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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
04G0136

IN THE MATTER OF

Samuel Richardson, III
Attorney At Law

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REPRIMAND

On January 20, 2005 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Melissa A. Welch.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand, and I am certain that you will understand fully the spirit in which this duty is performed.

You prepared a deed of trust securing interest in property owned by Melissa A. Welch and her ex-husband, Steven Brandon Welch. Cheryl E. Cutlip, an employee in your office, notarized the deed of trust, attesting that complainant and Mr. Welch personally appeared before her and acknowledged the execution of the deed of trust on October 26, no year stated. Ms.

Cutlip notarized the document based upon your representation that complainant and Mr. Welch had signed the document. You caused Ms. Cutlip to place a false and fraudulent acknowledgement on the deed of trust. As a result of her misconduct, the North Carolina Secretary of State's office revoked her commission as a notary. The Grievance Committee found that your actions as it related to Ms. Cutlip's conduct, violated Rule 8.4(b) and (c).

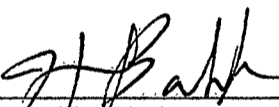
Another deed of trust was recorded in August 2002 with respect to the same property owned by complainant and Mr. Welch. You notarized Mr. Welch's signature and complainant's purported signature. You attested in the notary acknowledgement that both complainant and Mr. Welch personally appeared before you and acknowledged the execution of the deed of trust on October 26, 2001. Instead, it appears that you notarized a copy of a deed with complainant's original signature and Mr. Welch's original signature. You put the date of the signing of the original deed of trust, October 26, 2001, on the document. On October 26, 2001, you were not commissioned as a notary. You were not commissioned as a notary public until December 27, 2001.

You notarized the deed of trust while making a statement in the acknowledgement that you knew to be false or fraudulent, in violation of North Carolina General Statute Section 10A-12C. The North Carolina Secretary of State revoked your notarial commission as a result of your misconduct. Your conduct in notarizing a document while making a statement in the acknowledgement you knew to be false or fraudulent, not only violated the General Statutes, but violated Rule 8.4(b) and (c) of the Revised Rules of Professional Conduct.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this the 23 day of March, 2005.


Henry Babb, Chair
Grievance Committee

HB/lr