

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Stephen Strachan

88-01325

Name of Respondent(s)

North American Investment Corporation

CASE SUMMARY

Claimant Stephen Strachan alleged that Respondent North American Investment Corporation fraudulently misrepresented an investment in North American Realty Trust IV property and used Claimant's monies in an unauthorized manner. Respondent maintained that Claimant's investment was authorized and alleged that Claimant's partner in the investment was his brother who authorized the purchase.

RELIEF REQUESTED

Claimant Stephen Strachan requested damages in the amount of \$33,500.00 plus interest and costs. Respondent requested that the claim of the Claimant be dismissed and attempted to assert a third party claim against Brian Strachan, the Claimant's brother.

AWARD

On February 22, 1990, April 10, 1990 and June 22, 1990 in Boston, Massachusetts, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant Stephen Strachan on April 19, 1988 and by respondent North American Investment Corporation on June 21, 1989. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of this matter as follows:

1. Respondent North American Investment Corporation is liable and shall pay to the Claimant Stephen Strachan the sum of Thirty Three Thousand Five Hundred Dollars and No Cents (\$33,500.00) plus interest at the current Massachusetts' legal rate from March 31, 1987 through the date of payment of this award.
2. Respondent North American Investment Corporation's Third Party Claim against Brian Strachan remains stricken based on lack of jurisdiction as set forth in a previous panel ruling.

3. The parties shall bear their own costs including attorneys' fees;
4. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall refund the \$400.00 filing fee previously deposited by the Claimant.

Respondent North American Investment Corporation is assessed forum fees in the amount of \$2400.00 payable to the NASD, Inc. through staff counsel/administrator in accordance with Section 43 of the Code of Arbitration Procedure as costs of the six hearing sessions conducted in this matter.

CONCURRING ARBITRATORS

David B. Salzman, Esq.

Alvin J. Mentzel

Roberta Duvarney