH CAROLINA STATE BAR,
Petitioner

v.

ORDER OF DISBARMENT

HOLLY M. OWEN, Attorney,
Respondent

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of the law license of Holly M. Owen. Petitioner, the North Carolina State Bar, was represented by Maria J. Brown. Respondent, Holly M. Owen, appeared *pro se*.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Holly M. Owen and the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Owen was admitted to the North Carolina State Bar on 25 August 2005 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar, and the Rules of Professional Conduct.
2. During the relevant period referred to herein, Owen was not practicing law in North Carolina. She was admitted to the State Bar of Florida on 1 May 2006 and was actively engaged in the practice of law in Florida.
3. Owen maintained a bank account at Wells Fargo Bank, account number ending with 5537, into which she deposited and from which she disbursed entrusted funds related to real estate closings.
4. Owen misappropriated entrusted funds by paying herself a fee in conjunction with a real estate closing in March 2014 which included \$90.00 for wire fees when the bank had already debited the account \$150.00 for wire transfer charges for the closing.
5. Owen misappropriated funds by paying herself a fee in conjunction with a real estate closing in March 2014 which included \$536.00 for "wire fees" when the bank had already debited the account \$60.00 for wire transfer charges for the closing.
6. Owen misappropriated entrusted funds by paying herself a fee in conjunction with a real estate closing in May 2014 which exceeded by \$195.00 the amount due to her per the HUD-1.

7. Owen misappropriated entrusted funds by collecting \$3,325.00 for title insurance in conjunction with a real estate closing in May 2014, paying \$997.50 to the title insurance company, and paying herself, in addition to the amount due to her per the HUD-1, the \$2,327.50 collected but not disbursed for title insurance.

8. Owen misappropriated entrusted funds by paying herself a fee in conjunction with a real estate closing in June 2014 which included \$30.00 for wire fees when the bank had already debited the account \$30 for the wire service charge.

9. Owen misappropriated entrusted funds by collecting \$100.00 for title insurance in conjunction with a real estate closing in June 2014, paying \$30.00 to the title insurance company, and paying herself, in addition to the amount due to her per the HUD-1, the \$70.00 collected but not disbursed for title insurance.

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

CONCLUSIONS OF LAW

1. This court has jurisdiction over Owen 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 misappropriating \$3,248.50 in conjunction with various real estate closings, Owen used entrusted property for the benefit of one other than the legal or beneficial owner in violation of Rule of Professional Conduct 1.15-2(k); engaged in criminal acts that reflect adversely on her honesty, trustworthiness, or fitness as a lawyer 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).

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

5. Owen has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:

1. The surrender of the license of Holly M. Owen is hereby accepted.

2. Holly M. Owen is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.

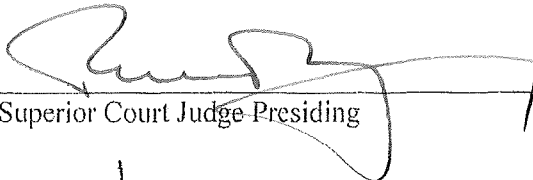
3. Owen shall comply with the provisions of 27 N.C. Admin. Code 1B.0128 and shall surrender her law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Rule .0128.

4. Owen 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.

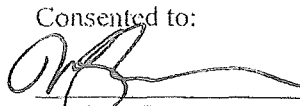
5. Owen's law license shall not be reinstated until she has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that she has complied with 27 N.C. Admin. Code 1B.0128 and .0129(a).

6. The costs of this action are taxed against Owen.

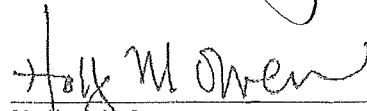
Done and Ordered this 19 day of September, 2019.



Superior Court Judge Presiding

Consented to:


Maria J. Brown, Deputy Counsel
Attorney for Petitioner



Holly M. Owen
Respondent

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY WAKE COUNTY, C.S.C. SUPERIOR COURT DIVISION
19 CVS

THE NORTH CAROLINA STATE BAR,
Petitioner

v.

HOLLY M. OWEN, Attorney,
Respondent

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

Holly M. Owen, being first duly sworn, deposes and says as follows:

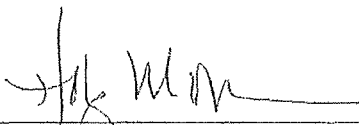
1. I desire to surrender and hereby tender my license to practice law in North Carolina.
2. My surrender is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my surrender.
3. I am aware that there is a pending investigation by the State Bar regarding the following allegations:
 - a. That I misappropriated entrusted funds by paying myself a fee in conjunction with a real estate closing in March 2014 which included \$90.00 for wire fees when the bank had already debited the account \$150.00 for wire transfer charges for the closing;
 - b. That I misappropriated funds by paying myself a fee in conjunction with a real estate closing in March 2014 which included \$536.00 for "wire fees" when the bank had already debited the account \$60.00 for wire transfer charges for the closing;
 - c. That I misappropriated entrusted funds by paying myself a fee in conjunction with a real estate closing in May 2014 which exceeded by \$195.00 the amount due to me per the HUD-1;
 - d. That I misappropriated entrusted funds by collecting \$3,325.00 for title insurance in conjunction with a real estate closing in May 2014, paying \$997.50 to the title insurance company, and paying myself, in addition to the amount due to me per the HUD-1, the \$2,327.50 collected but not disbursed for title insurance;
 - e. That I misappropriated entrusted funds by paying myself a fee in conjunction with a real estate closing in June 2014 which included \$30.00 for wire fees when the bank had already debited the account \$30 for the wire service charge; and
 - f. That I misappropriated entrusted funds by collecting \$100.00 for title insurance in conjunction with a real estate closing in June 2014, paying \$30.00 to the title

insurance company, and paying myself, in addition to the amount due to me per the HUD-1, the \$70.00 collected but not disbursed for title insurance.

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.

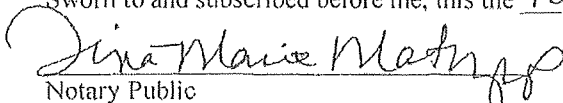
This the 18th day of September, 2019.



Holly M. Owen

I, Tina-Marie Matozzo, Notary Public of the County of Indian River, State of Florida, certify that Holly M. Owen personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of her own personal knowledge, and executed the foregoing Affidavit.

Sworn to and subscribed before me, this the 18th day of September, 2019.


Notary Public
My Commission Expires: September 8, 2023

