

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 16th of April, 2003, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 30455

Bert M. Whorton, a suspended member of
The West Virginia State Bar, Respondent

On a former day, to-wit, January 22, 2003, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by J. Michael Benninger, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its report recommending that: (1) The respondent's license to practice law in West Virginia be annulled or in the alternative indefinitely suspended; (2) The respondent make restitution to the following individuals in the listed amounts, plus the appropriate statutory interest: (a) Surveyer Charles S. Garvick, \$250.00; (b) Law firm of Berry Kessler, \$100.00; (c) Busack Realty, \$1,200.00; (d) Sun Valley Realty, \$800.00; (e) Carmelia Baker, \$421.61 for property taxes; (f) any additional taxes on the property which accrued due to respondent's delay; and (g) any remaining amount from the original \$25,000.00 to Sharon Tucker; (3) The respondent make restitution to the Client Protection Fund; (4) The respondent fulfill any outstanding MCLE reporting requirements, or show just cause why he should not be subject to the MCLE reporting requirements, before reinstatement will be considered; (5) Respondent may file a verified petition for reinstatement after his period of annulment or suspension with this Court. Upon the filing of a reinstatement

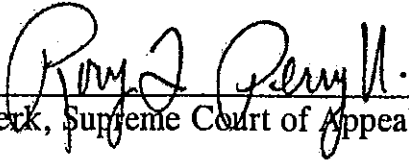
petition, respondent shall present positive, verified evidence of his ability to practice law, including his then existing mental and physical condition; and (6) Respondent shall pay all costs incurred in the investigation and proceedings in this matter.

Upon consideration whereof, the Court is of opinion to and doth hereby adopt the recommendations of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that: (1) The respondent's license to practice law in the State of West Virginia be, and it hereby is, annulled; (2) The respondent make restitution to the following individuals in the listed amounts, plus the appropriate statutory interest: (a) Surveyer Charles S. Garvick, \$250.00; (b) Law firm of Berry Kessler, \$100.00; (c) Busack Realty, \$1,200.00; (d) Sun Valley Realty, \$800.00; (e) Carmelia Baker, \$421.61 for property taxes; (f) any additional taxes on the property which accrued due to respondent's delay; and (g) any remaining amount from the original \$25,000.00 to Sharon Tucker; (3) The respondent make restitution to the Client Protection Fund; (4) The respondent must fulfill any outstanding MCLE reporting requirements, or show just cause why he should not be subject to the MCLE reporting requirements, before reinstatement will be considered; (5) Respondent may file a verified petition for reinstatement after his period of annulment with this Court. Upon the filing of a reinstatement petition, respondent shall present positive, verified evidence of his ability to practice law, including his then existing mental and physical condition; and (6) Respondent shall pay all costs incurred in the investigation and proceedings in this matter.

Service of an attested copy of this order upon all parties shall constitute sufficient notice of the contents herein.

A True Copy

Attest:


Clerk, Supreme Court of Appeals