

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
Harry H. & Anne C. Hamarman :
Claimants :
vs. :
American Preferred Securities :
Respondent :

CASE #90-03491
AWARD

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on December 12, 1990, Claimants Harry H. & Anne C. Hamarman, who appeared pro se, alleged that Respondent American Preferred Securities mismanaged Claimant's investment of Balcor Realty Investor 86 Series I for the purpose of profiting the Balcor Syndicate rather than the limited partners. Claimants further alleged that they never received a prospectus regarding this investment and that all communications took place through Philadelphia Saving Fund Society who misrepresented facts regarding this investment to them.

Respondent, American Preferred Securities, through their representative, George Brown, maintained that the Claimants were provided with a copy of the prospectus, that this investment was suitable according to the prospectus requirements, and that this investment met the Claimants objectives of tax shelter and long-term growth. The Respondents, American Preferred Securities, further maintained that there were no misrepresentations made regarding this investment and that Respondents, at all times, acted fairly and competently with respect to the Claimants.

RELIEF REQUESTED

Claimants, Harry H. & Ann C. Hamarman requested \$10,000.00 in damages.

Respondent, American Preferred Securities requested the claims of the Claimants be dismissed and that Respondent be awarded attorney's fees, costs and interest.

AWARD

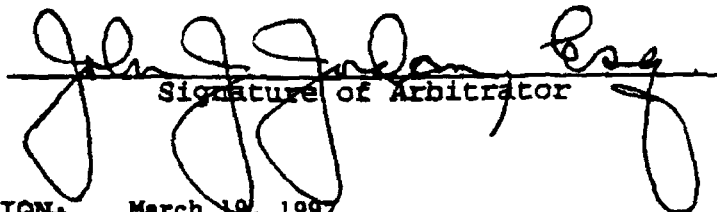
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, John Jordan, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on May 31, 1991 and by the Respondent, American Preferred Securities on March 22, 1991.

And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The claims of the Claimants, Harry H. & Anne C. Hamarman are dismissed.
2. Respondent, American Preferred Securities' request for attorney's fees, costs and interest is denied.
3. The parties shall bear their respective costs and attorney's fees.
4. The \$150.00 filing fee previously waived by the Director of Arbitration of the National Association of Securities Dealers, Inc. shall be paid to the NASD as follows: \$75.00 shall be paid by Claimants Harry & Anne Hamarman, \$75.00 shall be paid by Respondent, American Preferred Securities.

AFFIRMATION

I, JOHN JORDAN, ESQ., do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.


Signature of Arbitrator

DATE OF DECISION: March 19, 1992