

(4) A "FINANCIAL INTERMEDIARY" IS A BANK, BROKER, CLEARING CORPORATION OR OTHER PERSON (OR THE NOMINEE OF ANY OF THEM) WHICH IN THE ORDINARY COURSE OF BUSINESS MAINTAINS SECURITY ACCOUNTS FOR ITS CUSTOMERS AND IS ACTING IN THAT CAPACITY. A FINANCIAL INTERMEDIARY MAY HAVE A SECURITY INTEREST IN SECURITIES HELD IN ACCOUNT FOR ITS CUSTOMER.

8-314.

(1) Unless otherwise agreed [where] IF a sale of a security is made on an exchange or otherwise through brokers:

(a) The selling customer fulfills his duty to [deliver when] TRANSFER AT THE TIME [he] HE:

(I) [places such] PLACES a CERTIFICATED security in the possession of the selling broker or of a person designated by the broker; [or]

(II) CAUSES AN UNCERTIFICATED SECURITY TO BE REGISTERED IN THE NAME OF THE SELLING BROKER OR A PERSON DESIGNATED BY THE BROKER;

(III) [if] IF requested, causes an acknowledgment to be made to the selling broker that [it] A CERTIFICATED OR UNCERTIFICATED SECURITY is held for [him; and] THE BROKER; OR

(IV) PLACES IN THE POSSESSION OF THE SELLING BROKER OR OF A PERSON DESIGNATED BY THE BROKER A TRANSFER INSTRUCTION FOR AN UNCERTIFICATED SECURITY, PROVIDING THE ISSUER DOES NOT REFUSE TO REGISTER THE REQUESTED TRANSFER IF THE INSTRUCTION IS PRESENTED TO THE ISSUER FOR REGISTRATION WITHIN 30 DAYS THEREAFTER; AND

(b) The selling broker including a correspondent broker acting for a selling customer fulfills his duty to [deliver] TRANSFER AT THE TIME HE:

(I) [by placing the] PLACES A CERTIFICATED security [or a like security] in the possession of the buying broker or a person designated by [him or] THE BUYING BROKER;

(II) CAUSES AN UNCERTIFICATED SECURITY TO BE REGISTERED IN THE NAME OF THE BUYING BROKER OR OF A PERSON DESIGNATED BY THE BUYING BROKER;

(III) PLACES IN THE POSSESSION OF THE BUYING BROKER OR OF A PERSON DESIGNATED BY THE BUYING BROKER A TRANSFER INSTRUCTION FOR AN UNCERTIFICATED SECURITY, PROVIDING THE ISSUER DOES NOT REFUSE TO REGISTER THE REQUESTED TRANSFER IF THE INSTRUCTION IS PRESENTED TO THE ISSUER FOR REGISTRATION WITHIN 30 DAYS THEREAFTER; OR