

WAKE COUNTY
NORTH CAROLINA

FILED
2010 APR 11 11:00 AM
IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION
09-CVS-23747

THE NORTH CAROLINA STATE BAR,
PETITIONER,

WAKE COUNTY, C.S.C.

BY

v.

TREVE B. LUMSDEN, JR., ATTORNEY,
RESPONDENT.

CONSENT ORDER OF
DISBARMENT

THIS MATTER came on to be heard and was heard by the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Katherine E. Jean. Respondent, Treve B. Lumsden, Jr., was represented by Douglas J. Brocker.

Based upon the Affidavit of Surrender of Law License submitted to the court by Lumsden, the court makes the following:

FINDINGS OF FACT

1. Respondent, Treve B. Lumsden, Jr. ("Lumsden"), was licensed to practice law in North Carolina on August 21, 1982.
2. While serving as co-trustee for the Ann Dolan Evans Trust ("the Trust"), Lumsden held funds for the benefit of the Trust. Lumsden transferred \$59,000.00 of the funds he held for the benefit of the Trust to personal bank accounts owned by Lumsden. Lumsden utilized the \$59,000.00 for his own personal benefit and for the benefit of third persons without authorization to do so from the beneficial owners of the funds. The transfers of \$59,000.00 did not benefit the Trust.
3. Lumsden misappropriated \$59,000.00 in entrusted funds.

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

CONCLUSIONS OF LAW

1. By misappropriating entrusted funds for his own personal benefit or for the benefit of third parties without authorization to do so from the beneficial owners of the funds, Treve B. Lumsden, Jr. violated Rules 1.15-2(j) and 8.4(c) of the North Carolina Rules of Professional Conduct.
2. Lumsden's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. 84-28(b)(2).

IT IS NOW, THEREFORE, ORDERED:

1. Treve B. Lumsden, Jr. is DISBARRED from the practice of law in North Carolina.

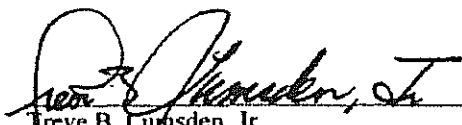
2. Treve B. Lumsden, Jr. shall comply with the provisions of Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0124.

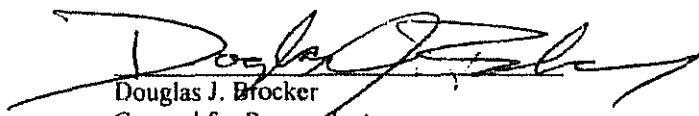
3. The costs of this action are taxed against Treve B. Lumsden, Jr.

Done and Ordered this 14 day of April, 2010.


Superior Court Judge Presiding

WE CONSENT


Treve B. Lumsden, Jr.
Respondent


Douglas J. Brocker
Counsel for Respondent


Katherine E. Jean
Counsel for Petitioner
The North Carolina State Bar

WAKE COUNTY

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION

NORTH CAROLINA

2010 APR 14 PM 2:09 CYS 23747

THE NORTH CAROLINA STATE BAR,)
PETITIONER,) WAKE COUNTY, C.S.C.

v.

BY)

AFFIDAVIT OF

SURRENDER OF LAW LICENSE

TREVE B. LUMSDEN, JR., ATTORNEY,)
RESPONDENT.)

Treve B. Lumsden, Jr., 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 the provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117 of the N.C. State Bar Discipline & Disability Rules.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation. I affirm that I have had the opportunity to consult an attorney before filing this Affidavit.
3. I am aware that there is pending an investigation regarding allegations that, as co-trustee, I held funds for the benefit of the Ann Dolan Evans Trust ("the Trust"). Between August 21, 2008 and August 5, 2009, I transferred \$59,000.00 of the funds I held for the benefit of the Trust to personal bank accounts owned by me. I utilized the \$59,000.00 for my own personal benefit and for the benefit of third persons without authorization to do so. The transfers of \$59,000.00 did not benefit the Trust.
4. I repaid the \$59,000 to the Trust plus interest in November 2009. I deposited the first check in the amount of \$25,000 into the Trust account on November 6, 2009 and deposited an additional \$35,825.09 into the Trust account on November 18, 2009. The difference between \$59,000.00 and \$60,825.09 represents my calculation of interest.
5. I have cooperated in the State Bar's investigation, consented to a preliminary injunction in this matter and provided all the records requested from the State Bar that I had in my possession.
6. I acknowledge that the material facts upon which the investigation is predicated are true.
7. 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 13th day of April, 2010.

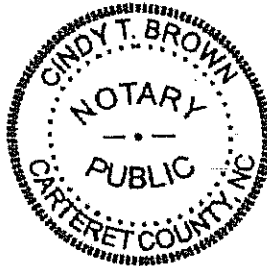
Treve B. Lumsden, Jr.
Treve B. Lumsden, Jr.

I, Cindy T. Brown, Notary Public of the County of Carteret,
State of North Carolina, certify that Treve B. Lumsden, Jr. personally appeared before me
this day, was sworn, and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me

This the 13 day of April, 2010.

Cindy T. Brown
Notary Public



My Commission Expires: 1-31-2012