

1991

Bair v. Bair : Unknown

Utah Supreme Court

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UTAH SUPREME COURT

FILED

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December 16, 1986

Geoffrey Butler, Clerk
Utah Supreme Court
322 State Capitol Bldg.
Salt Lake City, Utah 84114

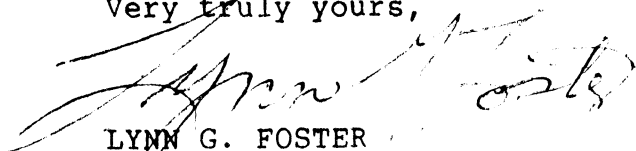
Re: Bair v. Bair - Dockete No. 19,747

Dear Mr. Butler:

I lost track of how very long the above-identified appeal has been pending. Mr. McDowell is quite right; the present appeal preceded the current Appellate Rules of the Utah Supreme Court and is, therefore, governed by Old Rule 74, except the finding of fact made by Judge Dee that the amount here in controversy is alimony is not an issue available to Mr. McDowell's client on appeal, unless Judge Dee's holding was clearly erroneous or an abuse of discretion, neither of which is present here. There is a substantial basis in fact to support Judge Dee's finding of alimony and, in respect to said finding, no abuse is alleged and none has been established in this appeal.

The remainder of Mr. McDowell's letter of December 12, 1986 is spurious. A reply thereto would be duplicative and, therefore, a waste of the Court's time. The Appellant proceeded at all times in good faith and relies upon his prior submissions to the Court as a full and complete response to the second half of Mr. McDowell's December 12, 1986 letter.

Very truly yours,



LYNN G. FOSTER
Attorney for Appellant

cc: Gordon R. McDowell, Jr.
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LGF/jds