STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

COUNTY BEFORE THE RESIDENT SUPERIOR COURT JUDGE OF THE [JUDICIAL DISTRICT #]

FILE #

IN RE: [ATTORNEY NAME], ATTORNEY AT LAW

# ORDER APPOINTING TRUSTEE OF DECEASED ATTORNEY’S LAW PRACTICE

THIS CAUSE coming before the Resident Superior Court Judge of the [*Judicial District #*] District, pursuant to N.C. Gen. Stat. § 84-28 and 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule .0126 of the Discipline & Disability Rules of the North Carolina State Bar, upon the verified petition of the North Carolina State Bar for an order appointing a Trustee of the law practice of [*Attorney Name*], owing to [*his/her*] death, and based upon the petition before the Court, the undersigned makes the following:

# FINDINGS OF FACT

1. According to the records of the North Carolina State Bar, [*Mr./Ms.*] [*Attorney Last Name*] was licensed to practice law [*date of license*]. At the time of [*his/her*] death, [*Mr./Ms.*] [*Attorney Last Name*] practiced law in [*County Name*] County, North Carolina.
2. According to the records of the North Carolina State Bar, the last address of record for [*Mr./Ms.*] [*Attorney Last Name*] is [*address*].
3. [*Mr./Ms.*] [*Attorney Last Name*] died on or around [*date of death*].
4. At the time of [*his/her*] death, [*Mr./Ms.*] [*Attorney Last Name*] had no partners or associates capable of winding down [*his/her*] law practice and ensuring that the interests of [*his/her*] clients and/or former clients are protected.
5. On information and belief, there remain funds belonging to clients or third parties on deposit in trust or fiduciary accounts held solely in the name of [*Mr./Ms.*] [*Attorney Last Name*]. At the time of [*his/her*] death, [Mr./Ms.] [*Attorney Last Name*] had no partners or associates capable of carrying out [*his/her*] obligations under Rules

1-15.1 and 1-15.2 under the Revised Rules of Professional Conduct.

1. [**Trustee Name**], an attorney licensed to practice in North Carolina and a member in good standing with the [Judicial District #] Judicial District Bar, has indicated that he/she is willing to serve as trustee of the North Carolina law practice of [*Mr./Ms.*] [*Attorney Last Name*], pursuant to Section .0126 of the Discipline & Disability Rules of the North Carolina State Bar, for purposes of protecting the interests of [*Mr./Ms.*] [*Attorney Last Name*]’s clients.
2. [*Trustee Name*]’s mailing address is: [*Trustee’s Address*].

# BASED UPON THE FOREGOING FINDINGS OF FACT, the undersigned makes the following: CONCLUSIONS OF LAW

1. The Court has jurisdiction over this cause pursuant to N.C. Gen. Stat. § 84-28
2. [*Attorney Name*] has died and has no partners or associates, necessitating the appointment of a member of the [*Judicial District #*] Judicial District Bar as trustee of [*Mr./Ms.*] [*Attorney Last Name*]’s law practice, to gain possession of [*Mr./Ms.*] [*Attorney Last Name*]’s client files, to secure [*Mr./Ms.*] [*Attorney Last Name*]’s trust and/ or fiduciary accounts, to gain possession of [*Mr./Ms.*] [*Attorney Last Name*]’s trust and/or fiduciary account

records (including all bank statements, all canceled checks (front and back), all deposit slips, all check stubs and all client ledger cards), and to take such actions as are necessary to protect the interests of the clients and/or former clients of [*Mr./Ms.*] [*Attorney Last Name*].

# THE COURT THEREFORE ORDERS THAT:

1. [*Trustee Name*], an attorney licensed to practice law in North Carolina and a member in good standing with the [*Judicial District #*] Judicial District Bar, is hereby appointed trustee of the law practice of [*Attorney Name*].
2. As Trustee, [*Trustee Name*] is authorized to take such actions as are necessary to obtain possession of any known client files of [*Mr./Ms.*] [*Attorney Last Name*] and shall notify [*Mr./Ms.*] [*Attorney Last Name*]’s clients of [his/her] death and their need to obtain new counsel. [*His/Her*] duties as Trustee shall include receiving calendar notices and moving for appropriate continuances in the various courts; returning files to [*Mr./Ms.*] [*Attorney Last Name*]’s clients and/or former clients; obtaining all records related to [*Mr./Ms.*] [*Attorney Last Name*]’s trust and/ or fiduciary account(s); supervising the disbursement of funds from any trust and/or fiduciary accounts to the appropriate persons; and any other act necessary to wind down [*Mr./Ms.*] [*Attorney Last Name*]’s practice and protect the interests of [*Mr./Ms.*] [*Attorney Last Name*]’s clients until all known clients have secured other legal counsel, have chosen to pick up their files and have received all money held in trust for their benefit. As Trustee [*Trustee Name*] is authorized to take such actions as are necessary to identify [*Mr./Ms.*] [*Attorney Last Name*]’s trust and fiduciary accounts, as such accounts are defined in Rules 1.15-1 and 1.15-2 of the Revised Rules of Professional Conduct, and to obtain possession of [*Mr./Ms.*] [*Attorney Last Name*]’s trust account and fiduciary account records. As Trustee, [*Trustee Name*] shall take such actions as are necessary to identify the ownership of any funds in such accounts so that the clients/beneficiaries may be reimbursed, or their funds forwarded as they may direct. As Trustee, [*Trustee Name*] shall maintain adequate accounts of the funds held in [*Mr./Ms.*] [*Attorney Last Name*]’s attorney trust or fiduciary accounts and shall account to the Court for approval annually or at the completion of the disbursement of the funds. [*He/She*] shall be discharged as Trustee upon the completion of [*his/her*] duties.
3. As Trustee, [*Trustee Name*] is hereby authorized to take such actions as are necessary to secure [*Mr./Ms.*] [*Attorney Last Name*]’s trust and fiduciary accounts, including, but not limited to, executing new directives regarding signatory authority over such accounts. As Trustee, [Trustee Name] is also authorized to obtain records relevant to [*Mr./Ms.*] [*Attorney Last Name*]’s attorney trust and/or fiduciary accounts from all financial institutions where accounts in which funds of client or fiduciary funds have been or are deposited by or in the name of [*Mr./Ms.*] [*Attorney Last Name*], and to execute authorizations directing such financial institutions to release copies of all relevant records relating to such accounts to representatives of the North Carolina

State Bar.

1. This cause is retained for further orders of this Court.

This the day of , 20 .

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Resident Superior Court Judge

[*Judicial District #*] District