

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Interstate/Johnson Lane

94-00989

Name of Respondent

Jack Lane Yarboro

REPRESENTATION

For Claimant: Pamela P. Warnement, Esq., of Interstate/Johnson Lane Corporation,
Charlotte, North Carolina.

For Respondent: Respondent Jack Lane Yarboro did not appear at the hearing.

CASE INFORMATION

Statement of Claim filed: March 3, 1994.

Amended Statement of Claim filed: March 23, 1994.

Claimant's Submission Agreement signed on: March 8, 1994.

Statement of Answer filed by Respondent on: Respondent, Jack Lane Yarboro did not file a
Statement of Answer as required pursuant to Section 25(b)(1) of the NASD Code of Arbitration
Procedure.

Respondent's Submission Agreement signed on: Respondent Jack Lane Yarboro did not submit
an executed Submission Agreement as required pursuant to Section 25(b)(1) of the NASD Code
of Arbitration Procedure.

HEARING INFORMATION

Hearing Date / Sessions: March 23, 1995 / One Session.

Hearing Location: Hyatt Hotel located at 5501 Carnegie Blvd., Charlotte, North Carolina.

CASE SUMMARY

Claimant, Interstate/Johnson Lane ("IJL") alleged that Respondent, Jack Lane Yarboro ("Yarboro"), delivered a certificate for 306 shares of Clayton Homes stock to IJL which was deposited into Respondent's account. Claimant further alleged that Respondent instructed Claimant to sell the shares of Clayton Homes and that Claimant did sell the shares as per Respondent's request and a check for the proceeds of the sale was issued to Respondent. Claimant next alleged that it subsequently learned that the shares had been canceled and as a result Claimant had to buy back 306 shares of Clayton Homes to cover the short position created by the sale of the canceled shares. Claimant alleged that it made demand upon Respondent for compensation and that Respondent refused to pay Claimant. Claimant further alleged that as a result of Respondent's actions Claimant had been damaged and seeks restitution.

Respondent Jack Lane Yarboro did not submit a Statement of Answer and did not appear at the hearing.

RELIEF REQUESTED

Claimant requested:

1. Actual damages in the amount of \$9,335.33.
2. Costs of this proceeding be assessed against Respondent.

Respondent requested:

1. Respondent did not submit a Statement of Answer.

OTHER ISSUES CONSIDERED & DECIDED

Notice of the date, time and location of this arbitration proceeding was mailed, via certified mail, to Respondent at the following address:

Jack Lane Yarboro
103 Harbortown Drive
Kings Mountain, NC 28086

The certified mail receipt was signed for by Anne Yarboro. Respondent was served with a copy of the Claimant's Statement of Claim, via certified mail, on July 11, 1994 at the same address.

In addition, prior to the hearing, Respondent was telephoned by the NASD at the above address and notified of the hearing. Based upon the foregoing, it was determined that Respondent had sufficient notice of the hearing in this matter and the hearing proceeded in Respondent's absence.

AWARD

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

1. Respondent is liable and shall pay to Claimant the sum of \$9,335.33.
2. Respondent is liable and shall pay to Claimant the sum of \$800 which sum represents a reimbursement to Claimant of the claim filing fee and hearing session deposit paid by Claimant.

FORUM FEES

Pursuant to Section 44c of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed.

Claim Filing Fee = \$500.

1 session X \$300 = \$300.

Total Forum Fees = \$800.

Forum fees Assessed Against:

Respondent is assessed the sum of \$800 which represents the total forum fees due, less \$500 Claim Filing Fee paid by Claimant and \$300 Hearing Session Deposit paid by Claimant, leaving \$0 due.

Fees are payable to the National Association of Securities Dealers, Inc.

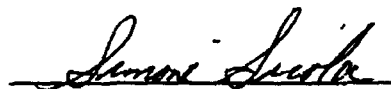
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NASD Award #94-00989

Arbitrator's Signature

Name

Public/Industry


Mr. Simone Sicola



Date of Decision: APRIL 18, 1995