

1992

LeAnna Robbins v. Old Republic Surety : Unknown

Utah Supreme Court

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DOCKET NO. 920300

BRIEF

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August 25, 1992

FILED

AUG 26 1992

**CLERK SUPREME COURT,
UTAH**

Mr. Geoffrey J. Butler, Clerk
UTAH SUPREME COURT
332 State Capitol Building
Salt Lake City, UT 84114

Re: LeAnna (Broadwater) Robbins v
Old Republic Surety Et al.
Docket No. 920300

Dear Mr. Butler:

In preparation for oral argument in the above-entitled appeal, I have detected three minor errors in the factual statement contained in Appellant's Brief. I am submitting herewith a revised page 4 to correct the following errors:

1. On line 8, the date now reads June 17, 1981, rather than August 23, 1982. The reference to the record now reads R.43, rather than R.71.

2. The date on line 15 now reads August 23, 1982, rather than November 23, 1982.

3. The reference to "Certificate No. 676" on line 19 has been eradicated.

I apologize for not having picked up these errors prior to the filing of Appellant's Brief.

I am also enclosing a proposed Stipulation, Motion and Order Supplementing Record on Appeal for submission to the court for entry. The proposed supplement should facilitate the court's handling of this matter on appeal.

presented those 8,000 shares of Cardinal stock, reflected by Certificate No. 258, to defendant Atlas Stock Transfer Company ("Atlas") and requested that said shares be transferred into her name in accordance with Utah Code Ann. § 70A-8-306 (1953). (Id.) This appeal arise out of the alleged wrongful refusal of Atlas and Check Rite to transfer the subject shares into plaintiff's name.

The 8,000 shares of stock in dispute were originally purchased on or about June 17, 1981, by defendant Scott J. Fletcher ("Fletcher"). (R. 43) During the period of time Fletcher owned the stock, he informed Atlas, the stock transfer agent of Cardinal, that Certificate No. 258 had been lost or stolen. (R. 72) In order to obtain a replacement certificate, Fletcher was required to obtain a lost instruments bond in accordance with Utah Code Ann. § 70A-8-405(2)(b) (1953). Fletcher eventually obtained a lost instruments bond on August 23, 1982 from Northwestern National Insurance Company, the predecessor in interest of Old Republic Surety Company ("Old Republic"). (R. 73, 107) After tendering the lost instruments bond to Atlas, Atlas issued Fletcher a new certificate, representing 8,000 shares of Cardinal stock. (Id.) Subsequently, Atlas placed a stop transfer order on Certificate No. 258. (R. 77)

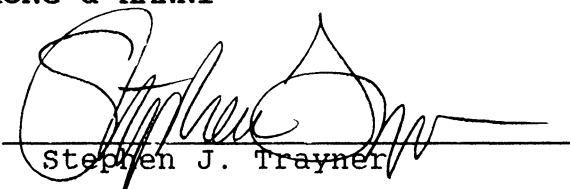
Apparently unknown to Fletcher, plaintiff on or before May 4, 1988, presented the previously lost Certificate No. 258 to Atlas for transfer. (R. 77, 311) Due to the existence of the stop transfer order on Certificate No. 258, Atlas refused to transfer

Mr. Geoffrey Butler
August 25, 1992
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Should you have any questions, please feel free to contact me.

Yours truly,

STRONG & HANNI

By: 
Stephen J. Trayner

SJT/pdm
Encls.

cc: Philip R. Hughes
John Michael Coombs
Larry Reed