

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Geraldine Smarr

vs.

Claimant(s)

Dennis Powell, Lincoln National
Life Insurance Co., and
MFS Lifetime Mutual Fund

Respondent(s)

NOTICE OF ARBITRATION
AWARD
88-03524

CASE SUMMARY

Claimant(s) Geraldine Smarr alleged that Respondent(s) Dennis Powell, Lincoln National Life Insurance Co., and MFS Lifetime Mutual Fund failed to inform the Claimant of material facts pertaining to Claimant's investment with Respondents. Respondent(s) deny Claimant's allegations.

RELIEF REQUESTED

Claimant(s) Geraldine Smarr requested damages of Nine Thousand Seven Hundred Ninety Dollars and No Cents (\$9,790.00). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Perry E. Wallace, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on October 28, 1988 and by Respondent(s) on January 25, 1989. The Arbitrator, having considered the proofs of the parties, has determined in full and final resolution of the issue submitted for determination as follows:

The claim against Respondents shall be dismissed in its entirety.

The parties shall each bear their respective costs including attorney's fees.

The \$200.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be retained by the NASD as costs of this proceeding.

August 3, 1989