

Atlantic County Orphans' Court

3536

In the matter of the estate of John H. Dennis, deceased, On petition for reduction of Counsel Fee.

The petition of Joseph Schwartz, respectfully shows,

First, that John H. Dennis, deceased, was indebted to the petitioner in the sum of eighteen hundred and seventy-five dollars (\$1875), and that letters of administration on the estate of John H. Dennis, deceased, were duly issued to William Dennis by the surrogate of Atlantic County.

Second, that a bill to foreclose a mortgage upon the only property of which John H. Dennis died seized, was filed by Solomon Kappelbach and others in the Chancery Court of New Jersey, the sale under said foreclosure would completely foreclose whatever equity the said John H. Dennis might have in the said land.

Third, that the estate of John H. Dennis, deceased, was insolvent, and, in order to have sufficient money to pay the decedent's debts, your petitioner under an agreement with the administratrix, obtained a judgment against her as such administratrix, in the sum of \$2543.75, and was made a party defendant to the foreclosure, and that, under said agreement your petitioner bid in the said property, on sale for the sum of five thousand fifty dollars, in order that there should be sufficient surplus money to pay the decedent's debts.

Fourth, that the administratrix failed and refused to obtain such surplus money, amounting to the sum of \$2050.83 from the Court of Chancery, until your petitioner, petitioner, this honorable Court, for an order discharging her as such administratrix, this petition being based upon such refusal.

Fifth, that this Court ordered said administratrix to proceed and obtain such surplus money within the given time, otherwise she would be removed.

Sixth, that, sometime afterwards the administratrix took the necessary steps and obtained said surplus money from the Court of Chancery and filed her account in this Court, which said account was duly proved on the nineteenth day of February, at which time, Eli H. Chandler, her attorney, was allowed the sum of Five Hundred Dollars (\$500) Counsel fee, from whatever remained of the said surplus money after the expenses of said administration and widows dower were paid, leaving the sum of six hundred eighty-nine dollars to be distributed to the creditors of the estate.

Your petitioner further says that the allowance of such exorbitant Counsel fee is inequitable and unjust, especially in view of the fact that the estate of John H. Dennis, deceased, was insolvent, and there would have been no money to even pay the expenses of the administration, were it not for the action of your petitioner in bidding up the property at said foreclosure, whereby said William Dennis, administratrix, did obtain sufficient money to pay in full the dower rights of said William Dennis and a sum sufficient to pay in full the debts of John H. Dennis, deceased.

Your petitioner therefore prays this Court may reduce the said exorbitant Counsel fee of Five Hundred Dollars granted to Eli H. Chandler, Attorney of the said William Dennis administratrix as aforesaid, to the sum of one hundred and fifty dollars (\$150.00) or such other sum as is commensurate

with the difficulties involved in the matter and with the time bestowed by the said attorney upon the said matter. And your petitioner will ever pray, etc.

Dated March 10, 1913.
Atlantic City, N. J.

Joseph Schwartz
Petitioner

State of New Jersey }
County of Atlantic }
I, Joseph Schwartz, of full age, being duly sworn up on his oath according to law, depose and say that he is the petitioner upon the foregoing petition named, and that the matters and things contained therein are true to the best of his knowledge and belief.

Given and subscribed to before me this fourteenth day of March, 1913.

Chas. M. Wright
Notary Public
of New Jersey.

Joseph Schwartz.

Atlantic County Orphans' Court

In the matter of the estate of John H. Dennis, deceased. Rule to show Cause.

Application having been made by Joseph Schwartz, a creditor of the estate of John H. Dennis, deceased asking that the attorney's fee heretofore allowed to Eli H. Chandler, Attorney for William Dennis, Administratrix of the estate of John H. Dennis, deceased, be reduced.

It is, on this twenty-second day of March, ordered that the said Eli H. Chandler show cause before the Honorable Court, Judge, Judge of the Orphans' Court of Atlantic County, on the twenty-ninth day of March, next, at ten o'clock in the forenoon at the Chamber of Union National Bank Bldg. why the Attorney's fee of \$500.00 heretofore allowed to him should not be reduced to the sum of \$150.00 or such other sum as this Court shall deem meet, and.

It is further ordered that a non-certified copy of this order together with the petition be served upon the said Eli H. Chandler within five days from the date of this order.

C. H. Judge
Judge.

Filed and Recorded April 1 - 1913.
Cammey C. Hanner,
Surrogate.