

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE  
 SUPERIOR COURT DIVISION  
 WAKE COUNTY 2013 MAY 22 AM 10:41 FILE NO.: 13 M \_\_\_\_\_

WAKE CO. C.S.C. IN THE MATTER OF THE TENDER OF SURRENDER OF THE LAW LICENSE OF MATTHEW G. NESTOR, Attorney	CONSENT ORDER OF DISBARMENT
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THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of his law license by Matthew G. Nestor.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, Matthew G. Nestor (hereinafter "Nestor"), the Court makes the following:

#### FINDINGS OF FACT

1. Nestor was admitted to the North Carolina State Bar in August 2002 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
2. During all of the periods relevant hereto, Nestor was engaged in the practice of law in Oak Island, North Carolina.
3. Nestor is aware that there is presently pending an investigation regarding allegations that he knowingly prepared HUD-1 Settlement Statements that did not accurately show the disbursements in certain real estate transactions at the direction of a third party and thus enabled others to use his services to facilitate fraud.
4. Nestor desires to resign his license to practice law and has tendered his license to practice law in North Carolina.
5. Nestor's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. Nestor is fully aware of the implication of submitting his resignation.
6. Nestor acknowledges that the material facts upon which the investigation is predicated are true.

7. Nestor has submitted his resignation because he knows that if disciplinary charges were predicated upon the misconduct under investigation, he could not successfully defend against them.

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

### **CONCLUSIONS OF LAW**

1. By knowingly preparing HUD-1 Settlement Statements that did not accurately show the disbursements in certain real estate transactions at the direction of a third party and thus enabling others to use his services to facilitate fraud, Nestor engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the North Carolina State Bar Rules of Professional Conduct.

2. Nestor' misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

3. The Courts of this State have the inherent authority to take disciplinary action against attorneys practicing therein.

4. This Court has jurisdiction over the person of Matthew G. Nestor and of the subject matter of this proceeding.

5. Nestor has engaged in professional misconduct warranting disbarment.

### **IT IS NOW, THEREFORE, ORDERED:**

1. Matthew G. Nestor is **DISBARRED** from the practice of law in North Carolina.

2. Nestor shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, 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 § .0124. Nestor shall have thirty (30) days from the date of the entry of this order to complete the requirements of § .0124.

3. Within 15 days of the effective date of this Order Nestor shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Nestor and obtain such files.

4. Nestor shall promptly return client files to clients upon request, within 5 days of receipt of such request. Nestor will be deemed to have received any such request 3 days after the date such request is sent to Nestor if the request is sent to the address Nestor provided the State Bar pursuant to the preceding paragraph.

5. Nestor shall not petition for reinstatement of his law license, and shall not be eligible for reinstatement, until the expiration of at least five (5) years from the date of this order.

6. Nestor's law license shall not be reinstated until he has demonstrated by clear, cogent, and convincing evidence to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with terms of this order and 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0125.

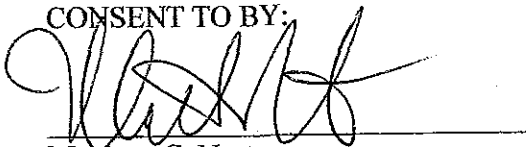
7. The costs of this action are taxed against Nestor.

Done and Ordered this 22 day of MAY, 2013.

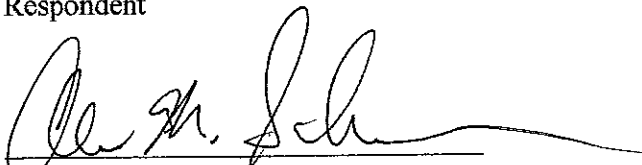


Superior Court Judge Presiding

CONSENT TO BY:



Matthew G. Nestor  
Respondent



Alan M. Schneider  
Counsel for Respondent

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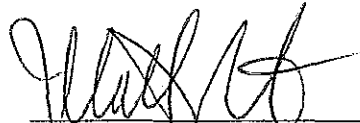
WAKE COUNTY

AFFIDAVIT TENDERING THE SURRENDER OF THE LICENSE OF  
MATTHEW G. NESTOR

I, Matthew G. Nestor, being first duly sworn, say:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of Section .0117 of the North Carolina State Bar Discipline and Disability Rules, 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is presently pending an investigation regarding allegations that I knowingly prepared HUD-1 Settlement Statements that did not accurately show the disbursements in certain real estate transactions at the direction of a third party and thus enabled others to use my services to facilitate fraud.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
5. My resignation is being submitted because I know that if charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

Respectfully submitted, this the 6 day of March 2013.

  
Matthew G. Nestor

I, Melma A. Aske, Notary Public of the County of Wake, State of North Carolina, certify that Matthew G. Nestor personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 6 day of March, 2013.  
Melma A. Aske  
Notary Public

My commission expires: 11-3-13