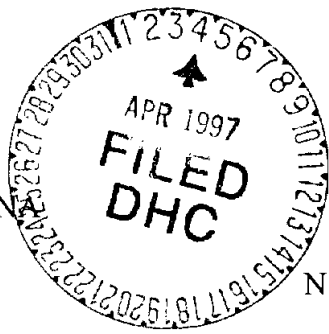


NORTH CAROLINA
WAKE COUNTY



BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
97 BCS 3

IN THE MATTER OF THE TENDER)
OF SURRENDER OF LICENSE OF) ORDER OF DISBARMENT
GARY D. HENDERSON)

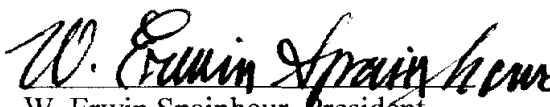
THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, Rule. 0117 of the Discipline and Disability Rules of the North Carolina State Bar, upon an affidavit of tender of license pursuant to Rule .0117(a) executed by Gary D. Henderson and filed in the offices of the North Carolina State Bar on March 7, 1997.

Based upon the affidavit, the Council finds that the conduct of Gary D. Henderson is grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2) in that Gary D. Henderson misappropriated client funds in violation of Rule 1.2(b) and (c), Rule 10.1(a) and (c), and Rule 10.2(e) and commingled his personal funds with client funds in violation of Rule 10.1(a) and (c) of the North Carolina State Bar Rules of Professional Conduct.

WHEREFORE, upon motion duly made and seconded, the Council enters the following order:

1. The tender of surrender of license of Gary D. Henderson is hereby accepted.
2. Gary D. Henderson is hereby DISBARRED from the practice of law in North Carolina.
3. Gary D. Henderson shall forthwith surrender his license and membership card to the Secretary. He shall comply with all provisions of 27 N.C. Admin. Code, Chapter 1, Rule .0124 of the Discipline and Disability Rules of the North Carolina State Bar.
4. The costs of this action are hereby taxed against Gary D. Henderson.

Done and ordered this the 4th day of April, 1997.


W. Erwin Spainhour, President
The North Carolina State Bar

7 MAR 97 10:15

NOTARY PUBLIC

NORTH CAROLINA
WAKE COUNTY

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR

AFFIDAVIT TENDERING THE SURRENDER OF THE LICENSE OF
GARY D. HENDERSON

I, GARY D. HENDERSON, being first duly sworn, say:

1. I hereby tender my license to practice and the desire to resign from the North Carolina State Bar pursuant to the provisions of Section .0117 of Subchapter 18 of the Rules and Regulations of the North Carolina State Bar;

2. My resignation is freely and voluntarily rendered. It is not the result coercion or duress. I am fully aware of the implication of submitting my resignation.

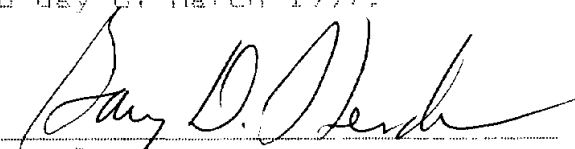
3. I am aware that there is presently pending an investigation regarding allegations that I have been guilty of misconduct by misappropriating funds in my trust account and co-mingling funds in my trust account.

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.

6. I am aware that, pursuant to the provisions of .0117(b), this tender of my license will be on the agenda of the Council of the North Carolina State Bar at its meeting on Friday, April 4, 1997, and I waive any further notice of it being so scheduled.

Respectfully submitted, this the 2nd day of March 1997.


Gary D. Henderson

Sworn to and subscribed before me
this 2nd day of March, 1997.


NOTARY PUBLIC

My Commission Expires: DEC 4, 2001

