

STATEMENT OF LEGAL ISSUES

1. Whether the trial court erred when it determined there were underinsured motorist benefits available when the amount paid on behalf of the tortfeasor exceeded the limits of Union's underinsured motorist coverage.

The trial court held that Gloe was entitled to underinsured motorist benefits under SDCL § 58-11-9.5.

2. Whether the trial court erred in interpreting Union's policy when it determined that there were underinsured motorist benefits available to Michael Gloe.

The trial court held that Gloe was entitled to underinsured motorist benefits under its interpretation of Union's policy.