

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786
(828) 456-3718
November 7, 2013

The Grievance Committee
The North Carolina State Bar
208 Fayetteville Street
PO Box 25908
Raleigh, NC 27611
(919) 828-4620

Subject: Complaint against George B. Hyler Jr.

I, the undersigned hereby complain against

George B. Hyler Jr., ID# 5682
Hyler & Lopez, PA
38 Orange Street
Asheville, NC 28801
(828) 254-1070

I agree to cooperate by furnishing to the representatives of the North Carolina State Bar all pertinent information and records in my possession concerning the alleged misconduct of said attorney. I further agree that if a hearing or inquiry is ordered concerning the alleged misconduct of said attorney, then I will furnish evidence concerning the facts by submitting to deposition or personal attendance at the hearing or inquiry. I hereby indicate that this information is provided and transmitted by me to the North Carolina State Bar for the purpose of investigating the alleged misconduct of the above named attorney. I understand that I may also need to reveal this information to a privately-retained attorney to pursue private remedies on my behalf. I further understand that the immunity granted by North Carolina General Statute 84-28.2 applies only to those statements made without malice and intended for transmittal only to the North Carolina State Bar.

I also understand that the North Carolina State Bar may reveal this information to the accused attorney for his response to a formal inquiry and to others pursuant only to the Rules and Regulations of the North Carolina State Bar.

I am filing this grievance as an **amicus curiae**.

Terry Ramey's property was foreclosed on by Rusty McLean, a Waynesville lawyer, case number 12 SP 441, a Trustees Deed Foreclosure. The foreclosure hearing on January 31, 2013, was conducted by Sam Hyde [re: grievance filed with NC Bar - 13G0507], Assistant Clerk of Superior Court, also a lawyer. The property was put up for bid by Clarence Dickson, substitute Trustee, another Waynesville lawyer, and the winning bidder was Hayes Singleton, using Jeff Norris, a Waynesville lawyer, as his final lawyer. All in all, there were at least seventeen (17) lawyers directly or indirectly involved with this foreclosure. See "The Players" (enclosed).

Surplus Funds were available from the bidding process, case number 13 SP 252, and June Ray, the Haywood County Clerk of Superior Court, presided over two (2) hearings regarding the disbursement of the Surplus Funds.

Terry Ramey hired George Hyler to represent him during the hearing phase of the disbursement of Surplus Funds, on or about July 22, 2013. There were two hearings regarding this disbursement, the first on August 26, 2013, and the second on October 4, 2013.

June Ray refused to allow me to record either of these public hearings. On September 17, 2013, I filed a request with June Ray to record the second hearing: APPLICATION TO UTILIZE STILL PHOTOGRAPHIC OR ELECTRONIC EQUIPMENT WITHIN THE COURTHOUSE FOR RECORDING OR PRESENTATION PURPOSES. June Ray denied this request at the October 4th hearing, citing that I was not a party to Ramey's hearing. I took hand written notes at both meetings.

There were no records of either hearing filed in case file 13 SP 252, prompting me to create an AFFIDAVIT filed with the Register of Deeds, and I had it stamped and placed in case file 13 SP 252. Affidavit filed as Book 855, Pages 2397-2447, enclosed.

On or about August 2, 2013, Ramey discovered that George Hyler's wife was June Ray's best friend. They even go to the beach together [re: Hyler's billing statement, enclosed].

During the October 4th hearing, June Ray appeared to be reading off a carefully prepared Statement or Order at the "hearing" or "continuance of hearing" or whatever it was that happened on October 4, 2013 at 11:00am in her Probate Hearing Room, regarding her ordering disposition of Terry Ramey's Surplus Funds to Marlin Leasing, the City of Waynesville, and get this, George Hyler for his legal fees.

Complaint #1.

From a conversation George Hyler had with Terry Ramey a week before the October 4th hearing, this exchange occurred between George Hyler and June Ray.

It is understood that June Ray is great friends with Hyler's wife, and **June Ray called Hyler earlier that week to ask him what to do with this hearing.** Terry Ramey was unaware that June Ray was going to add Hyler's fee to the people that got a slice of the pie from the Surplus Funds account. Did June Ray work that out with George Hyler's wife?

George Hyler violated the North Carolina Bar Association Rules of Professional Conduct,

Rule 8.4, MISCONDUCT.

It is professional misconduct for a lawyer to:

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;

In a turn-about from Hyler's actions in the first hearing on August 26, 2013, where he indicated that Woody Griffin, a lawyer for the Town of Waynesville, was going through the "back door" to get Waynesville back-taxes paid from the Surplus Funds, Hyler offered no objection during the second hearing while June Ray read from her order granting the Town of Waynesville back taxes from Surplus Funds.

It was brought to my attention that June Ray records all of her hearings, so as Terry Ramey and I were visiting the local Magistrate looking to Subpoena those recordings, Terry Ramey got word from the Magistrate about a half an hour later that the recordings were now available to Ramey at the Justice Center. He was told, that June Ray indicated all he had to do was ask for them. The recordings, in court recorded format, are attached with this grievance in the form of a DVD.

Complaint #2.

Subsequent to the second hearing, George Hyler indicated to Terry Ramey that he had thirty (30) days in which to appeal this matter, and restated that in a letter to Terry Ramey on October 18, 2013 [enclosed]. Point of fact is that Terry Ramey only had ten (10) days to appeal the matter [re: from Clerk of Buncombe County].

Terry Ramey lost the ability to appeal this matter due to faulty legal advice from his lawyer, George Hyler.

George Hyler failed to perform even the minimum standard for a lawyer by violating the Rules of Professional Conduct, 0.1 PREAMBLE: A LAWYER'S PROFESSIONAL RESPONSIBILITIES.

[1] A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice.

[2] As a representative of clients, a lawyer performs various functions. As advisor, **a lawyer provides a client with an informed understanding of the client's legal rights** and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealing with others. As evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.

There are multiple instances of Conflicts of Interest in this matter, but these two specific Complaints should suffice.

George Hyler acted with Moral Turpitude, and this grievance should be considered seriously.

enc: "The Players" diagram of lawyers involved in this single foreclosure against Terry Ramey
Affidavit filed as Book 855, Pages 2397-2447 for case file 13 SP 252
Hyler's billing statement
Order of Distribution of Surplus Funds by June Ray
APPLICATION TO UTILIZE STILL PHOTOGRAPHIC OR ELECTRONIC EQUIPMENT
DVD, audio recording of two hearings, August 26, 2013, October 4, 2013
Hyler letter to Ramey, 10/18/13, Distribution of Surplus Funds.

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[Notary Stamp Here]

Jurat

Signed and sworn before me _____, on this day, the ____ day of _____, 2013.

Signed: _____

Printed: _____

My commission expires on _____