

RENTALS GO TO THE WIDOW

Judge Gilpin Decides Matter of
Zien Estate—Includes the
Frederic Hotel.

ADMINISTRATION COSTS FROM REST OF ESTATE

Question a Unique One and Ap-
peal May Be Taken To
Higher Courts.

Probate Judge S. W. Gilpin yesterday filed his decision in the matter of the estate of Jacob D. Zien, deceased, who owned the Frederic hotel building at First avenue west and First street and held a 50-year lease on the land upon which it is situated. The property was left to the widow, Mrs. Mathilda Zien as a life estate after which it was to go to the decedent's brother, Isaac Zien of Milwaukee. In the administration of the estate it was found that the personal property was not sufficient to pay the indebtedness and the question arose as to whether the debts and expenses of administration should be paid from the interest of the widow or the remainder interest of the brother of the dead man.

The question, it is said, is one which has never before been decided in the state and appeal to the district and possibly the supreme court of the state is probable. Judge Gilpin's finding is in favor of the widow and gives her the rentals from the hotel property, which have been collected by the administrator but could not be applied in the payment of the debts until the question was settled, and deciding that it is necessary to sell certain real estate instead for the payment of administration expenses. The decision is to the effect that if the property other than the hotel is not sufficient to pay the debts then the estate of Isaac Zien may be sold and after that the life estate of the widow and Judge Gilpin specifies the order in which they are to be sold, Isaac Zien's interest first and Mathilda Zien's interest last.

Several hearings were held in the matter and Judge Gilpin has had his decision under consideration for a number of days. Isaac Zien was represented by Washburn, Balley & Mitchell; C. O. Baldwin and Samuel Levy, the executors, by Baldwin, Baldwin & Dancer, and Mrs. Mathilda Zien by Crassweller, Crassweller and Blu.