

2009

Pamela Cosby v. Adrian Jefferson, an individual, Rosalind E. Cezares, an individual : Reply Brief

Utah Court of Appeals

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IN THE COURT OF APPEALS STATE OF UTAH	
PAMELA COSBY, Plaintiff/Appellee, v. ADRIAN JEFFERSON, an individual, ROSALIND E. CAZARES, an individual, Defendants/Appellant.	APPELLANT' REPLY BRIEF <i>Appellate No 20091035</i> <u>Civil No. 090907838</u> Judge: Robert Hilder

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LIST OF PARTIES

THE CAPTION OF THE CASE CONTAINS THE NAMES OF ALL PARTIES

**FILED
 UTAH APPELLATE COURTS**

AUG 31 2010

IN THE COURT OF APPEALS
STATE OF UTAH

PAMELA COSBY,

Plaintiff/Appellee,

v.

ADRIAN JEFFERSON, an individual,
ROSALIND E. CAZARES, an individual,

Defendants/Appellant.

APPELLANT' REPLY BRIEF

Civil No. 090907838

Judge: Robert Hilder

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ARGUMENT

THERE WAS NO FRAUDULENT CONVEYANCE BECAUSE APPELLE CANNOT EXECUTE ON THE HEIR'S CLAIM UNTIL THE ESTATE IS FINALIZED

Public policy must forbid the type of collusion that has occurred here. Appellant contends that Pamela Cosby's execution was made in bad faith and cannot, as a matter of law, extinguish Appellant's standing in the probate court, which is Appellee's intent. The Court should clarify the law regarding this issue.


Appellee could have had a proper judgment lien against the estate and been paid its judgment upon the estate's distribution. Allowing a judgment creditor to take away an heir's right in a highly contested probate proceeding is contrary to public policy. Under Appellee's interpretation of the law, she could recover a value grossly in excess to the judgment amount, leaving Appellant with no recourse or protection.

There could not have been a fraudulent conveyance if the law does not allow an interest in an estate to be executed upon prior to the estate's closure. Appellee would have been protected from any transfer or assignment if it had properly filed a judgment lien in the estate case. There could not have been a fraudulent conveyance if the law does not allow execution on the heir's claim before the estate is finalized.

CONCLUSION

For the reasons set forth herein, the judgment of the lower court should be reversed

DATED this ____ day of August, 2010.



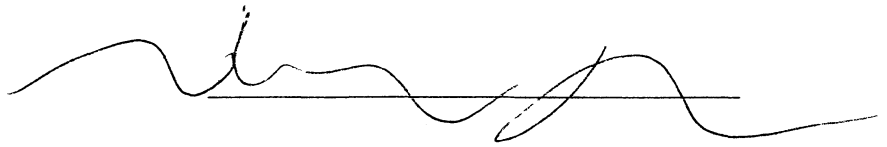
Defendant/Appellant

CERTIFICATE OF MAILING

I hereby certify that on this 31 day of August, 2010, I caused to be served via first class U.S. mail, postage pre-paid, a true and correct copy of the foregoing

Appellant's Reply Brief to the following:

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A handwritten signature in black ink, appearing to read "Shawn Turner", is written over a horizontal line. The signature is fluid and cursive, with a prominent initial "S" and "T".