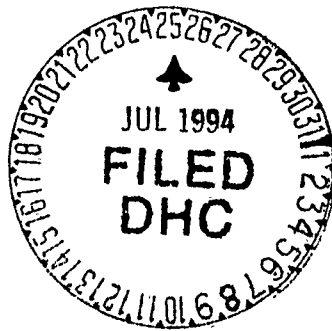


9536

NORTH CAROLINA

WAKE COUNTY



BEFORE THE SECRETARY
 OF THE
 NORTH CAROLINA STATE BAR
 94 BSR 2

IN REINSTATEMENT OF
 GARLAND BROADDUS KINCHELOE, JR.

)
) ORDER OF
) REINSTATEMENT
)

THIS MATTER is before the Secretary of the North Carolina State Bar pursuant to a petition for reinstatement filed on May 13, 1994 by the Petitioner, Garland Broaddus Kincheloe, Jr.. Based upon the Petition for Reinstatement and the information contained in the North Carolina State Bar's records, the Secretary hereby makes the following:

FINDINGS OF FACT

1. On May 1, 1991 the Petitioner was suspended from the practice of law pursuant to the order of the Wake County Superior Court in State vs. Garland Broaddus Kincheloe, Jr., 90 CRS 76010. The order of the Court provided that the period of suspension would run throughout the period during which the Petitioner remained on probation in 90 CRS 76010. The order also provided that Petitioner could resume the practice of law upon the termination of probation, provided that he complied with the following requirements:

- A. That he produce information acceptable to the N.C. State Bar that he has satisfied all of the conditions of the judgment entered by the court in 90 CRS 76010 and that he show that his citizenship rights have been restored;
- B. That he meet any requirements and/or conditions which may be imposed upon him by the North Carolina State Bar with respect to the practice of law following a period of suspension as set forth in Section 25(b) of Article IX of the Rules and Regulations of the North Carolina State Bar.

2. Petitioner has complied with the Order of the Wake County Superior Court in 90 CRS 76010 as follows:

- A. Petitioner has provided satisfactory proof to the N.C. State Bar that his citizenship rights have been restored and that he has satisfied all of the conditions of the judgment entered by the court in 90 CRS 76010.
- B. Petitioner was not subject to the requirements contained in

Art. IX, Section 24 of the Discipline & Disbarment Regulations of the N.C. State Bar, as he was not engaged in the practice of law when the order in 90 CRS 76010 was entered.

- C. Petitioner has satisfied the other requirements and conditions imposed upon him pursuant to Section 25(b) of Article IX of the Rules and Regulations of the North Carolina State Bar.

3. On Oct. 27, 1989, prior to his suspension by the Wake County court, the Petitioner was suspended from the practice of law by order of the Council of the North Carolina State Bar, for failure to pay his mandatory membership fees, as required by N.C. Gen. Stat. Section 84-34.

4. On May 13, 1994, the Petitioner filed a petition for reinstatement to the practice of law with the Membership & Fees Committee of the North Carolina State Bar, along with the required filing fee and back dues.

5. On July 22, 1994; the Council of the N.C. State Bar voted to reinstate Petitioner to the practice of law insofar as his suspension was based upon his failure to pay his mandatory membership fees.

6. After conducting the necessary investigation regarding the Petitioner's compliance with the requirements set out in Section 25(b) of the Discipline & Disbarment Rules of the North Carolina State Bar, the counsel for the North Carolina State Bar did not file an objection to the petition.

Based upon the foregoing FINDINGS OF FACT, the Secretary makes the following

CONCLUSIONS OF LAW

1. The Petitioner, Garland Broaddus Kincheloe, Jr., has satisfied the requirements set out in Section 25(b) of Art. IX of the Discipline & Disbarment Rules of the North Carolina State Bar and is therefore entitled to reinstatement of his license to practice law in this jurisdiction.

2. The Membership & Fees Committee of the N.C. State Bar has granted the Petitioner's petition for reinstatement, to the extent that his suspension was based upon his failure to pay mandatory dues.

Based upon the foregoing Findings of Fact and Conclusion of Law, the Secretary enters the following:

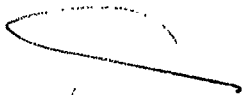
ORDER OF REINSTATEMENT

THEREFORE, Pursuant to Section 25(b)(5) of Art. IX of the Discipline & Disbarment Rules of the North Carolina State Bar, it is hereby ordered:

1. Garland Broaddus Kincheloe, Jr. is hereby reinstated to the active practice of law in North Carolina as of the date of this order.

2. The license and membership card of Garland Broaddus Kincheloe, Jr. shall be returned to him.

This the 22 day of July, 1994.



L. Thomas Lunsford II, Secretary
The North Carolina State Bar