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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR

IN THE MATTER OF THE
SURRENDER OF LICENSE OF
MAJOR S. HIGH

ORDER

This matter came on before the Council of The North Carolina State Bar at its October 16, 1980 meeting in Raleigh, North Carolina pursuant to Section 17, Article IX of The Rules and Regulations of The North Carolina State Bar as a result of Major S. High tendering his license to practice law; and

It appearing that with his license, Major S. High submitted an affidavit wherein he acknowledged that the material facts alleged in three pending disciplinary proceedings to wit: 80 DHC 5, 80 DHC 4 and 80 DHC 12 were true and that he could not defend against them; that said affidavit meets the requirements of the aforementioned section of The Rules and Regulations; and

It appearing that the facts giving rise to this Tender of Surrender of License as follows:

(a) That Major S. High was admitted to The North Carolina State Bar in September of 1953 and was at all times hereinafter referred to an attorney at law actively engaged in the practice of law maintaining an office in Greensboro, North Carolina.

(b) That as alleged in 80 DHC 4 that on or about January, 1978, Major S. High was employed by Ms. Claudine Harris to represent her and assist her in the sale of a piece of real property; that during the course of the representation, Major S. High advised Ms. Harris that one Clarence M. Winchester was desirous of purchasing the property and prevailed on Ms. Harris to execute a deed in blank; upon delivering the blank deed to Major S. High, he assured Ms. Harris that he would protect her interests.

Major S. High represented Ms. Harris at the close of the sale to Mr. Winchester; the gross purchase price of the property was \$16,000; Mr. Winchester agreed to assume an existing mortgage of \$5,000 and execute and deliver to Major S. High a promissory note payable to Ms. Harris for the balance of the purchase price; that the note securing the balance of the purchase price was to be secured by a deed of trust on the property in

question with Ms. Harris being the named beneficiary; that at the closing Major S. High delivered a deed to the property to Mr. Winchester.

Major S. High failed and refused to deliver the note and deed of trust in question to Ms. Harris and failed to record the deed of trust in the Guilford County Registry, or Major S. High never caused to be prepared a note and deed of trust for Mr. Winchester's execution.

On or about August 11, 1978, Mr. Winchester and wife conveyed the property in question to a third party.

(c) That as alleged in 80 DHC 5, on or about December 29, 1978, Major S. High was charged with the crime of issuing worthless checks, in the District Court of Guilford County, File No. 79-CR-16363. On January 25, 1979, Major S. High was convicted of said charge. Subsequent thereto a modified judgment was entered on November 20, 1979 and no appeal was taken from the imposition of the aforementioned judgment.

(d) As alleged in 80 DHC 12, in April or May of 1979, Major S. High was employed to represent Louise B. Waiters and James A. Waiters in connection with their purchase of property located at 400 Nelson Street, Kernersville, North Carolina; that during the course of said employment, Major S. High issued his attorney's certificate to Lawyer's Title Insurance Corporation certifying the title to said property, reporting to said title company that there were two outstanding deeds of trust, the first of which was to Alvis Lee, Trustee for American Federal Savings and Loan Association in the face amount of THIRTEEN THOUSAND TWO HUNDRED EIGHTY-TWO DOLLARS AND FIFTY CENTS (\$13,282.50), recorded in Deed of Trust Book 1089, Page 1482 of the Forsyth County Registry.

Relying on said certificate, the aforementioned title company issued an "interim binder" to Stockton, White and Company, a lending institution, who in turn advanced the necessary funds to Major S. High to "close" Louise B. Waiter's and James A. Waiter's loan in order that they could purchase the said property free and clear of all outstanding mortgages save and except a first mortgage to the said Stockton, White and Company.

Major S. High was instructed to apply the funds so advanced by Stockton, White and Company to satisfy the outstanding notes and deeds of trust in favor of said Stockton, White and Company; that Major S. High received said

funds and applied FOUR THOUSAND THIRTY-SEVEN DOLLARS AND NINETY-EIGHT CENTS (\$4,037.98) toward the payment of the balance of said indebtedness, but he failed and refused to apply or account for the remaining SEVEN THOUSAND SEVENTEEN DOLLARS AND SIXTY-SIX CENTS (\$7,017.66) and, in fact, converted said remaining funds in the amount of SEVEN THOUSAND SEVENTEEN DOLLARS AND SIXTY-SIX CENTS (\$7,017.66) to his own use.

BASED UPON THE FOREGOING FACTS and after giving due consideration to the affidavit submitted by Major S. High, upon motion duly made and seconded, it was

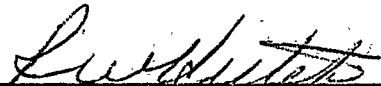
RESOLVED, that the tender and surrender of the license to practice law by Major S. High be accepted and that Major S. High be disbarred.

THEREFORE, IT IS ORDERED:

(1) That the tender and surrender of the license of Major S. High is hereby accepted and that pursuant to Section 17(3) of Article IX of The Rules and Regulations of The North Carolina State Bar, Major S. High is hereby disbarred: and

(2) That Major S. High be taxed with the costs of these proceedings.

This the 31st day of October, 1980.



R. W. Hutchins, President
The North Carolina State Bar