

PROBLEM FOR PROBATE COURT

Shall Widow's or Brother's Inheritance Pay Late J. D. Zien's Debts.

ESTATE CAN LIQUIDATE;
CREDITORS ARE WAITING

Three Duluth Law Firms Are Represented in the Hearing.

In the administration of the estate of the late Jacob D. Zien a fine point has come up to be decided by the probate court. Yesterday several hours were taken in arguments before the court. The property of the estate amounts to \$100,000 or more and there were debts of about \$20,000 to be paid with provision that these should be satisfied from funds obtained by the sale of personal property. The personal property was sufficient to pay only about one-half of the debts.

The estate is fully solvent, but the question to be decided is as to what part of the property shall bear the burden of paying the approximately 50 per cent of the debts that are still unpaid. A part of the estate includes the Frederic hotel building and property which Mr. Zien held on a 50-year lease. That property and the revenues from it were bequeathed to his wife during her life time and after her death, it was provided the property should go to his brother Isaac Zien of Milwaukee or his heirs. Sufficient rents have accumulated in the hands of the executors to pay what is still unpaid of the \$20,000 indebtedness, but the widow makes the claim that since the property was left her she sets up the claim that the rents may not be used for the payment of any indebtedness. She asserts that other property should be converted into money for the payment of the debts before her property is touched. The other property is that which will eventually go to Isaac Zien, by terms of the will. The latter by his attorneys sets up the claim that the rents from the Frederic hotel property are available and should be used for the payment of the debts of the late Jacob D. Zien.

The debts must be paid and the estate is able to pay them. It is just a question of what part of the estate shall furnish the money for the payment of the claims. The question in brief is: Is it legal to pay these debts from the rents of the property which was willed to Mrs. Zien?

The executors are represented by C. O. Baldwin. He submits the case without argument. Isaac Zien of Milwaukee, is represented by Oscar Mitchell and Mathilda M. Zien, the widow, by Crassweller & Crassweller. The case will be taken under advisement by Probate Judge S. W. Gilpin.