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 DISCHARGING TRUSTEE

THIS MATTER coming on to be heard and being heard by the undersigned Senior Resident Superior Court Judge of the [*Judicial District #*] District upon the motion of the Trustee herein for an order discharging [*him/her*] as Trustee of the law practice of [*Mr./Ms.*] [*Attorney Last Name*], the Court makes the following:

# FINDINGS OF FACT

1. On [*date*], upon motion of the N.C. State Bar, the Court appointed [*Trustee Name*], as Trustee- Conservator of the law practice of [*Attorney Name*] for the purpose of obtaining possession of files belonging to [*Mr./Ms.*] [*Attorney Last Name*]’s clients, securing funds held in [*Mr./Ms.*] [*Attorney Last Name*]’s trust and/or fiduciary accounts, obtaining [*Mr./Ms.*] [*Attorney Last Name*]’s trust and/or fiduciary account records, and protecting the interests of the clients and/or former clients of [*Mr./Ms.*] [*Attorney Last Name*].
2. [*Trustee Name*], Trustee of the law practice of [*Mr./Ms.*] [*Attorney Last Name*], has now taken all reasonable steps within [his/her] power to fulfill [his/her] obligations as Trustee-Conservator of the law practice of [*Mr./Ms.*] [*Attorney Last Name*]. [*He/She*] has returned or attempted to return all client files to their rightful owners. [*He/ She*] has secured funds held in [*Mr./Ms.*] [*Attorney Last Name*]’s trust or fiduciary accounts and has identified or attempted to identify the persons to whom those funds belong.
3. [*Trustee Name*] has reviewed [*Mr./Ms.*] [*Attorney Last Name*]’s clients’ files. An inventory of the client files is attached as Exhibit A.
4. [*Trustee Name*] has distributed files to a number of clients and/or former clients of [*Mr./Ms.*] [*Attorney Last Name*]. A list of the files which have been returned to [*Mr./Ms.*] [*Attorney Last Name*]’s clients is attached hereto as Exhibit B.
5. A number of [*Mr./Ms.*] [*Attorney Last Name*]’s clients have not picked up their files, despite receiving notice from the Trustee to do so. [*Add description of files remaining to be claimed or distributed to clients and description of steps taken to notify clients. For example: <Trustee Name> now has in <his/her> possession <number of files> closed client files wherein <he/she> has written the respective clients and has received no instructions regarding the storage or return of the files*]. A list of the files which have not been claimed by the clients is attached hereto as Exhibit C.
6. Some disposition needs to be made of the remaining files of [*Mr./Ms.*] [*Attorney Last Name*]’s former clients.

[*Add any proposal for storage or disposition of files. For example: <Trustee Name> has indicated that <he/she> is willing to store the remaining closed files at <his/her> law offices located at <address>, and make the files available to the respective clients or their legal representatives should they wish to retrieve them for a period of one year from the date of any order discharging <him/her> as Trustee, at which time <he/she> would destroy any unclaimed files.*]

1. [*Trustee Name*] has disbursed all funds from any trust and/or fiduciary accounts held by [*Mr./Ms.*] [*Attorney Last Name*] to the appropriate persons. An order approving said disbursements is attached hereto as Exhibit D and an accounting of said disbursements is attached thereto.
2. [If there was any unclaimed money, its disposition must be described here].
3. [*Trustee Name*] has submitted a summary of [his/her] time and expenses incurred in serving as Trustee of the law practice of [*Mr./Ms.*] [*Attorney Last Name*]. The summary of [his/her] time and expenses is attached hereto as Exhibit E. In carrying out [his/her] duties as Trustee-Conservator, the undersigned Trustee has provided services and incurred expenses in the total amount of [*dollar amount*].

# Based upon the foregoing FINDINGS OF FACT, the Court enters the following: CONCLUSIONS OF LAW

1. [*Trustee Name*], Trustee of the law practice of [*Mr./Ms.*] [*Attorney Last Name*], has taken all reasonable steps in [his/her] power to fulfill [his/her] obligations as Trustee-Conservator of the law practice of [*Mr./Ms.*] [*Attorney Last Name*], to obtain the return of all client files, and to disburse all funds in [*Mr./Ms.*] [*Attorney Last Name*]’s trust or fiduciary accounts.
2. [*Trustee Name*] is entitled to an order discharging [him/her] as Trustee-Conservator of the law practice of [*Mr./ Ms.*] [*Attorney Last Name*].
3. [*Trustee Name*] is entitled to reasonable compensation for [his/her] services rendered and reimbursement of expenses incurred while serving as Trustee-Conservator of [*Mr./Ms.*] [*Attorney Last Name*]’s law practice in the amount of [dollar amount].
4. [*Trustee Name*] should be authorized to [*add provision regarding disposal of any remaining client files, as proposed by Trustee in petition seeking discharge and approved by the Court*].

# WHEREFORE it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. [*Trustee Name*] is hereby discharged as Trustee-Conservator of the law practice of [*Mr./Ms.*] [*Attorney Last Name*].
2. [*Provision regarding disposal of files as stated above. For example: <Trustee Name> is hereby authorized to maintain in storage at <his/her> law office for a period of one year from the date of this order those closed client files that have not yet been retrieved by the clients of <Mr./Ms.> <Attorney Last Name>, after which <he/she>*

*is authorized to destroy any files of clients of <Mr./Ms.> <Attorney Last Name> that remain unclaimed, after making a reasonable attempt to remove from said files any original documents that may have independent legal significance, such as original wills and stock certificates and the like. <Trustee Name> shall retain any such original documents at <his/her> law office for a period of <number of years> years, at which time <he/she> is*

*authorized to destroy all unclaimed documents*.]

1. [*Trustee Name*] is entitled to reasonable compensation for [his/her] services as Trustee for the law practice of [*Mr./Ms.*] [*Attorney Last Name*] and reimbursement for expenses incurred by [him/her] while serving as Trustee in the amount of [dollar amount]. Said compensation and expenses are to be paid by the Estate of [*Mr./Ms.*] [*Attorney Last Name*], pursuant to N.C. Gen. Stat. § 84-28, as an administrative expense of the Estate upon presentation of this Order.

This the day of , 20 .

Resident Superior Court Judge [*Judicial District #*] District