

## NOTICE OF REVOCATION AND RESTITUTION

Case No. 91-53-GA

Jerry L. Nurrie, P18365, Kalamazoo, Michigan, by Attorney Discipline Board Allegan County Hearing Panel.

- 1) Revocation;
- 2) Effective April 25, 1991.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115 (F)(5) which was approved by the hearing panel and the Attorney Grievance Commission. Respondent pled nolo contendere to the charges contained in count II(B-F), count III and count V(B-F) of the formal complaint. Counts I and IV were dismissed by stipulation.

Respondent forwarded an executed buy and sell agreement to an heir relative to the sale of real property, provided the heir with a warranty deed for her execution if she agreed with the sale, and in cover correspondence claimed he would advise her of the closing date and represented that all sale proceeds would be held in escrow by him for distribution to her and other heirs. The heir approved the agreement, executed the warranty deed and transmitted it to respondent. The closing took place and respondent was provided the proceeds for distribution. In violation of his duties, respondent failed to notify the heir of the closing date or his receipt of the proceeds of the sale, and misappropriated the heir's \$11,856.13 share of the proceeds. Respondent failed to answer two requests for investigation.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4,7); MCR 9.103(C); MCR 9.113(B)(2); and the Michigan Rules of Professional Conduct, 1.15(a,b) and 8.4(a-c). Respondent stipulated to the payment of \$5000.00 in restitution. Costs were assessed in the amount of \$100.04.