

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 00-03939

First Union Securities, Inc., claimant vs. Charles D. Oliver and Jean K. Oliver , respondents.

ATTORNEYS:

For Claimant appeared Kenneth F. Berg, Esq., Chicago, IL.

Respondents appeared Pro Se through Charles D. Oliver, St. Albans, WV.

DATE FILED: September 11, 2000

CASE SUMMARY: Claimant alleged that respondents placed an order to purchase 120,500 shares of NBTTF. Claimant further alleged that respondents forwarded a check in the amount of \$62,000.00 toward this purchase, but it was returned for insufficient funds. Claimant contended that because respondents failed to comply with its repeated demands for payment of this balance, it was required to sell these securities. Claimant maintained that when it liquidated respondents' account, a deficiency of \$11,401.79 remained which respondents have not paid.

ARBITRATOR'S REPORT: The award consists of three elements: (1) \$1,234.38, (2) 9% interest on \$1,234.38 for 311 days for \$93.90, and (3) attorney fees of \$2,500.00.

Claim Data

Claim: \$11,401.79
Atty Fees: \$2,500.00
Interest: \$191.08 (\$2.81 per X 68 days
and continuing)

Filing Fees: \$1,450.00

Award Data

Award: \$1,234.38
Atty Fees: \$2,500.00
Interest: \$93.90 (9% on the award
calculated from 5/24/00 to
3/31/01.

Filing Fees: \$525.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable and shall pay to the claimant \$1,234.38. 2) Respondents are jointly and severally liable and shall pay to the claimant \$2,500.00 as reimbursement of attorney fees according to claimant's request. 3) Respondents are jointly and severally liable and shall pay to the claimant interest in the amount of \$93.90 (calculated from May 24, 2000 to March 31, 2001 at a rate of 9%. 4) All other relief requests are denied. 5) The \$1050.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 6) Respondents are jointly and severally liable and shall pay claimant \$525.00 as reimbursement of one-half of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

AFFIRMATION

I, Jerome B. Haddox, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

Jerome B. Haddox
Jerome B. Haddox, Esq.

April 30, 2001
Date of award