

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Joanne S. and Curtis D. Lee, JTWROS

93-04310

Name of Respondent

Merrill Lynch, Pierce, Fenner & Smith, Inc.

CASE SUMMARY:

In a claim filed with the National Association of Securities Dealers, Inc. on October 19, 1993, Claimants Curtis D. & Joanne S. Lee, who appeared Pro Se, alleged that Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. misrepresented Arvida/JMB Partners L.P., convincing them it was a solid investment, when in fact it was not. The Claimants contended that they have suffered damages due to the wrongdoing of the Respondent for which it should be held liable.

Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc., through its in-house counsel, Christopher Cavuoti, Esq., maintained that all risks concerning this investment were fully disclosed in the prospectus received by the Claimants, and further that the Claimants knowingly, willingly and voluntarily assumed the risks attendant to this investment. The Respondent further maintained that the Claimants approved, authorized and participated in the acts and transactions complained of, and are estoppel from recovery herein.

RELIEF REQUESTED

Claimants Curtis D. & Joanne S. Lee requested \$5,000.00 in actual damages, plus return of the NASD filing fee.

Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. requested that the claims of the Claimants be dismissed.

OTHER ISSUES CONSIDERED & DECIDED

The Section 15 Motion to Dismiss filed by Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. was reviewed and considered, along with all related documents, by the arbitrator, and is denied.

AWARD

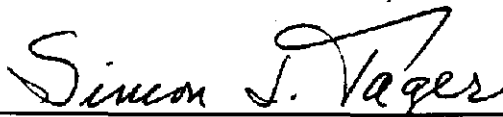
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Simon J. Tager, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on October 11, 1993 and by the Respondent on January 17, 1994.

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. Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. is liable and shall pay to Claimants Joanne S. Lee and Curtis D. Lee, JTWROS, \$2,500.00 in actual damages.
2. The parties shall bear their respective costs.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc. Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. is liable and shall pay to Claimants Curtis D. & Joanne S. Lee \$125.00 as reimbursement of the filing fee.

AFFIRMATION

I, SIMON J. TAGER, 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:

August 24, 1994