

Petitioner with which funds Petitioner paid claims against the frozen funds. Concurrently with the filing of this petition, Charlotte Breed is entering her petition for release of the hold on the four accounts. A copy thereof is attached as an Exhibit. Should she therein be granted the relief requested, The Bar would be paid the balance owed from funds so made available. Should she not be granted said relief, the Petitioner would be obliged to continue to amortize the debt to The Bar as his financial circumstances permit.

2. By letter dated November 26, 1984, the Petitioner was notified by David G. McGunegle, Branch Staff Counsel, Grievance Committee for the Tenth Judicial Circuit, The Florida Bar, that in the matter of a complaint against the Petitioner by Robert Blood, Case No. 1085C22, "...on November 8, 1983, the grievance committee found no probable cause in this case."

3. A pending disciplinary action is in the process of being investigated by the Grievance Committee, Tenth Judicial Circuit, Case No. 1085C02, based upon an allegation in 1984 by one Elsie Mayhew that "...by a long range plan starting in 1979 or 1980 Ernest M. Breed set up plans to defraud me." The complaint makes no claim of any kind but was "...furnished to you not for the purpose of initiating an investigation, but simply for consideration in light of prior matters involving The Florida Bar." The complainant further requested that she not be asked to testify in any hearing.

4. The Petitioner is not now, nor has he ever been, the subject of a criminal proceeding.

5. The Petitioner has not practiced law since being suspended in 1978 and does not intend ever to practice law again for the following reasons:

a. He is and has been fully occupied in a nominally-salaried, family owned business unrelated to the practice of law.


b. He is approaching the age more appropriately devoted to preparing for retirement than to beginning a law practice.

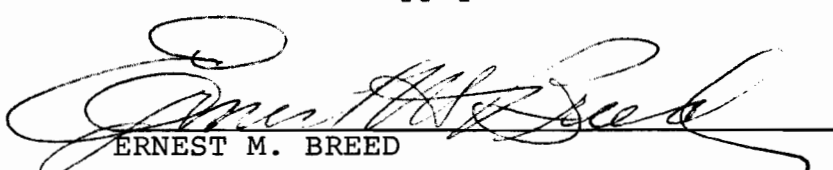
c. He has a son who will soon enter a private law practice in the Petitioner's small home town and the Petitioner declares he will not enter into competition with his son.

d. By voluntarily submitting to what has been characterized as the harshest sanction imposed by The Bar, he seeks to be able to avoid the financial burden of defending the charges herein at great expense, which he cannot afford, and he seeks to avoid rekindling the inevitable fires of small town gossip on the eve of his son's entry into private practice.

6. Permitting the Petitioner under these circumstances to resign without leave to apply for readmission will not adversely affect the public interest, will more than satisfy the complaint, will not adversely affect the purity of the counts nor hinder the administration of justice nor the confidence of the public in the legal profession.

WHEREFORE, the Petitioner respectfully prays for leave to resign from The Florida Bar without leave to apply for readmission.


TILDEN R. SCHOFIELD
Post Office Box 879
Sebring, Florida 33871-0870
813 382-3154


ERNEST M. BREED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition has been furnished by Certified Mail, Return Receipt Requested to The Executive Director, The Florida Bar, Tallahassee, Florida 32301, this 10th day of December, 1984 and by regular U. S. Mail to David G. McGunegle, Branch Staff Counsel, The Florida Bar, 605 East Robinson Street, Suite 610, Orlando, Florida 32801, this 10th day of December, 1984.