



Opinion 528

Published on District of Utah (<https://www.utb.uscourts.gov>)

Opinion Title: 04/27/2009 PUBLISHED In re Jubber v. Sleater, Case No. 08-02077, Judge Thurman.

Body: This was a hearing on a motion for summary judgment, where the Court considered whether to strike Defendant's declarations and to grant Plaintiff's motion for summary judgment based on the Defendant's default on two promissory notes held by the Debtors. The Court concluded that the majority of the statements contained in declarations constituted inadmissible hearsay, parole evidence, lack of personal knowledge, and inappropriate legal conclusions, and were, therefore, stricken. Relying on sections 70A-3-104 and 70A-3-303 of the Utah Code, the Court concluded that the certain promissory notes were negotiable instruments, that the Defendant was their "maker" under Utah law, and that antecedent debt was sufficient consideration for the notes. Accordingly, the Court granted the Trustee's motion for summary judgment.

File:  [528.pdf](#) [1]

Judge: [Judge William T. Thurman](#) [2]

Date: Monday, April 27, 2009

Source URL: <https://www.utb.uscourts.gov/opinions/opinion-528#comment-0>

Links

[1] <https://www.utb.uscourts.gov/sites/default/files/opinions/528.pdf>

[2] <https://www.utb.uscourts.gov/content/judge-william-t-thurman>