

N.A.S.D. REGULATION AWARD
NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.

CASE: 99-01220

The Estate of Sarah M. Holdsworth, claimant vs. Merrill Lynch Pierce Fenner & Smith, Inc. and Jim Goff, respondents.

ATTORNEYS:

Claimant appeared through one of its Executors, Sally A. Rogers, who appeared Pro Se., Ocean City, NJ.

For Respondents, Merrill Lynch Pierce Fenner & Smith and Jim Goff, appeared General Counsel of Merrill Lynch Pierce Fenner & Smith, Inc., Peter Von Biso, Esq., New York, NY.

DATE FILED: 03/16/99

CASE SUMMARY: Claimant, Sally A. Rogers, Co-Executor of the Sarah Holdsworth Estate, filed a complaint against respondents with respect to an Annuity Contract, part of the estate, and which was originally a Tandem Policy. Ms. Rogers maintained that according to respondent, Merrill Lynch, this annuity was changed from Tandem to a new policy on February 17, 1994. There were four beneficiary changes. Claimant also maintained that all beneficiary changes were supposed to be witnessed. Claimant further alleged that respondent, Jim Goff, never bore actual witness to Ms. Sarah Holdsworth's beneficiary changes. Therefore, when respondents accepted Ms. Holdsworth's signature as authentic based upon visual acquaintance respondents handled the beneficiary change transactions in an unprofessional manner, transactions from which respondents received considerable compensation. Co-Executor, Ms. Rogers, stated that as a result of the last policy change, dated June 11, 1997, the reduced percentage Ms. Rogers, also a beneficiary, she was to receive was 40%, which Ms. Rogers contested. Additionally, Ms. Rogers maintained that respondents failed to have Ms. Sarah Holdsworth have her signature on those beneficiary changes witnessed; the steps taken for those changes failed to comply with the instructions required by the change; and last, failing to have Ms. Holdsworth's signature witnessed created a precedent whereby if her signature did not have to be witnessed it diminished the importance of the document.

Claim Data

Claim: \$25,000.00
Filing Fees: \$0.00

Award Data

Award: \$0.00
Filing Fees: \$0.00

Page Two
Award 99-01220

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimant are dismissed in their entirety. 2) The \$150.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the claimant, shall be retained by NASD Regulation, Inc.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent has paid to NASD Regulation, Inc. the \$400.00 Member Surcharge previously invoiced.

AFFIRMATION

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



Melvin Steuerman

January 7, 2000

Date of award