

Probate judge defends appraisers for court

By W. James Van Vliet

Charges that probate court-appointed appraisers were "incompetent, irresponsible and interested solely in a fee" brought a sharp denial from Presiding Probate Judge Francis J. Talty yesterday.

Judge Talty said neither he nor Judge Ralph S. Locher has received a single complaint as to the competency or responsibility of court-appointed appraisers.

The changes were made in the latest issue of the journal of the Bar Association of Greater Cleveland.

The journal article, signed by lawyer Robert M. Brucken of the law firm Baker, Hotstetler & Patterson, said:

"Court-appointed appraisers (as distinguished from specialists privately hired for tax appraisals) were described as incompetent, irresponsible and interested solely in a fee that was by definition too high because they performed no services of any value to the estate."

Brucken, chairman of the bar's probate court committee, was commenting upon observations made in some

150 replies to questionnaires sent out to the association's 4,000 members.

"Apparently," the article continued, "the present appraisal system with its hazards of favoritism (if the appraiser need perform no services, he need have no qualifications) is a cancer on the fine record of our court."

Judge Talty said, "In 1973, Judge Locher and myself used more than 400 persons as appraisers. All of these people we know personally and believe them to be suitable and disinterest-

ed parties as well as experienced enough to do the work required of them.

"Each lawyer, including the writer of the article (Brucken), is by sworn duty an officer of this court and has the professional responsibility to call to the court's attention any matter in which he has personal knowledge of impropriety on the part of any court-appointed appraiser."

When asked by a reporter for the names of incompetent and irresponsible appraisers, Brucken said, "It doesn't matter who they are

because there is nothing for them to do."

Asked also if he personally knew of any cases where a court-appointed appraiser had failed to perform duties required of him, Brucken said, "I personally can recall only a very few cases where there was anything for an appraiser to do."

He added that the committee's quarrel "is not with the court but with the legislature and the law as it now exists. There is legislation pending before the Ohio House and if enacted, it will abolish the current appraiser system."

Ohio probate court now requires the court to appoint at least one disinterested person as an appraiser to assess the net worth of an estate.

Court rules set an appraiser's fee, which ranges from \$10 to \$500 depending upon the net worth of the estate.

"It is not uncommon in small estates for court-appointed appraisers to not charge an appraisal fee," the judge said.

When asked about favoritism shown by the court to specialists in the probate field, Brucken said:

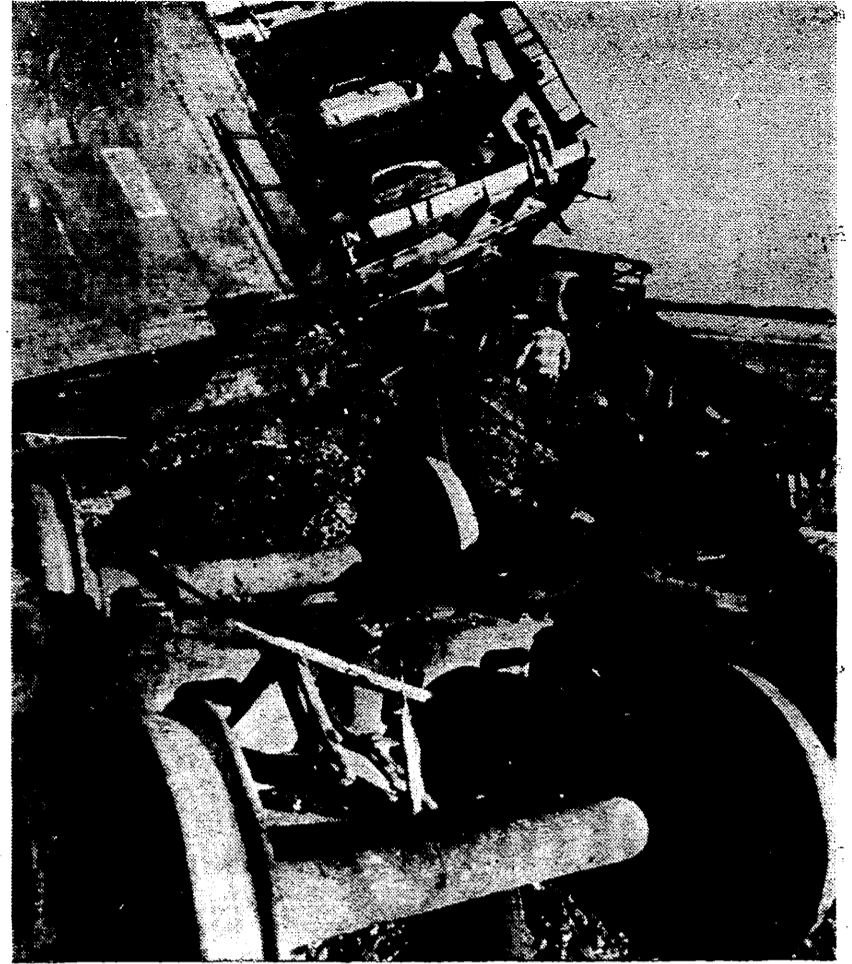
"This charge was made by some lawyers in the questionnaires. This can mean a number of things. A charge of favoritism doesn't necessarily mean that there is favoritism. It could be sour grapes on the part of some lawyers.

"After we as a committee have had an opportunity to study these replies fully, it probably will be borne out that there is little or no substance to the allegation of favoritism," he said.

He added he wrote the article because "the committee did not have time to study the returns in depth because of editorial deadlines."

Drug controls advance

WASHINGTON (AP)—Bills to tighten control over the heroin substitute methadone and to strengthen research on diabetes were approved yesterday by the House Commerce Committee.



Thirty of 140 cars of an Illinois Central Gulf freight train derailed near Benton, Ill. No injuries were reported.

Train crashes

Ted Brown rejects Nolan's bid to force Gilligan off May ballot

COLUMBUS (AP)—A move to force Gov. John J. Gilligan's name off the ballot for the May 7 primary was rejected yesterday by Secretary of State Ted W. Brown.

The challenge was filed by Gilligan's opponent in the Democratic primary for governor, James D. Nolan of Cleveland.

Nolan said Gilligan's nominating petitions are invalid because the governor used a Cincinnati address as his residence. Gilligan sold the property almost three years ago.

Brown ruled, however, that state and federal officeholders may claim the resi-

dence they held before election as their official residence.

A court ruling against Gilligan could leave Nolan as the Democratic candidate in the November general election.

Nolan admitted copies of Gilligan's federal income tax returns for 1970 to 1973, which listed the governor's address as the Governor's Mansion in Columbus.

Nolan also submitted automobile registration certificates in which members of the Gilligan family listed the Columbus address as their current address, and the Cincinnati address as their previous address.

Brown ruled against the

protest after only a brief hearing, acknowledging Nolan's intention of appealing any ruling to the Ohio Supreme Court.

Brown is to rule March 5 on how the name of William K. Brown, a Democratic candidate for secretary of state, should appear on the May ballot. He ruled last Friday that Brown was entitled to appear on the ballot.

William Brown had indicated he wanted his name on the ballot listed as William "Bill" Brown. However, the secretary of state said voters might confuse Brown, the candidate, with Ohio Atty. Gen. William J. Brown, who is running for re-election.

Services tomorrow for John J. Pohto

Services for John J. Pohto, 73, a former teacher and coach in the Euclid school system, will be in the Brickman & Sons funeral home, 21900 Euclid Ave., Euclid, at 11 a.m. tomorrow. He died Monday in his home in Euclid.

Mr. Pohto taught mathematics, architectural drawing and had served as a counselor in the Euclid schools and had coached in several major sports, including wrestling and baseball, from 1929 until he retired in 1965. From 1965 until 1971, he worked in the engineering department of Euclid.

He was born in Fairport Harbor, was graduated from

Dr. F. L. Mulhauser

Memorial services for Dr. Frederick L. Mulhauser, 62, a former Clevelander and a professor at Pomona (Calif.) College since 1941, will be at the college at a time to be announced.

He died Monday in his home, 1175 N. College Ave., Claremont, Calif.

Dr. Mulhauser, born here, was graduated from the College of Wooster and received his master's degree and his doctorate in English literature from Yale University.

He taught at Hiram College in 1935 and 1936 and at Northwestern University prior to teaching at Pomona College.

Survivors include his wife, Margaret; a son, Frederick V., and a sister, Dr. Ruth Mulhauser, a professor of French at Case Western Reserve University.

U.S. Deaths

From Wire Reports

NEW ORLEANS — Frank Assunto, 42, trumpeter and leader of the Dukes of Dixieland who played New Orleans jazz, died here. Formed by Assunto in the late 1940s, the group gained national fame after appearing on the Horace Heidt radio show in the 1950s. Clarinetist Pete Fountain played with the group at one time.

HANOVER, N. H. — Paul S. Sample, 77, artist-in-residence emeritus at Dartmouth College, died of heart failure at a hospital here. He was noted for landscapes and seascapes.

WILMINGTON, Del. — The Rev. William Henry Mead, 53, seventh bishop of the Episcopal Diocese of Delaware, died here of a heart attack.

AUGUSTA, Ga. — Lucius H. Pitts, 59, president of Paine College since 1971, collapsed and died while at work in his campus office here.

Ohio State University and received his master's degree in education from Western Reserve University.

He was a member of the Euclid Softball Commission. Survivors include his wife, Elizabeth; a son, the Rev. J. Thomas, Miami, Fla., and a daughter, Marcia Nelson.

William C. Zucker

Services for William C. Zucker, 78, founder, past president and former chairman of the board of Zucker Stores for Men, will be in the Lithgow funeral home in North Miami, Fla., at 12:30 p.m. today.

Mr. Zucker died Monday in his home, 3001 S. Ocean Dr., Hollywood-by-the-Sea, Fla. He retired as chairman of the board in 1963 and moved to Florida.

He established the business in 1917 as a dry goods store. The main store of Zucker's, formerly at 1120 Euclid Ave., now is at 1250 Huron Rd. SE.

Mr. Zucker, born here, was a former member of Fairmount Temple, the Beechmont Country Club and was a 50-year member of Forest City Masonic Lodge.

Survivors include his wife, Cele E., and a son, Leonard O., president of Zucker's.

Louis Licciardi

Louis Licciardi, 83, who worked for the city as an inspector of weights and measures at his retirement in 1956, died yesterday in the Mease Hospital, Dunedin, Fla.

Before he worked for the city, Mr. Licciardi had owned and operated Paris Art Embroidery Co.

He was born in Italy and had been a captain in the Italian army in World War I. He came here in the early 1920s.

Mr. Licciardi devoted some of his spare time to helping Italian immigrants and was honored by the Italian government for his work in the Italian community here.

He had a home here and a winter home in Florida at 2348 Shelley St., Clearwater.

Survivors include his wife, Adele, and daughters, Mrs. William Bellan and Mrs. Alvin Sans.

Services will be in St. Anthony Catholic Church, 6750 State Rd., Parma, at 10 a.m. Friday.

Albert Fox

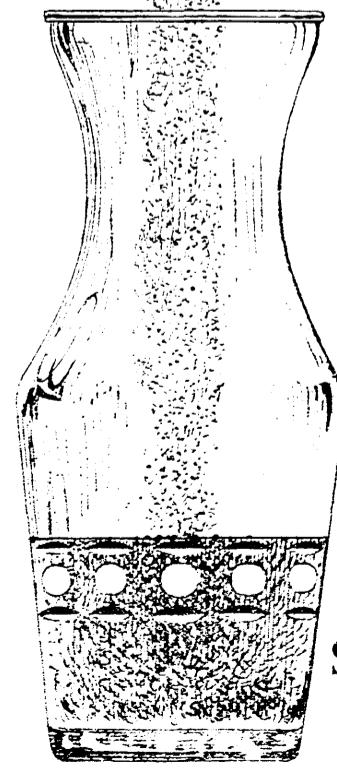
Albert Fox, 67, a real estate investor and former owner of the North Moreland Courts, died yesterday in Mount Sinai Hospital.

Mr. Fox sold the apartment complex in 1965. He had also owned and operated Fox's Cafe, 12419 Arlington Ave. NE, until he sold it in 1964.

Survivors include his wife, Betty, and daughters, Mrs. Larry Wymor and Mrs. David Garfield. His home was at 2444 S. Belvoir Blvd., University Heights.

Services will be in the Berkowitz-Kumin memorial chapel, 1985 S. Taylor Rd., Cleveland Heights, at 1 p.m. today.

This could be the start of something great.



Great Beginnings.

Great because it blends lively herbs and tangy spices to bring out your salad's greatness every time. Great because it comes in nine flavors. Italian, Mild Italian, Low Calorie Italian, Garlic, Caesar, Blue Cheese, French, Tarragon French, Avocado. Great because it's better than good, it's Great Beginnings.

Great Beginnings Salad Dressing Mix and Cruet