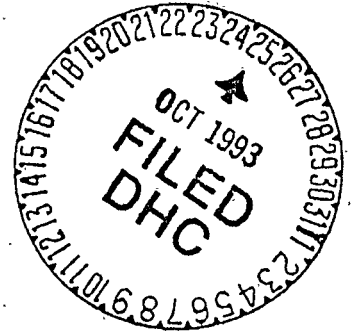


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BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR



93 DHC 15

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
vs.) CONSENT ORDER OF DISCIPLINE
HAROLD P. LAING,)
Defendant.)

This matter came before the undersigned Hearing Committee of the Disciplinary Hearing Commission pursuant to Section 14(H) of Article IX of the Discipline and Disbarment Procedures of the North Carolina State Bar upon the agreement of both parties to waive a formal hearing in this matter and to the entry of the following Findings of Fact, Conclusions of Law and Order of Discipline. Therefore, based upon the consent of the parties, the Hearing Committee enters the following:

FINDINGS OF FACT.

1. The North Carolina State Bar ("plaintiff") is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Harold P. Laing ("defendant") was admitted to the North Carolina State Bar on December 2, 1968 and was at all times relevant 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.

3. During all times relevant hereto, defendant was actively engaged in the practice of law and maintained a law office in the City of Wilmington, New Hanover

County, North Carolina.

4. In each of the following instances, defendant was engaged to collect a debt and proceeded to obtain a judgment and to execute on the judgment. At the execution sale, N.W. Channel, Inc., a corporation controlled by defendant, purchased the property without the informed consent of defendant's client, the creditor:

(a) Client/creditor: Jean H. DuVal, trading as DuVal Leasing Company.

Debtor: David Russ, trading as Twin State Construction Company.

File number: 86 CVD 678 (New Hanover County).

Judgment book and page number: 66/56.

Property description: Book 635, Page 362, Brunswick County Registry.

Date of sale: June 23, 1989.

Amount paid: \$100.

Principal amount of judgment: \$2,754.67.

Sheriff's deed recorded: Book 776, Page 726, Brunswick County Registry.

Tax value of property: \$3,930.67.

Judgments and liens against the property prior to this judgment and excluding the subject judgment: \$3,313.52.

(b) Client/creditor: The American Insurance Company.

Debtor: Patrick B. Moore.

File number: 84 CVD 3247 (New Hanover County).

Judgment book and page number: 58/51.

Property description: Book 134, Page 384, Brunswick County Registry.

Date of Sale: January 13, 1989.

Amount paid: \$50.

Principal amount of judgment: \$2,772.

Sheriff's deed recorded: Book 758, Page 714, Brunswick County Registry.

Tax value of debtor's 1/8th interest in the property: \$2,636.25.

Judgments and liens against the property prior to this judgment and excluding the subject judgment: \$2,009.

(c) Client/creditor: Williamsburg Bronze Corp.

Debtor: Cape Fear Cemetery Corp.

File number: 84 CVD 2409.

Judgment book and page number: 59/212.

Property description: Book 452, Page 855, Brunswick County Registry.

Date of Sale: September 9, 1988.

Amount paid: \$100.

Principal amount of judgment: \$690.70.

Sheriff's deed recorded in: Book 747, Page 1083, Brunswick County Registry.

Tax value of the property: \$16,000.00 (e).

Judgments and liens against the property prior to this judgment and excluding the subject judgment: \$21,710.20.

Based upon the consent of the parties and the foregoing Findings of Fact, the Committee makes the following:

CONCLUSIONS OF LAW

1. By purchasing the above properties without the informed consent of his clients, defendant's representation of his clients was materially limited by his own interests in violation of Rule 5.1(B) of the Rules of Professional Conduct.

2. Based upon the tax value of the above properties at the time of the above sales and the liens against the properties at the time of the sales, there was little or no equity in the properties at the time of the sales.

Based upon the consent of the parties and the foregoing Findings of Fact and Conclusions of Law, the Committee hereby enters the following:

ORDER OF DISCIPLINE

1. Defendant is hereby suspended from the practice of law for 6 months.
2. The suspension shall be stayed for a period of 3 years on the following conditions:
 - (a) With respect to the DuVal matter, defendant shall, on behalf of

N.W. Channel, Inc. and within 60 days of the entry of this order, offer to convey to DuVal by Quit Claim Deed, free of any liens, easements or restrictions that may have been placed on the property by defendant, the property described in Book 635, Page 362, Brunswick County Registry for the sum of \$718.25 (defendant's cost of acquiring the property plus taxes paid by defendant). Defendant's offer shall remain open for a period of 60 days from the date DuVal receives the offer. If DuVal accepts defendant's offer and tenders the \$718.25 in costs, defendant shall immediately convey the property to DuVal by Quit Claim Deed.

(b) With respect to the American Insurance matter, defendant shall, on behalf of N.W. Channel, Inc. and within 60 days of the entry of this order, offer to convey to American Insurance by Quit Claim Deed, free of any liens, easements or restrictions that may have been placed on the property by defendant, the property described in Book 134, Page 384, Brunswick County Registry for the sum of \$50.00 (defendant's cost of acquiring the property). Defendant's offer shall remain open for a period of 60 days from the date American Insurance receives the offer. If American Insurance accepts defendant's offer and tenders the \$50.00 in costs, defendant shall immediately convey the property to American Insurance by Quit Claim Deed.

(c) With respect to the Williamsburg Bronze matter, defendant shall, within 60 days of the entry of this order, pay to Cape Fear Memorial Park, Inc., P.O. Box 3257, Concord, N.C. 28025, the sum of \$1,400 (the amount received by defendant upon sale of the property in question less \$100.00 in costs).

(d) Defendant shall violate no provisions of the Rules of Professional Conduct during the three year stay period.

(e) Defendant shall violate no state or federal laws during the three year stay period.

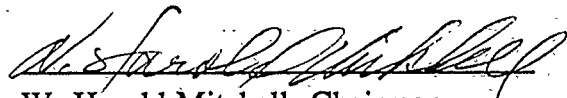
(f) Defendant shall complete two hours of approved continuing legal education in the area of professional responsibility in 1993, 1994, and 1995


in addition to the two hours of professional responsibility required by Rule 18 of the Rules for Continuing Education Program.

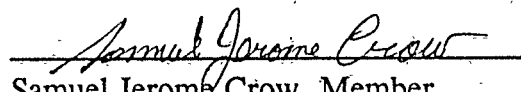
3. Defendant shall pay the costs of this proceeding.


This the 22nd day of October, 1993.

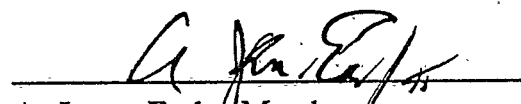
Consented to:

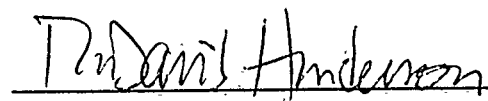

W. Harold Mitchell, Chairman
Disciplinary Hearing Committee


Harold P. Laing, Defendant


Samuel Jerome Crow, Member
Disciplinary Hearing Committee


Alan M. Schneider
Attorney for Defendant


A. James Early, Member
Disciplinary Hearing Committee


R. David Henderson
Attorney for Plaintiff

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