

1988

## Bellon v. Malnar : Unknown

Utah Supreme Court

Follow this and additional works at: [https://digitalcommons.law.byu.edu/byu\\_sc1](https://digitalcommons.law.byu.edu/byu_sc1)



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Supreme Court; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Robert F. Orton; Attorney for Respondents.

Gordon A. Madsen; Robert C. Cummings; Attorneys for Defendant.

---

### Recommended Citation

Legal Brief, *Bellon v. Malnar*, No. 880226.00 (Utah Supreme Court, 1988).  
[https://digitalcommons.law.byu.edu/byu\\_sc1/2172](https://digitalcommons.law.byu.edu/byu_sc1/2172)

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Supreme Court Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at [http://digitalcommons.law.byu.edu/utah\\_court\\_briefs/policies.html](http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html). Please contact the Repository Manager at [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu) with questions or feedback.

IAH  
DOCUMENT  
FU  
5.9  
39  
DOCKET NO.

BRIEF

880226

**ROBERT C. CUMMINGS**  
Attorney at Law  
**225 SOUTH SECOND EAST**  
**SALT LAKE CITY, UTAH 84111**

MAY 24 1990

Clerk, Supreme Court, Utah

TELEPHONE  
(801) 322-1141

May 21, 1990

Mr. Geoffrey J. Butler,  
Clerk, Supreme Court of Utah  
332 State Capitol Building  
Salt Lake City, Utah 84114

Re: Bellon et al. vs. Malnar  
Case No. 88-0226

Dear Mr. Butler:

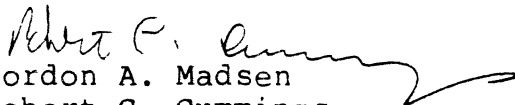
This letter is sent pursuant to Supreme Court Rule 24(j) in response to a letter of May 18, 1990, sent to you by respondents.

In that letter respondents cite the case of Halfon v. Title Ins. and Trust Co., 634 P.2d 660 (Nev. 1981) as being a "supplemental pertinent and significant authority" coming to their attention after oral argument. In defendant's view, the case is neither pertinent nor significant for the following reasons:

1. The case does not deal with a real estate contract forfeiture and is not a Utah case, and is therefore neither relevant nor binding.

2. The letter is misleading. It asserts that the citation pertains to a question raised at oral argument "concerning the extent to which a seller who has repossessed real property sold under contract is entitled to claim proceeds awarded in an eminent domain action commenced at a time when the buyer was in lawful possession." It then asserts that the Halfon case "addresses this issue in the context of property subject to a deed of trust." The Halfon case involves a trust deed deficiency and does not discuss or address real estate contracts (or forfeitures thereunder) in the context of trust deeds.

Sincerely,

  
Gordon A. Madsen  
Robert C. Cummings

nss

cc: Virginia Lee  
Robert F. Orton