

**AWARD**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between

Name of Claimant

Emprise Bank, Trustee of the Charles Dennis Towns Trust

and

00-05571  
Kansas City, Missouri

Name of Respondents

Prudential Securities, Inc.  
Thomas G. Stuhlsatz

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**REPRESENTATION OF PARTIES**

Emprise Bank, Trustee of the Charles Dennis Towns Trust ("**Claimant**") was represented by Susan R. Schrag, Esq., Morris, Laing, Evans, Brock & Kennedy, Chtd., Wichita, Kansas.

Prudential Securities, Inc. ("**Respondent Prudential**") and Thomas G. Stuhlsatz ("**Respondent Stuhlsatz**") (collectively as "**Respondents**") were represented by William M. Cassarini, Esq., Prudential Securities, Inc., New York, New York.

**CASE INFORMATION**

The Statement of Claim was filed on or about December 15, 2000. Submission Agreement of Claimant Emprise Bank, Trustee of the Charles Dennis Towns Trust was signed on December 26, 2000 by Craig W. Campbell.

Statement of Answer was filed by Respondents Prudential Securities, Inc. and Thomas G. Stuhlsatz on or about March 2, 2001. Submission Agreement of Respondent Prudential Securities, Inc. was signed on February 28, 2001 by William M. Cassarini. Submission Agreement of Respondent Thomas G. Stuhlsatz was signed on March 12, 2001.

**CASE SUMMARY**

Claimant alleged that Respondents failed to follow instructions given by Charles Dennis Towns to transfer ownership of a certain annuity held in his own name into the name of the trust prior to his death.

Respondents denied the allegations set forth in the Statement of Claim. Respondents specifically stated they complied with the express instructions of Mr. Charles Dennis Towns in the handling of

his accounts, Specifically transferring the Hartford annuity to the Charles Dennis Towns Trust account. It was further stated that Respondents did not receive instructions from Charles Dennis Towns to change the beneficiary designation of the Hartford Life 2000 annuity.

### **RELIEF REQUESTED**

Claimant requested an award in the amount of \$168,424.99, plus interest and attorneys' fees.

Respondents requested that the Statement of Claim be dismissed in its entirety and that judgment be rendered in their favor.

### **OTHER ISSUES CONSIDERED & DECIDED**

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution, Inc. (the "NASD").

### **AWARD**

After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

Respondents Prudential Securities, Inc. and Thomas G. Stuhlsatz shall be and hereby are jointly and severally liable for and shall pay to the Claimant Emprise Bank, Trustee of the Charles Dennis Towns Trust for the benefit of the individuals and entity as set forth below:

a. Mary L. Irwin Towns	\$10,000.00
b. Deborah M. Ketcherside	\$ 6,000.00
c. Sharon R. Myers	\$ 6,000.00
d. Harold Ketcherside	\$ 6,000.00
e. Ila Jean Owens	\$ 6,000.00
f. Helen Maxine Adams	\$ 6,000.00
g. Mildred Lucille Abt	\$ 6,000.00
h. Ronald Wayne Towns	\$ 6,000.00
i. Brett A. Myers	\$ 2,000.00
j. Mark S. Myers	\$ 2,000.00
k. Cheril L. Mullen	\$ 2,000.00
l. Hunter L. Ketcherside	\$ 2,000.00
m. Logan N. Ketcherside	\$ 2,000.00
n. West Heights Methodist Church of Wichita Kansas building fund	\$ 2,000.00

2. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.
3. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$300.00

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is Prudential Securities, Inc.

Member surcharge = \$1,500.00  
Pre-hearing process fee = \$ 600.00  
Hearing process fee = \$2,500.00

#### **Forum Fees and Assessments**

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$1,125.00 = \$1,125.00

Pre-hearing conference(s): July 16, 2001 1 session

Two (2) Hearing sessions x \$1,125.00 = \$2,250.00

Hearing Date(s): September 6, 2001 2 sessions

Total Forum Fees = \$3,375.00

The Arbitration Panel has assessed \$1,687.50 of the forum fees to Emprise Bank, Trustee of the Charles Dennis Towns Trust.

The Arbitration Panel has assessed \$1,687.50 of the forum fees to Prudential Securities, Inc. and Thomas G. Stuhlsatz, jointly and severally.

**Fee Summary**

Claimant, Emprise Bank, Trustee of the Charles Dennis Towns Trust, shall be and hereby is liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= <u>\$1,687.50</u>
Total Fees	= \$1,987.50
<u>Less payments</u>	= <u>\$1,425.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 562.50

Respondent, Prudential Securities, Inc., shall be and hereby is liable for:

Member Fees	= \$4,600.00
<u>Forum Fees</u>	= <u>\$ 0.00</u>
Total Fees	= \$4,600.00
<u>Less payments</u>	= <u>\$2,100.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$2,500.00

Respondents, Prudential Securities, Inc. and Thomas G. Stuhlsatz, shall be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= <u>\$1,687.50</u>
Balance Due NASD Dispute Resolution, Inc.	= \$1,687.50

**All balances are due to NASD Dispute Resolution, Inc.**

**ARBITRATION PANEL**

Richard H. Potter – Public Arbitrator, Presiding Chair  
Lawrence L. Downs - Public Arbitrator  
Will B. Tschudy - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Richard H. Potter  
Richard H. Potter  
Public Arbitrator, Presiding Chair

September 12, 2001  
Signature Date

/s/ Lawrence L. Downs  
Lawrence L. Downs  
Public Arbitrator

September 18, 2001  
Signature Date

/s/ Will B. Tschudy  
Will B. Tschudy  
Non-Public Arbitrator

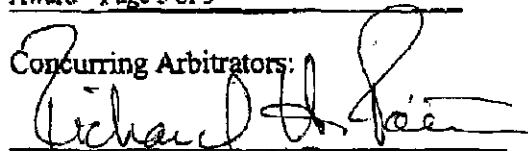
September 13, 2001  
Signature Date

NASD Dispute Resolution, Inc.

Arbitration No. 00-05571

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Concurring Arbitrators:



Richard H. Potter

Public Arbitrator, Presiding Chair

9.12.01

Signature Date

Lawrence L. Downs

Public Arbitrator

Signature Date

Will B. Tschudy

Non-Public Arbitrator

Signature Date

NASD Dispute Resolution, Inc.

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Signature Date

  
Lawrence L. Downs

Public Arbitrator

  
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