

IN THE UTAH COURT OF APPEALS

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| Pamela Cosby, |) | MEMORANDUM DECISION |
| |) | (Not For Official Publication) |
| Plaintiff and Appellee, |) | |
| |) | Case No. 20091035-CA |
| v. |) | |
| |) | |
| <u>Rosalind E. Cazares</u> and |) | F I L E D |
| Adrian Jefferson, |) | (September 30, 2010) |
| |) | |
| Defendant and Appellant. |) | 2010 UT App 269 |

Third District, Salt Lake Department, 090907838
The Honorable Robert K. Hilder

Attorneys: Rosalind E. Cazares, Herriman, Appellant Pro Se
 Shawn D. Turner, Salt Lake City, for Appellee

Before Judges Davis, Voros, and Roth.

PER CURIAM:

Appellant Rosalind E. Cazares¹ appeals the district court's order granting summary judgment in favor of Pamela Cosby. The judgment provided that (1) the purported transfer of Cazares's interest in the Estate of Rosemary Cosby to Adrian Jefferson is void and (2) all of Cazares's interest in the Estate of Rosemary Cosby Case No. 973900220ES is quieted in Pamela Cosby subject only to the interest of the Inheritance Funding Company as that claim is disclosed in the probate action. Although Cazares makes arguments related to the probate case, the case underlying this appeal concerns the purported conveyance of Cazares's interest in the estate to her son, Adrian Jefferson, and the effect of the sale of that interest to Pamela Cosby.

Cazares's brief adopts the undisputed facts set forth in the district court's judgment, adding only an assertion that Pamela Cosby's actions were calculated to stop the probate litigation. As such, Cazares's claims on appeal are limited to a challenge to

¹Cazares's pro se brief is necessarily limited to addressing her own claims because she cannot represent Adrian Jefferson on appeal, and Jefferson did not file a brief.

the district court's determination that Pamela Cosby was entitled to judgment as a matter of law. After concluding that there were no undisputed issues of material fact, the district court concluded that (1) Cazares's purported transfer of the entire estate of Rosemary Cosby to Jefferson was an invalid fraudulent transfer; (2) Cazares's interest in the estate of Rosemary Cosby was vested in her at the time of the constable's sale; and (3) the sale of Cazares's interest in the estate was not against the public interest. Accordingly, the district court concluded that "[t]he constable's sale of all of Ms. Cazares's interests in the Estate of Rosemary Cosby is valid and title to those interests, subject to the claim of the Inheritance Funding Company is hereby quieted in Pamela Cosby."

Cazares does not challenge the determination that her purported transfer of the estate of Rosemary Cosby to Jefferson was invalid. On appeal, she first claims that Pamela Cosby could not execute upon Cazares's interest in the estate of Rosemary Cosby because its monetary value had not been determined. Cazares next claims that public policy forbids Pamela Cosby from extinguishing Cazares's claim upon the estate through execution and purchase of that claim at the constable's sale.

Cazares argues that there could be no execution and sale of her interest in the estate of Rosemary Cosby because the amount of the interest has not been ascertained. This challenges the district court's conclusion that Cazares's interest in the estate of Rosemary Cosby was vested at the time of the constable's sale. Cazares cites no legal support for her argument. Furthermore, she herself assigned a portion of her interest to the Inheritance Funding Company. Because Cazares does not provide adequate legal or factual analysis of her claim, we do not consider it. "This court has routinely declined to consider arguments which are not adequately briefed on appeal." State v. Yates, 834 P.2d 599, 602 (Utah Ct. App. 1992); see also Utah R. App. P. 24(a)(9) (requiring argument to contain the contentions and reasons of the appellant with citations to authorities, statutes, and parts of the record relied upon).

Cazares's second claim is based upon her reading of Snow, Nuffer, Engstrom & Drake v. Tanasse, 1999 UT 49, 929 P.2d 351. In Tanasse, the Utah Supreme Court held that "it is against the public policy of Utah for a law firm to purchase in an execution sale a legal malpractice cause of action that has been filed against it." Id. ¶ 19. In Applied Medical Technologies v. Eames, 2002 UT 18, 44 P.3d 699, the supreme court described Tanasse as an exception to the general rule that a judgment creditor can purchase any nonexempt property at a sheriff's sale to satisfy the judgment that it has against the judgment debtor. See id. ¶ 13. Generally, "a defendant can purchase claims, i.e.,

choses of action, pending against itself and then move to dismiss those claims." Id. In Applied Medical Technologies, the supreme court was asked to extend the Tanasse exception to all judgment creditors that purchase claims against themselves. See id. The supreme court declined to extend the exception to nonlawyers who purchase claims against themselves, noting that the Tanasse exception was based upon its constitutional duty to regulate and supervise the actions of attorneys in the practice of law. See id. ¶ 20. Cazares's reliance on the Tanasse exception is misplaced for several reasons. First, Pamela Cosby did not purchase a chose in action that was a claim against herself. Second, the purchase of Cazares's interest in the estate of Rosemary Cosby is not precluded by the limited public policy-based exception announced in Tanasse and interpreted in Applied Medical Technologies. Accordingly, we affirm.

James Z. Davis,
Presiding Judge

J. Frederic Voros Jr., Judge

Stephen L. Roth, Judge