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

PETITION FOR ORDER

DISCHARGING TRUSTEE OF DECEASED ATTORNEY’S LAW PRACTICE

NOW COMES, [*Trustee Name*], Trustee of the law practice of [*Attorney Name*] (“Trustee”), and petitions the Court for an order discharging [*him/her*] as trustee of the law practice of [*Mr./Ms.*] [*Attorney Last Name*]. In support of the petition, the Trustee respectfully shows:

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*].

1. The undersigned Trustee 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.
2. The undersigned Trustee has reviewed [*Mr./Ms.*] [*Attorney Last Name*]’s clients’ files. An inventory of the client files is attached as Exhibit A.
3. The undersigned Trustee 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.
4. 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: The Trustee 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.
5. 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: The Trustee 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. The undersigned Trustee 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 is any unclaimed money, it must be reported to the Court].
3. The undersigned Trustee 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*].

WHEREFORE, the undersigned Trustee respectfully requests the Court to enter an order as follows:

1. Discharging [*him/her*] as Trustee of the law practice of [*Mr./Ms.*] [*Attorney Last Name*];
2. Allowing [*him/her*] to retain the unclaimed files of clients of [*Mr./Ms.*] [*Attorney Last Name*] for one year following the date of this order, after which time [he/she] should be authorized to destroy any files of clients of [*Mr./Ms.*] [*Attorney Last Name*] that remain unclaimed [*or alternative proposal*]; and
3. Finding that [he/she] is entitled to reasonable compensation for [his/her] services as Trustee of the law practice of [*Mr./Ms.*] [*Attorney Last Name*] and reimbursement of expenses incurred while serving as Trustee of the law practice of [*Mr./Ms.*] [*Attorney Last Name*] in the amount of [*dollar amount*].

This the day of , 20 .

Trustee of the Law Practice of [*Mr./Ms.*] [*Attorney Last Name*]