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**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 / 1Name of Correspondent: James N. Bierman☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: ITC decision in the Duracell
Case (Alkaline Batteries)**ROUTE TO:****ACTION****DISPOSITION**

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
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ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
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January 3, 1985

The Honorable Fred F. Fielding
Counsel to the President
The White House
Washington, DC 20500

Dear Mr. Fielding:

I understand from Jim Christian that some within the White House are concerned about the ITC's decision in the Duracell case with respect to (1) its precedential effect upon courts and the ITC itself and (2) Presidential prerogatives to control trade policy. We have previously provided you with a letter addressing those and other questions together with additional materials. As you can imagine, eighteen months of litigation have produced thousands of pages involving many different issues. Let me, nevertheless, answer in a few words these specific concerns.

In terms of precedent, the ITC decision has no precedential effect on any court nor on any other administrative body. For example, the Customs regulations under both Section 526 of the Tariff Act and Section 1124 of the Lanham Act are no more or less valid today than before the ITC decision. At least four other cases involving these issues--Olympus, Osawa, Vivitar, and COPIAT--are now on their way to federal courts of appeals. Hence, Presidential disapproval in the Duracell case cannot keep these matters out of the judicial system: they are already there. Rather, disapproval would simply add the question of the scope of Presidential review in a Section 337 case, an issue that I would think none of us wants to litigate.

With respect to the effect of the decision on future ITC actions, I can categorically state that no other case can be completed for at least a year, by which time the appellate courts and the Cabinet Council on Commerce and Trade will have spoken on the legal and policy issues involving gray market goods generally. You can confirm by talking with ITC attorney advisor William Perry (523-0499) that a parallel import case would not lend itself to a temporary exclusion order which

The Honorable Fred F. Fielding
January 3, 1985
Page Two

could be had in somewhat less time--four to six months. (Indeed, the standards for temporary exclusion orders, 19 C.F.R. § 210.24, are so stringent that only six have been granted since 1974. Moreover, such orders still allow goods to come in under bond pending a final ITC determination.) In fact, our case was declared "more complicated" by the Commission and required more than a year of litigation. If you review the 243 findings of fact attached to Chief Judge Duvall's Initial Determination, you will see how individual each Section 337 case is.

As to Presidential power in the trade area, one advantage of this type of action is that the President is empowered to review each Section 337 case, with regard to policy, on its own merits. K mart, 47th Street Photo, and others--none of whom were even parties in this case--have made a tactical decision designed to force prematurely the President's hand in diverting attention from the merits of this particular case by painting it with the gray market label. In truth, this case does not involve the typical gray market. Most gray market cases involve foreign products only--cameras, watches, VCRs and the like. The question is who can lawfully distribute them in the U.S. Few, if any, U.S. manufacturing jobs are on the line. The Duracell case involves U.S. batteries, made here by U.S. workers for sale to Americans, displaced by foreign batteries made in Europe for Europeans. Most gray market products are sold to consumers at a discount. In this case, consumers are charged the same price for the foreign DURACELL batteries as for the domestic product. Moreover, because batteries are sensitive to environmental conditions such as temperature and humidity extremes, unlike most gray market products, mishandling and improper care will diminish their freshness. Thus, in this case consumers were found as a matter of record to be confused by respondents' actions into paying full price for a less desirable product. That is not true for most gray market products.

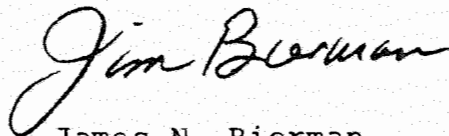
My point here, in brief, is that this particular case certainly does not merit Presidential disapproval. Indeed, quite the reverse, although we are not asking for him to specifically approve the decision--see suggested Presidential statement attached. Nor does it bind the President with regard to the next 337 case should there be one. If, for instance, the ITC were to take similar action a year from now with respect to a company that manufactured only abroad, whose products were not perishable and were sold at a healthy discount to consumers who were not confused and knew what they were buying, the President might well decide not to enforce such an order. But that is not the case here. We have consumer confusion, not benefit. We have

The Honorable Fred F. Fielding
January 3, 1985
Page Three

4,000 U.S. manufacturing jobs in eight states and millions of U.S. dollars in balance of payments at stake. We have a perishable product that needs particular care in handling and shipping that can be given only by the company that stakes its reputation on that product: Duracell.

Finally, let me ask as a lawyer who has worked his tail off on this case over the last year and a half, thus far successfully, for the opportunity to meet briefly with those of you--including, I understand, Messrs. Baker, Fuller, Meese, Oglesby, Stockman, Svahn and yourself--who will be making a recommendation to the President. I fear at this level that people may tend to lose sight of the fact that this case does not simply involve "issues," legal or otherwise. (And, of course, to the extent that issues are involved, I fear that they have been muddled by the vigorous attempt of some to shroud this case in the gray market controversy.) I have a very real client, an American company employing thousands of workers making and trying to preserve the integrity of a top quality product involving millions of dollars in sales per year. If the decision is in danger of being disapproved, I would very much appreciate the privilege to state my client's case personally to those who would recommend such action or, if appropriate, to the President himself.

Sincerely,



James N. Bierman
Counsel for Duracell Inc.

Enclosure

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DRAFT

Presidential Statement

The President has taken no action with respect to the decision of the United States International Trade Commission In the Matter of Certain Alkaline Batteries, Inv. No. 337-TA-165. Under Section 337 of the Tariff Act, 19 U.S.C. § 1337, the President cannot disapprove a decision because he disagrees with the legal conclusions of the Commission. Such legal questions can be finally determined only by appellate courts on review.

Nor should the President's decision be taken as a comment on gray market issues generally. Such issues are now being studied by the Cabinet Council on Commerce and Trade and policy recommendations will be forthcoming. The specific facts of this case which involve American manufacture of a perishable product for sale in the United States, consumer confusion, and no price benefit to the consumer will not be true of gray market situations generally. Thus, the President's inaction in this particular case does not necessarily reflect a similar decision in a case involving different facts.

THE WHITE HOUSE

WASHINGTON

January 2, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

USITC Determination Regarding
Certain Alkaline Batteries

This is one of the most significant trade policy issues, presented in the guise of Presidential review of an ITC decision, to confront the Administration. By January 5 the President must decide whether to take any action with respect to the ITC decision in Certain Alkaline Batteries, Investigation No. 337-TA-165. Pursuant to 19 U.S.C. § 1337(g), the President has sixty days to review an ITC order. The President may disapprove an order "for policy reasons," may expressly approve it prior to the expiration of the sixty-day period, or may do nothing, in which case the order becomes effective on the sixty-first day.

The Commission ruled on November 5, 1984 that firms importing batteries bearing the Belgian-registered trademark DURACELL for resale in the United States violated the United States-registered trademark DURACELL. Duracell, Inc., a U.S. corporation, owns the U.S. trademark, and N.V. Duracell S.A., a Belgian company, owns the Belgian. Both companies are subsidiaries of Duracell International, Inc. The parent company intends its American-made and registered batteries to be sold in the U.S. and its Belgian-made and registered batteries to be sold throughout Europe. Due partly to the strength of the dollar and partly to production cost differentials, however, the Belgian Duracell batteries can be purchased in Europe and resold in the U.S. at a price below or the same as that of domestic Duracell batteries.

This phenomenon is known as the "grey market." "Grey market" goods are imported goods produced abroad bearing a foreign trademark identical or substantially similar to a U.S. registered trademark when there is common ownership or control between the U.S. trademark owner and the foreign user of the mark, or when the foreign user of the mark has the authorization of the U.S. trademark owner. The "grey market" is dominant with respect to products such as perfumes and camera equipment.

The Customs Service does not consider grey market imports to violate the U.S. trademark. Its regulations to this effect have been recently upheld by the United States District

Court for the District of Columbia and by the Court of International Trade; both cases are pending on appeal (the latter before the Court of Appeals for the Federal Circuit, which also reviews ITC decisions that survive Presidential review). In reaching its decision in this case, the ITC disagreed with the Customs Service view of the law.

There is no consensus within the Administration on what action to take. USTR, Agriculture, Commerce, Justice, and Labor recommend that the President take no action, permitting the ITC order to go into effect. If this course is followed, Brock would advise the ITC by letter that the President's decision should not be construed as agreement with the ITC's view of the law. Treasury, State, CEA, and OMB recommend that the President disapprove the ITC decision. For all the paper spawned by this case, the arguments on both sides may be briefly summarized:

Take no action (ITC order goes into effect):

1. No typical "policy reasons" that would justify blocking ITC order: order is not inconsistent with international obligations and demand for batteries can be met by domestic producers.
2. Permitting order to go into effect would likely result in its appeal to the Federal Circuit, which can provide a comprehensive review of all "grey market" legal issues. Administration legal arguments may be presented at that time; review of ITC decision is not to be based on disagreement with ITC view of the law but on "policy" grounds.

Disapprove (ITC order left without force or effect, is not appealable):

1. ITC legal view is contrary to that of Administration, as expressed by Customs and as being advanced in pending cases by Justice. Tacit approval of ITC order would result in inconsistent trade policy.
2. President should not willingly defer resolution of issues within his legal authority to courts, i.e., Federal Circuit.
3. Precedential effect of ITC decision would hurt consumers, who benefit from cheaper grey market goods.

Both recommended courses of action are within the President's legal authority under 19 U.S.C. § 1337(g). Obviously there is no question of the President's authority to take no action. It has been suggested, however -- most articulately in a letter to you from Foley & Lardner on behalf of Duracell -- that the President should not disapprove the order because of a disagreement with the ITC on interpretation of the law. According to Duracell's lawyers, the President may disapprove an ITC order under 19 U.S.C. § 1337(g) only for "policy" reasons, not because he thinks the ITC erred in applying or interpreting the law.

We should not accept such a narrow view of the President's authority in the face of such broad statutory terms as "policy reasons." The Administration has adopted a policy of permitting the entry of grey market goods; disapproving a contrary ITC order would be implementing that policy decision. While it may be inappropriate -- though probably still within the President's authority -- to disapprove an ITC order because of a disagreement with the ITC on the facts of a particular case, the issues in this case -- the legitimacy of the grey market -- are far broader and easily fit within the "policy" rubric. Accordingly, our memorandum for Darman should begin by noting that the President may legally accept either recommendation.

I also recommend that we take a side in this dispute, and support the recommendation that the President disapprove the ITC decision. This would not be a gratuitous intrusion by this office into a trade policy matter, but an effort on our part to preserve the legal authorities of the Executive -- our institutional responsibility. While our office has no trade policy expertise, the instant dispute, curiously, is actually not over trade policy. At least for the present, the Administration has already decided the trade policy issue. The Executive Branch, through Customs, has decided to permit the entry of grey market goods. That decision having been made, we should not acquiesce in a course of action that would undermine the legal authority to implement the chosen policy. Somewhere along the line the Executive (Customs) decided that grey market goods were legal. It makes little sense to argue, as USTR and those who join USTR do, that we should permit a contrary decision to go into effect, because then the case can go to court and the issue can be resolved. The President does not need a court to resolve legal issues within his authority -- that is why he has lawyers of his own. Courts can overturn the Executive's legal conclusions -- and may do so in the pending cases on this issue -- but there is no reason to court a judicial

challenge that can easily be avoided. This view is briefly presented in the draft memorandum for Darman. If you decide not to take a side in the policy dispute, the pertinent paragraph can be deleted.

Finally, Claude Gingrich advised me this morning that USTR and Treasury have agreed to revisions in the disapproval letter, if that course of action is chosen. I have not seen a revised draft yet, but we should alert Darman that one is on the way and should be circulated.

THE WHITE HOUSE
WASHINGTON

February 11, 1986

*Thanks John -
pls send papers as info
memo to DTR + pls
re this.*

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Duracell v. ITC

I wanted to be certain you noticed this decision, since you had extensive correspondence on the underlying dispute, and because the decision reaffirms the unreviewability of a Presidential disapproval of an ITC decision.

You will recall that the ITC, in the Duracell case, ruled that "grey market" imports were illegal. The President disapproved this determination in a statement citing the conflict between the ITC position on the one hand and Section 42 of the Lanham Act, the Treasury interpretation, and several court decisions on the other hand. The President's statement also noted that a review of the grey market issue was underway, and that failure to disapprove the ITC determination could be misinterpreted as a change in current policy.

Duracell, through its attorney James Bierman, appealed to the Court of Appeals for the Federal Circuit. Duracell contended that the President's disapproval was ineffective, since it was for legal, not policy reasons. The pertinent statute authorizes the President to disapprove ITC decisions "for policy reasons," 19 U.S.C. § 1337(g). The Court, in a unanimous decision, ruled that "the decision by the President is not reviewable either directly or indirectly in this court." Only final ITC orders are reviewable, and the effect of Presidential disapproval is that there is no final ITC order. The Court went further and ruled that even if it had jurisdiction to review the President's action, that action was legal, since the President's disapproval was for policy reasons: "There is no requirement...that the President articulate or detail the reasons for his disapproval of a Commission determination. It is sufficient that the President disapprove the determination for his policy reasons" (emphasis in original).

On all counts, a significant victory, and a vindication of our decision to stand firm in the face of Duracell's explicit threats that if we did not compromise on the merits it would pursue litigation that could severely limit Presidential authority.

THE WHITE HOUSE
WASHINGTON

Date: 1/29/86

FOR: ☒ ~~RICHARD A. HAUSER~~
☒ DAVID B. WALLER
☒ ~~SHERRIE M. COORSEY~~
☐ ~~H. LAWRENCE GARRETT, III~~
☒ JOHN G. ROBERTS, JR.
☒ DEBORAH OWEN
☒ ~~HUGH HEWITT~~

FROM: FRED F. FIELDING

The attached is for your information. Please circulate and return to this office for filing.

Thank you.

Attachment

THE DAILY WASHINGTON Law Reporter

Established 1874

U.S. Court of Appeals for the Fed. Circuit

INTERNATIONAL TRADE JURISDICTION

Action of President in disapproving determination of International Trade Commission is not reviewable by Federal Circuit.

DURACELL, INC. v. U.S. INTERNATIONAL TRADE COMMISSION, U.S.C.A. Fed.Cir. App. No. 85-2072, December 9, 1985. *Dismissed* per Smith, J. (Nies and Bissell, JJ. concur). *James N. Bierman with Jay N. Varon, Sheila C. McDonald and Jonathan B. Baker* for appellant. *Velta A. Melnbrensis with Richard K. Willard and David M. Cohen* for appellee.

SMITH, J.: Appellant Duracell, Inc. (Duracell), challenges the President's disapproval of a determination, under 19 U.S.C. §1337 (1982), of the United States International Trade Commission (Commission). The Commission has moved to dismiss this appeal (1) for lack of a final determination which is appealable to this court pursuant to 19 U.S.C. §1337 and under the grant of jurisdiction in 28 U.S.C. §1295(a)(6), and (2) for lack of jurisdiction of this court to review the President's disapproval. We grant the motion and dismiss the appeal for lack of jurisdiction.

Issues

The issues are whether the court possesses jurisdiction to review the President's disapproval of a determination of the Commission pursuant to 19 U.S.C. §1337(d) and, if so, whether the President's disapproval of the determination of the Commission complied with the requirements of 19 U.S.C. §1337(g)(2).

Background

On November 5, 1984, the Commission determined that the importation of certain "gray market" alkaline batteries was a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. §1337 (1982) (section 337), and that the imports caused substantial injury to Duracell.

On January 4, 1985, within 60 days of receiving a copy of the determination, the President disapproved the Commission's determination. Duracell bases its appeal to this court primarily on a contention that the President acted unlawfully by disapproving the determination "for other than policy reasons." We are asked to determine the reasons for the President's disapproval of the Commission's determination, and whether those reasons comply with the requirements of 19 U.S.C. §1337(g)(2), specifically, whether the President's disapproval was *for policy reasons*, as required by the statute.

Jurisdiction

The United States Court of Appeals for the Federal Circuit (Federal Circuit) has broad discretion "to review the final determinations of the United States International Trade Commission *** made under section 337." (Emphasis supplied.)

However, to determine the appeal rights of a

(Cont'd. on p. 160 - Jurisdiction)

U.S. Court of Appeals for the D.C. Circuit

GOVERNMENT INFORMATION MOOTNESS

Withdrawal of request under Freedom of Information Act renders reverse-FOIA case moot.

GULF OIL CORPORATION v. BROCK, ET AL., U.S.App.D.C. No. 80-1127, December 13, 1985. *Reversed and remanded with instructions to dismiss case* per Edwards, J. (Wald, J. concurs; Starr, J. concurs in part). *Peter R. Maier with Richard K. Willard, Joseph E. diGenova and Leonard Schaitman* for appellants. *Burt A. Braverman with Susan Paradise Baxter and William G. Duck* for appellee. Trial Court —Hart, J.

EDWARDS, J.: This case is a reverse Freedom of Information Act ("FOIA") action brought by Gulf Oil Corporation ("Gulf") to enjoin the Department of Labor ("DOL") from disclosing the 1973 affirmative action plan for Gulf's Houston Headquarters, which had been requested by the Houston Chapter of the National Organization for Women ("NOW"). Although the NOW FOIA request related only to Gulf's 1973 affirmative action plan, and Gulf's complaint did not challenge the legality of the DOL regulations governing the disclosure of affirmative action plans, the District Court nevertheless enjoined disclosure of the 1973 plan and, in addition, all "substantially similar" documents. The Government appealed. In 1984, after waiting more than eleven years due to litigation delays, NOW withdrew its request for the 1973 Headquarters plan. This court then dismissed as moot the portion of the appeal pertaining to the order that enjoined public disclosure of Gulf's 1973 Houston Headquarters affirmative action plan. We now dismiss the rest of the appeal concerning "substantially similar" documents and remand with instructions to the District Court to vacate the injunction against DOL.

The doctrine of mootness is based on the "case or controversy" requirement of Article III of the Constitution. It rests on the principle that

a federal court has neither the power to render advisory opinions nor "to decide questions that cannot affect the rights of litigants in the case before them." Its judgments must resolve "a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising that the law would be upon a hypothetical state of facts."

By withdrawing its request for the 1973 plan, NOW mooted the live dispute that was once before the District Court. Gulf requested the District Court to issue an injunction restraining the Government from disclosing a broad category of documents submitted to the Government by Gulf. It did not seek to challenge or invalidate the DOL regulations on their face. Gulf's only challenge to the DOL regulations was

(Cont'd. on p. 160 - Mootness)

D.C. Superior Court

CONDOMINIUMS EXCULPATORY CLAUSE

Exculpatory clause in condominium by-laws absolves association of unit owners of liability for water damage from common element pipe.

GREEN v. CONDOMINIUM MANAGEMENT, INC., Sup.Ct., D.C., C.A. No. 9574-84, December 19, 1985. *Opinion* per Kennedy, J. *Hugo Fleischman* for Plaintiff. *Richard E. Schimmel* for Defendants CMI and Allen Park. *Harold E. Jordan and Kevin P. Chavous* for Defendant Houlbregue. *Durke Thompson* for Defendant Universal. *Cary Schneider*, Defendant *Pro Se*.

KENNEDY, J.: The matters presently before the court are the motions for summary judgment filed by the Allen Park Unit Owners Association, Isabelle Houlbregue, and Cary Schneider. Upon consideration of the motions, the plaintiff's opposition thereto, and the papers filed in support of and in opposition to the motions, the court concludes that the Allen Park Unit Owners Association's motion should be granted and the motions of Isabelle Houlbregue and Cary Schneider should be denied.

I. FACTS

The plaintiff, Joseph Green, Jr., owns a condominium apartment on the first floor in the Allen Park condominium located at 2410 20th Street, N.W., Washington, D.C. The unit owners of the Allen Park Condominium constitute the Allen Park Unit Owners' Association (hereinafter "Allen Park"). On December 26, 1983, the plaintiff's apartment experienced extensive damage due to flooding. The flooding occurred because a water pipe or pipes located in the space between the third floor of the building and the roof froze during a period of very cold weather and burst. The plaintiff has sued the defendants claiming that their negligence caused the pipes to burst. Specifically, he alleges that Allen Park failed to close air vents on the roof, thus allowing the cold air to reach the pipes and causing them to freeze. He alleges that Isabelle Houlbregue, the owner of unit 304, the unit above his and below the burst pipes, failed to adequately supervise her tenant, Cary Schneider, by failing to ensure that the heat in the unit was sufficient to prevent the pipes

(Cont'd. on p. 161 - Clause)

TABLE OF CASES

U.S. Court of Appeals (Fed. Circuit)	
Duracell, Inc. v. U.S. International Trade Commission.....	157
U.S. Court of Appeals (D.C. Circuit)	
Gulf Oil Corporation v. Brock, et al.....	157
D.C. Court of Appeals	
Selby v. United States.....	160
D.C. Superior Court	
Green v. Condominium Management, Inc.....	157

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U.S. BANKRUPTCY COURT**BANKRUPTCY - PETITIONS**

Number, Party, Address and Attorney

86-30 Re: Kenneth J. Dias, Jr., 1422 Van Buren St., N.W., Wash., D.C. Cashier, Dias, Inc., t/a Signature Black Hair Care Salon. (Chapter 7.) Pro Se.
 86-31 Re: Murray Osteen Bradford, 223 Seaton Place, N.E., Wash., D.C. (Chapter 7.) L. Tober.
 86-32 Re: Yvonne Scott, 1124 10th St., N.W., #204, Wash., D.C. (Chapter 13.) Pro Se.

D.C. SUPERIOR COURT**PROBATE DIVISION
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PETITIONS

Number, Name, Action, and Attorney

134-86 Harry Gilmore Young. Pet. P.R. J. Gordon.
 135-86 Bertha F. Fichthorn. Pet. P.R. J.H. Heller.
 136-86 Dora Shapley Von Wijk. Pet. P.R. B.M. Rauh.
 140-86 Rose H. Abell. Pet. P.R. J.A. Willard.
 143-86 Edith F. Ryland. Pet. P.R. R.C. Ohlrich.
 144-86 John Robert Bauman. Pet. P.R. C.T. McCally.
 145-86 Lena S. Lindner. Pet. P.R. J.L. Paillet.

ORDERS

Number, Name, Action, and Attorney

82-86 Roy R. Picott. P.R. Mary A. Picott. L. Aikens.
 80-86 Dorothy Mae Clark. P.R. William Stanley Clark.
 A.L.C. Kennedy.
 78-86 William H. Hicks. P.R. Roy Hicks, Sr. K. Vance.
 77-86 Matthew Walker Kendall Miller. P.R. Elizabeth H.E. Miller. K. Vance.

CONSERVATORSHIPS

Number, Name, Action, Attorney and Date Filed

F18-86 Re: Janice S. Hill. Pet. for appt. of convs. M.D. Haden. January 22, 1986.

**CIVIL DIVISION
NEW CASES**

Number, Parties, Action, Demand Amount, Attorney for Plaintiff

CA265-86 Wash. Hosp. Ctr. v. Paula N. Elie, et al. Servs., \$13,323.05. H. Rubin.
 CA266-86 Wash. Hosp. Ctr. v. Robin Emamali, et al.

Servs., \$5,723.55. H. Rubin.
 CA267-86 Wash. Hosp. Ctr. v. Joann Gordon, et al. Servs., \$15,206.85. H. Rubin.
 CA268-86 Wash. Hosp. Ctr. v. Monica Hailes, et al. Servs., \$4,813.45. H. Rubin.
 CA269-86 Wash. Hosp. Ctr. v. Geraldine Nelson, et al. Servs., \$7,209.55. H. Rubin.
 CA270-86 Wash. Hosp. Ctr. v. Dorothy Odar, et al. Servs., \$3,532.70. H. Rubin.
 CA273-86 Monte Brown, et al. v. Bruce Norris. Negl., auto (per. inj., prop. dam.), \$250,000.00. P.A. Mehta.
 CA274-86 Lewis C. Massey, P.R. of Estate of Louise Massey v. Barry L. Smith, M.D., et al. Negl., malpr., wrongful death, survival action, \$3,000,000.00. S. Padgett.
 CA275-86 Nancy J. Johnson v. Ella W. Smith, et al. Negl., auto (per. inj., prop. dam.), \$100,000.00. G.R. Alexander.
 CA276-86 Raymond A. Duckett, indiv., et al. v. Delsa Wilkens, et al. Negl., auto (per. inj., prop. dam.), \$350,000.00. G.R. Alexander.
 CA277-86 Charles Carroll Assoc. Inc. v. Am. & Foreign Ins. Co. Contr., \$51,583.99. M.P. Zimmerman.
 CA278-86 Elizabeth Fairchild t/a Marfair Joint Venture v. Institute on Strategic Trade, Inc., et al. Rent, \$9,634.33. R.L. Kaufman.
 CA279-86 Stephanna J. White, et al. v. McDonald's Restaurant of the Dist. Inc., et al. Negl., (per. inj.), \$350,000.00. M.W. Findakly.
 CA280-86 Marvin E. Pugh, Sr., et al., indiv. and as parents of Marvin E. Pugh, Jr., minor v. Mary S. Williams. Negl., auto (per. inj.), \$950,000.00. J.D. Raden.
 CA281-86 Nancy L. Stevens v. George Price, et al. Negl., auto (per. inj.), \$500,000.00. J.D. Raden.
 CA282-86 Couture Tehmina, Inc. v. Maximilian Delacroix Delfayette. Agreement, \$15,035.00. Wolpoff & Abramson.

DISPOSITIONS

Number, Parties, Demand Amount, Action Taken and Attorneys

BY THE COURT: MOTIONS

CA12412-84 First Va. Bk. v. Julie M. Williamson. Contr., \$2,014.60. Judg. ex parte, \$2,014.60. Weisberg, J.; M.S. Protas.

BY THE CLERK:

CA8549-82 PEPCO v. Donald Brown. Servs., \$3,951.49. Def. judg., \$3,951.49. W.P. Gardner.
 CA10094-83 Xerox Corp. v. Darryl L. Anderson, indiv. and d/b/a P&M Servs., \$4,536.32. Def. judg., \$4,536.32. L.S. Jacobs.
 CA12312-83 NS&T v. Mary G. Brown. Note, \$2,438.96. Def. judg., \$2,438.96. S.D. Williamowsky.
 CA1079-85 Am. Sec. Bk., N.A. v. Joseph K. Johnson. Note, \$2,372.84. Def. judg., \$2,372.84. N.H. Hantzes.
 CA2189-85 Equip. Leasing Co., Inc. v. Maj, Inc., et al. Debt, \$3,265.90. Def. judg., \$3,265.90. M.S. Baer.
 CA2619-85 The Mgt. Partnership, Inc. v. Fred Colter, et al. Agreement, \$3,885.00. Def. judg., \$3,885.00. R.G. Scheraga.
 CA3229-85 The Natl. Bk. of Wash. v. David E. & Barbara A. Huff. Judg., \$9,466.11. Def. judg., \$9,466.11. M.S. Protas.
 CA3808-85 The G.W. Univ. v. Charles & Helen Greenwell. Acct., \$2,638.09. Def. judg., \$2,638.09. Wolpoff & Abramson.
 CA3909-85 T.V. Guide Employees F.C.U. v. William Beeson. Note, \$3,000.00. Def. judg., \$3,000.00. M.S. Protas.
 CA4555-85 Pohanka Auto Leasing, Inc. v. Kim K. Covington. Lease, \$5,844.22. Def. judg., \$5,844.22. Korn & Rosenstein.
 CA4809-85 Contel Credit Corp. v. A. Elisabeth Dobloug. Servs., \$5,981.43. Def. judg., \$5,981.43. L.S. Jacobs.
 CA5470-85 Atlantic Finance v. H.W. Johnson, Jr., etc. Contr., \$3,934.55. Def. judg., \$3,555.29. M. Myers.
 CA5650-85 Pet-Chem Equip. Corp. v. Trans-Continental Imex, Inc. Acct., \$3,852.56. Def. judg., \$3,852.56. D.E. Fox.
 CA6267-85 The Riggs Natl. Bk. v. Earle Barrymoore Black. Overdraft, \$4,210.35. Def. judg., \$4,165.04. G.C. Huston.
 CA7214-85 Higher Educ. Loan Program v. John M. Thompson. Note, \$5,000.00. Def. judg., \$5,000.00. M.S. Protas.

CA7345-85 The G.W. Univ. Med. Ctr. v. Robin Cynthia Gray. Acct., \$2,787.66. Def. judg., \$2,787.66. Wolpoff & Abramson.
 CA7581-85 Xerox Corp. v. Agricultural Council of America. Lease, \$29,246.86. Def. judg., \$29,246.86. J.M. Hellwege.
 CA7617-85 Higher Educ. Assist. Fdn. v. Stanley D. Jackson. Note, \$5,000.00. Def. judg., \$5,000.00. R.D. Turner.
 CA7618-85 Higher Educ. Assist. Fdn. v. Anthony W. Bess. Note, \$2,500.00. Def. judg., \$2,500.00. R.D. Turner.
 CA8096-85 Industria Adriatica Confezioni, etc. v. Ed-ucardo De Pandi, indiv., etc. Mdse., \$6,055.30. Def. judg., \$6,055.30. L.E. Landau.
 CA8176-85 Am. Express Travel Related Servs. v. James E. Calloway. Acct., \$2,090.03. Def. judg., \$2,090.03. R.M. Kind.
 CA8284-85 Howard Univ. Hosp. v. Gary Sumlar. Servs., \$6,709.68. Def. judg., \$6,709.68. Wolpoff & Abramson.
 CA8596-85 Am. Express Travel Related Servs. v. Robert Lee & Bernice Williams. Acct., \$2,194.25. Def. judg., \$2,194.25. R.M. Kind.
 CA8550-85 Thorp Credit Inc. of Md. v. Willie O. Stephenson. Note, \$2,138.54. Def. judg., \$2,138.54. M.I. Resnick.

**FAMILY DIVISION
DOMESTIC RELATIONS BRANCH
NEW CASES**

Number, Parties, Grounds and Attorney for Plaintiff

Cases filed January 21, 1986

D160-86 Lorie, Henri R. v. Beverly June. Sep. M. Merson.
 D161-86 Wiggett, Ute Evelyn Sachs v. Philip Brain. Sep. M. Eckman.
 D162-86 Hinnant, Samuel v. Veronica P. Sep. S.E. Hinnant.
 D163-86 McQueen, Richard v. Dorothy. Sep. S. Osnos.
 D164-86 Allen, Joyce Donaldson v. Van Sizar. Sep. B. Smith.
 D165-86 Belton, Pamela Renea v. Gabriel Allen. Sep. P.S. Belton.
 D166-86 Littlejohn, Pauline v. Fred. Sep. J. Briley, Jr.
 D167-86 Berryhill, Charlene K. v. George, Jr. Sep. C. Berryhill.
 D168-86 Oseu, Cerue B. v. Paul. Sep. H. Walls.
 D169-86 Bello, Ajibike v. Dunbar. Sep. H. Walls.
 D170-86 Greaves, Thelma v. David. Sep. H. Walls.
 D171-86 Browner, David A. v. Denita. Sep. A. Swan.
 D172-86 Dean, Darrell v. Melba. Sep. S. Green.
 D173-86 Zuniga, Thomas v. Karen. Sep. W. Mann.
 D174-86 Washington, Richard v. Mabel. Sep. S. Phillips.
 D175-86 Martin, Rose Ann v. David. Sep. R. Martin.
 D176-86 Yekinni, Lasasi v. Brenda Williams. Sep. J. Anders.

DISPOSITIONS

Number, Parties, Action Taken and Attorneys

D23-84(U) Annette E. Williams v. James M. Williams. Granted. J.W. Greenfield.

Mock Trial

A medical malpractice case involving a mother who died from the effects of sickle cell crisis shortly after childbirth and the baby daughter, who was born with brain damage.

Date: Thursday, February 6, 1986**Place:** Hyatt Regency Hotel**Address:** 400 New Jersey Avenue, N.W.**Time:** 5:00—7:00 p.m.

Presided over by the Honorable Norma Johnson (Judge, D.C. Superior Court). Attorneys will include Jack Olender (one of the area's leading plaintiff's attorneys), William Lightfoot, Cecelie Vaughners and Deanna Johnson.

For further information call 393-7077 or 659-3532.

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Business Today

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TV's football ratings war turning into advertising price battle

—By William D. Murray
UPI Sports Writer

SAN FRANCISCO (UPI)—The common rule that an increase in TV ratings, like those enjoyed this season by National Football League broadcasters, generally leads to added advertising revenues has been thrown for a loss in 1985.

The blame has been placed on a soft economy, as well as advertising dollars being siphoned away by daytime soap operas aimed at the female market.

There are no lack of explanations as executives search for a reason for the struggling ad market.

"The computer industry is pretty sick," said Jerome H. Dominus, head of sales for CBS. "They have been heavy into the NFL in past years.

"AT&T spent a great deal of money last year. This year they haven't been spending that way. General Motors used to run ads on all three networks. This year, they chose just two of the three, leaving NBC short."

After 14 weeks of the NFL season, CBS has seen its ratings go up from a 34 share in the marketplace in 1984 to a 36 share this year. NBC has gone from 12.2 to 12.8 and ABC jumped from 29 to a 32 share in the Monday night prime time market.

LEGAL NOTICES

FIRST INSERTION

HOLLIDAY, Mary Jo Wadlington

Mary Jo Wadlington Holliday, *Pro Se*
3850 Tunlaw Road, N.W., Washington, D.C. 20007
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA. CIVIL DIVISION. IN RE: Application of Mary Jo Wadlington Holliday. Civil Action Number: CA163-86. ORDER OF PUBLICATION—CHANGE OF NAME. Mary Jo Wadlington Holliday, having filed a complaint for judgment changing her name to Josephine Wadlington Holliday, and having applied to the Court for an order of publication of the notice required by law in such cases, it is by the Court, this 8th day of January, 1986, ORDERED that all persons concerned show cause, if any there be, on or before the 8th day of February, 1986, why the prayers of said complaint should not be granted: PROVIDED, That a copy of this order be published once a week for three consecutive weeks before said day in The Washington Law Reporter. /s/ RONALD P. WERTHEIM, Judge. [Seal.] A True Copy. Test: Jan. 8, 1986. By Eloise Atkinson, Deputy Clerk. Jan. 24, 31, Feb. 7.

WARREN, Mary Clegg

Mary Clegg Warren, *Pro Se*
3813 Veasey Street, N.W., Washington, D.C. 20016
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA. CIVIL DIVISION. IN RE: Application of Mary Clegg Warren. Civil Action Number: CA271-86. ORDER OF PUBLICATION—CHANGE OF NAME. Mary Clegg Warren, having filed a complaint for judgment changing Mary Clegg Warren name to Mary Isabella Christina Clegg, and having applied to the Court for an order of publication of the notice required by law in such cases, it is by the Court, this 10th day of January, 1986, ORDERED that all persons concerned show cause, if any there be, on or before the 10th day of February, 1986, why the prayers of said complaint should not be granted: PROVIDED, That a copy of this order be published once a week for three consecutive weeks before said day in The Washington Law Reporter. PROVIDED FURTHER, that pursuant to SCR-Civil Rule 205(b) notice be sent to applicant's creditors by registered or certified mail and that proof of service of mailing be made in the manner provided in SCR-Probate Rule 14(b). /s/ RONALD P. WERTHEIM, Judge. [Seal.] A True Copy. Test: Jan. 10, 1986. By Eloise Atkinson, Deputy Clerk. Jan. 24, 29, Feb. 5.

(Cont'd. on p. 164 - Legal Notices)

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA ORDER

Pursuant to D.C. Code 1981, §11-946, it is this 8th day of January, 1986,

ORDERED, effective immediately, that Judge Ricardo M. Urbina is appointed chairman of the Family Rules Committee and, as such, shall serve on the Superior Court Rules Committee until further order of this Court, and it is

FURTHER ORDERED, effective immediately, that Judge George Herbert Goodrich, is appointed chairman of the Superior Court Rules Committee and shall serve until further order of this Court.

BY THE COURT:
January 8, 1986

/s/ H. CARL MOULTRIE I
H. Carl Moultrie I
CHIEF JUDGE

However, the ad revenues for both professional and college games have not matched the audience increase.

In total, Dominus said about \$75 million in ads has been collectively withdrawn from NFL broadcasts this season by the computer industry, automakers and credit card companies.

"It could have been worse," he said. "Early in the season we had problems selling ads, but it's gotten better. Now we are about 90-95 percent sold out for the post-season."

Roone Arledge, head of ABC's news and sports operations, said in a recent interview in Broadcasting Magazine that the decline in ads spawned a price war.

"This year our ratings on Monday Night Football are up considerably, about 20 percent the last I heard," he said in the interview. "And it has been very difficult for us to translate that into revenue, partly because the economy is soft, and partly because there are awful lot of sports events on.

"But mainly because CBS and NBC, particularly CBS, are selling their Sunday football at such low prices that it makes it difficult for us to maintain the integrity of pricing on Monday night."

Dominus defended the lower prices as being "a part of the game."

Arledge said the NFL should also be concerned about the trend away from sports advertising.

"Whether we're able to translate the increased ratings into added revenue next year is a big question," he said. "If we can't, and if the other two networks can't, then I think NFL is in for a very, very tough negotiation next time. They might even have to take less."

Dominus does not agree with Arledge's bleak outlook toward next season.

"I think we've gone through the depths of the problem," the CBS executive said. "Even if the economy only gets a little better, the ad market will increase. Then there is the fact that there will be new players always coming in."

This year's slow sports ads market has affected professional football's showcase—the Super Bowl. This year's broadcast will be on

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DISTRICT OF COLUMBIA COURT OF APPEALS NOTICE

Pursuant to Section V, E of the Internal Operating Procedures of the District of Columbia Court of Appeals, as revised effective January 1, 1983, the Clerk will announce each Thursday the composition of the panels that will sit during the following week. The panels for the week beginning January 27, 1986, will be as follows:

Tuesday, January 28, 1986

9:30 a.m. (Regular)—Associate Judges Nebeker, Belson and Terry.

1:30 p.m. (Summary)—Chief Judge Pryor; and Associate Judges Mack and Rogers.

Wednesday, January 29, 1986

9:30 a.m. (Regular)—Associate Judges Ferren, Belson and Steadman.

Thursday, January 30, 1986

9:30 a.m. (Expedited Summary)—Associate Judges Nebeker, Rogers and Steadman.

The panels may vary in the event of recusal or of unavailability of assigned judges. Notice of changes will be posted at the office of the Clerk of the Court.

FOR THE COURT:

/s/ ALAN I. HERMAN
Clerk of the Court

January 23, 1986

NBC and the network has had a hard time attracting the kinds of advertisers that have graced the telecast in the past.

None of the big American automakers elected to bid for the exclusive domestic auto advertising rights on the Super Bowl telecast. Instead, Nissan Motor Corp. USA picked up those once cherished rights.

Apple Computer Company, which used the Super Bowl telecasts the past two years for blockbuster commercials launching new products, also has decided to sit this year out.

However, NBC said its broadcast is "sold out" thanks to an aggressive campaign to bring in new advertisers for the \$1.1 million-a-minute asking price.

Dominus, whose network has the 1987 Super Bowl broadcast, said NBC's problems have not dampened his spirits toward marketing Super Bowl ads for CBS' broadcast.

"I'm looking forward to having the Super Bowl to sell," he said. "It's a unique event in the sports world. I don't care what the problems are this year, there still is no other broadcast where you can guarantee an audience of 45 percent of the American people for."

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D.C. Court of Appeals

CRIMINAL LAW & PROCEDURE

AIDING AND ABETTING

Conviction for aiding and abetting possession of heroin was proper without a showing that defendant was in actual or constructive possession of the seized drug.

SELBY v. UNITED STATES, D.C.App. No. 84-1525, December 11, 1985. *Affirmed per curiam* (Nebeker, Newman and Rogers, JJ. concur). Steven R. Kiersh for appellant. Patricia L. Petty with Joseph diGenova and Michael W. Farrell for appellee. Trial Court—Schwelb, J.

PER CURIAM: Appellant appeals his conviction as an aider and abettor of a single count of possession of heroin, D.C. Code §33-541(d) (1984 Supp.) following a trial by the court. He contends that the trial court erred in finding him guilty as an aider and abettor because the court found that he did not actually or constructively possess the heroin. We affirm.

Appellant does not dispute that a sale of heroin occurred. The evidence was uncontradicted that while sitting in the front passenger seat of a car, he had made the initial contact with a woman who then spoke to the seller. The seller then handed the heroin to the driver of the car and took the pooled currency from appellant, who along with the driver, had taken money from his pocket to pay for the drugs. The heroin was found between appellant and the driver; specifically the drugs were concealed between the driver's seat and the console in the center of the car.

To convict of aiding and abetting in possession of narcotics, the government is not required to show that a defendant was in constructive possession of the drugs. *United States v. Raper*, 219 U.S.App.D.C. 243, 252, 676 F.2d 841, 850 (1982). In rejecting Raper's contention that his conviction for possession with intent to distribute narcotics had to be reversed because the government had failed to show that he was in actual or constructive possession of the seized drugs, the United States Court of Appeals for the District of Columbia Circuit viewed his argument that "one cannot aid and abet another's

possession of a controlled substance" as "overly literal," and an argument which "ignores the breadth of the aiding and abetting statute and the many decisions applying it." *Id.* at 252, 676 F.2d at 850. Since the evidence in the instant case showed that appellant affirmatively participated so that the driver was able to obtain possession of the seized heroin, the government met its burden of proof. *Id.*; see also *United States v. Staten*, 189 U.S.App.D.C. 100, 108-09, 581 F.2d 878, 886-87 (1978); *People v. Henderson*, 121 Cal.App.2d 816, 264 P.2d 225, 226 (1953) (conviction of possession of heroin as aider and abettor upheld where defendant admitted taking another to purchase drugs); see generally Annot., "Offense of Aiding & Abetting Illegal Possession of Drugs or Narcotics," 47 A.L.R.3d 1239 (1973); cf. *Harris v. United States*, 430 A.2d 536, 540 n.6 (D.C. 1981).

Appellant's reliance on *Mack v. United States*, 326 F.2d 481 (8th Cir.), cert. denied, 377 U.S. 947 (1964), is misplaced. That case involved a statutory presumption which required the defendant to explain possession of a narcotic drug to "the satisfaction of the jury." 21 U.S.C. §174 (1972). The presumption was repealed, as noted in *Raper*, supra, 219 U.S.App.D.C. at 253 n.1, 676 F.2d at 851 n.1, and none is involved here. The other cases relied on by appellant are appropriately distinguished in *Raper*, 219 U.S.App.D.C. 252-54 n.1, 676 F.2d at 850-52 n.1 (distinguishing *United States v. Jackson*, 526 F.2d 1236 (5th Cir. 1976), and *United States v. Longoria*, 569 F.2d 442 (5th Cir. 1978)).

Affirmed.

MOOTNESS

(Cont'd. from p. 157)

as applied to the decision to disclose Gulf's 1973 affirmative action plan; no other documents had been requested and no other decisions to disclose any of Gulf's documents had been made.

Gulf argues that all of its affirmative action plans are so similar that a decision to disclose one establishes a precedent that threatens disclosure of any that are requested. This is a wholly specious argument. First, Gulf completely ignores the fact that, by virtue of NOW's withdrawal of its request for the 1973 plan, there is no existing agency or judicial "precedent" regarding the disclosure of company affirmative action plans. DOL's initial decision to

release the 1973 plan "has been mooted pending appeal," therefore the underlying judgment of the agency is without force or effect. In other words, the initial decision by DOL can have no bearing on "similar" documents because the initial decision was nullified when the case was mooted pending appeal. Second, even if there were some judgment with precedential effect on OFCCP decisions, it is very questionable that "the mere precedential effect of general principles" can prevent mootness.

In short, Gulf is not entitled to an advisory opinion determining whether documents that have not been requested and that are not now before the court must be disclosed or withheld. Because the dispute over the 1973 affirmative action plan is no longer before us, and because Gulf did not challenge the DOL disclosure regulations except as applied to that 1973 plan, there is no longer a case or controversy.

Gulf argues that this case is not moot because future agency decisions may threaten disclosure of other affirmative action plans. Yet, Gulf's fears on this account do not make this a situation "capable of repetition, yet evading review." ***

We find that NOW's withdrawal of its FOIA request has made Gulf's reverse-FOIA action entirely moot, including the portion of the District Court's injunction that prohibited disclosures of "substantially similar" documents. This case does not involve a challenge to the validity of the DOL disclosure regulations, but a dispute based on their application to a particular disclosure, which is no longer at issue. Even if there were a case or controversy regarding similar documents originally, which we seriously doubt, intervening events have made that dispute unripe. In addition, the injunction as issued was overbroad. Consequently, we reverse and remand with instructions to the District Court to vacate its order and injunction and to dismiss this case.

So ordered.

JURISDICTION

(Cont'd. from p. 157)

litigant one must look to the provisions of section 337. There a litigant is afforded a right to appeal in the following terms:

Any person adversely affected by a final determination of the Commission under subsection (d), (e), or (f) of this section may appeal such determination, within 60 days after the determination becomes final, to the United States Court of Appeals for the Federal Circuit for review in accordance with chapter 7 of title 5. ***

The Presidential action taken in this case is authorized by section 337(g) and, in particular, in (g)(2) which reads:

(2) If, before the close of the 60-day period beginning on the day after the day on which he receives a copy of such determination, the President, for policy reasons, disapproves such determination and notifies the Commission of his disapproval, then, effective on the date of such notice, such determination and the action taken under subsection (d), (e) or (f) of this section with respect thereto shall have no force or effect.

Nothing in section 337(g) or elsewhere in the statute provides a litigant with a right of review of the President's decision per se.

The question then becomes whether there is a reviewable final determination of the Commission under (d), (e), or (f) which necessarily brings the President's decision before us for review because it is the foundation for that determination.

Under the statutory scheme, a determination

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of the Commission under (d), (e), or (f), while effective immediately, becomes "final" for purpose of appeal only if the President approves or if the 60-day review period passes without his disapproval. In this case, no determination of the Commission has become final in view of the President's disapproval. Further, no action under (d), (e), or (f) was taken by the Commission following disapproval. Indeed, the parties represent to the court that the Commission took no action of any kind except to mark the file closed. On the other hand, if we were to set aside the President's action and hold that the Commission's determination became final, then Duracell has no standing to appeal. It has not been aggrieved by any Commission determination.

Thus, as the statute is designed, the decision by the President is not reviewable either directly or indirectly in this court and we must, therefore, dismiss for lack of jurisdiction.

Presidential Action

Alternatively, if our jurisdictional analysis is incorrect, in the interest of complete disposition should appellant be able to obtain further review, we conclude that Duracell's arguments with respect to the illegality of the President's disapproval must fail on the facts of this case.

There is no question that the President disapproved the determination involved herein within 60 days. Duracell, however, argues that the statute allows the President to disapprove for policy reasons only. Duracell further asserts that, because the President's disapproval in the present case was not for policy reasons, the disapproval was invalid.

Duracell points to the legislative history and cites the following language:

Therefore, it was deemed appropriate by the Committee to permit the President to intervene before such determination and relief become final, when he determines that policy reasons require it. The President's power to intervene would not be for the purpose of reversing a Commission finding of a violation of section 337; such finding is determined solely by the Commission, subject to judicial review.

Duracell also cites *Young Engineers, Inc.*: "[t]he President may disapprove only 'for policy reasons,' not because of the merits of an investigation." In this case the President included the reasons for his disapproval with his letter to the Commission on January 4, 1985. First, the President stated that he was disapproving the determination for policy reasons pursuant to section 337(g)(2). Second, the President stated:

The Departments of Treasury and Commerce, on behalf of the Cabinet Council on Commerce and Trade, have solicited data from the public concerning the issue of parallel market importation and are reviewing responses with a view toward formulating a cohesive policy in this area. Failure to disapprove the Commission's determination could be viewed as a change in the current policy prior to the completion of this process.

Duracell focuses on that part of the President's disapproval which refers to the conflict between the Commission's interpretation of section 42 of the Lanham Act, the Treasury Department's interpretation, and recent court decisions. The President stated that he wanted to avoid the appearance of an alteration of the Treasury Department's interpretation. Duracell argues that the President's disapproval was for "legal reasons." Duracell's approach requires one to give no effect to the President's statement that he acted expressly for policy reasons as required, or to his express statement that disapproval was necessary to confirm his existing policy.

The same language singled out by Duracell is at least equally supportive of the conclusion that the President acted for policy reasons. There is no requirement in section 337 or in the legislative history that the President articulate or detail the reasons for his disapproval of a Commission determination. It is sufficient that the President disapprove the determination for his policy reasons. "Policy" is a broad concept which includes, but is not limited to:

impact on United States foreign relations, economic and political * * * [and] upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers.

"In the area of international trade, 'intimately involved in foreign affairs,' 'congressional authorizations of presidential power should be given a broad construction and not 'hemmed in' or 'cabinéd, cribbed, confined' by anxious judicial blinders.'" Inasmuch as the President acted timely, stated that he was acting for policy reasons, and stated reasons other than the merits of whether there had been a violation of section 337, our inquiry must end. For the reasons stated, the President must be held to have acted according to law.

Conclusion

There is no final determination of the Commission for this court to review, and the appeal must be dismissed for lack of jurisdiction.

DISMISSED

CLAUSE

(Cont'd. from p. 157)

above the unit from freezing. He contends that Cary Schneider negligently failed to maintain the heat in his unit.¹

II. ALLEN PARK

Allen Park's motion is based upon an exculpatory clause contained in its bylaws, which governed the condominium when the incident which is the subject of this suit occurred. The clause states in pertinent part:

7.11 Limitation of Liability

The Association shall not be liable for . . . injury or damage to person or property caused by the elements or resulting from . . . water . . . which may leak or flow from any parts of the common elements or from any . . . pipe . . .

Recognizing that this clause, if given effect, is fatal to his claim against Allen Park, the plaintiff attacks its validity. The plaintiff makes a two-pronged argument. He first asserts that the warranty of habitability which is implied by operation of law in all residential leases in the District of Columbia should be held to be applicable, with equal force and effect, to condominiums since purchasers of condominiums are subject to the same disadvantageous conditions as tenants of rental housing. Next, citing cases in which exculpatory clauses in residential leases have been held invalid because they amount to a waiver of the implied warranty of habitability and, thus, contravene public policy, the plaintiff urges that the same result is appropriate in the instant case.

In the landmark case of *Javins v. First National Realty Corp.*, 138 U.S.App.D.C. 369, 428 F.2d 1071 (1970), the United States Court of Appeals for the District of Columbia Circuit held that a warranty of habitability, measured by the

standards set out in the Housing Regulations for the District of Columbia, is implied in the leases of all residential rental housing in this jurisdiction. Central to the court's far-reaching decision in *Javins* was an awareness of the many unique problems experienced by tenants of rental housing. Referring to these problems the Court stated:

. . . the relationship of landlord and tenant suggests further compelling reasons for the law's protection of the tenants' legitimate expectations of quality. The inequality in bargaining power between landlord and tenant has been well documented. Tenants have very little leverage to enforce demands for better housing. Various impediments to competition in the rental housing market, such as racial and class discrimination and standardized form leases, mean that landlords place tenants in a take it or leave it situation. The increasingly severe shortage of adequate housing further increases the landlord's bargaining power and escalates the need for maintaining and improving the existing stock.

Id., 138 U.S.App.D.C. at 377. (footnotes omitted)

The plaintiff's bald assertion that condominium owners are subject to the same disadvantageous conditions as tenants of rental housing cannot withstand scrutiny. The Council of the District of Columbia has enacted legislation, D.C. Code §45-1601, *et seq.*, (1981 ed.) which is designed to protect tenants from condominium conversion. In the preamble to this legislation, the Council made the following findings:

- (1) There is a continuing housing crisis in the District of Columbia;
- (2) There is a severe shortage of rental housing available to the citizens of the District of Columbia. . . . The vacancy rate is substantially lower among units which can be afforded by lower income tenants . . .
- (3) Conversion of rental units to condominiums or cooperatives depletes the rental housing stock . . . These trends have been thoroughly investigated and documented by two legislative study commissions . . .
- (4) Lower income tenants, particularly elderly tenants, are the most adversely affected by conversions . . .

These findings indicate that rather than being subject to the same adverse conditions as renters, purchasers of condominium units are a sector of the population able to avail themselves of a phenomenon, *viz.*, condominium conversion, which substantially contributes to these conditions. Condominium purchasers are not generally poor as are many renters and, given the saturation of the market with condominium conversion, do not suffer any inequality of bargaining power. Purchasers of condominium units clearly are not in a take it or leave it situation.

In addition to not being subject to the same market forces as tenants in acquiring housing, purchasers of condominiums do not encounter the same problems as tenants in maintaining their dwellings once they have been acquired. Purchasers of condominium units not only own and exercise exclusive control over their units, they also share with other condominium owners an undivided fee simple interest in the common elements of the property. D.C. Code §45-1706(a) (1981 ed.). The condominium property is self governed by an association, comprised of all of the unit owners, which adopts its own set of bylaws. D.C. Code §45-1841(a) (1981 ed.). Thus, unlike the lessees of rental units, condominium owners have substantial leverage to implement needed repairs and improvements. Therefore, the court concludes that the rationale underlying the *Javins* decision has no application to con-

1. Condominium Management, Inc. which is also being sued for its alleged failure to close air vents on the roof has not moved for summary judgment.

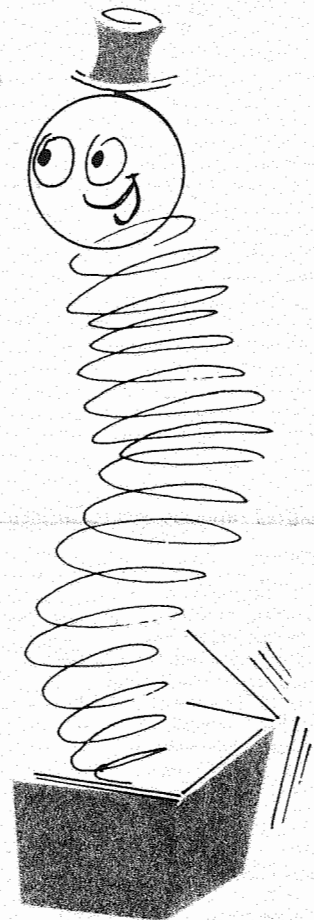
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dominiums and discerns no basis for holding that condominium property is protected by an implied warranty of habitability.

The court's holding that no implied warranty of habitability applies to the plaintiff's property deals a death blow to his argument that the exculpatory clause in the condominium bylaws is invalid because it contravenes public policy. In the District of Columbia and other jurisdictions, the public policy basis for invalidating contracts has been narrowly construed. In an early case, the District of Columbia Court of Appeals articulated the foundation for this principle:

After a party has deliberately made his contract, and received the consideration therefor, it must plainly appear that it contravenes public policy before the courts will declare it void upon that ground. For, as said by the Master of Rolls, Sir George Jessel, in *Printing Co. v. Sampson*, L.R. 19 Eq. Cas. 462, 'It must not be forgotten that we are not to extend arbitrarily those rules which say that a given contract is void, as being against public policy, because if there is one thing which more than another public policy requires, it is that men of full age and competent understanding shall have the utmost liberty of contracting, and that their contracts when entered into freely and voluntarily, shall be held sacred, and shall be enforced by courts of justice. Therefore, we have this paramount public policy to consider—that we are not likely to interfere with this freedom of contract.' That is but saying, that substantial justice and the obligation of contracts are entitled to superior consideration to the vague and indefinite notions of public policy, urged to avoid a contract for which the party has received full consideration.

Godfrey v. Roessle, 5 App.D.C. 299, 303-304 (1895).

The *Godfrey* rationale was reaffirmed in *Landa v. Astin*, 90 U.S.App.D.C. 86, 193 F.2d 369 (1951). The court stated:

The primary rule of public policy in respect to the enforcement of agreements is that 'competent persons shall have the utmost liberty of contracting and that their agreements voluntarily and fairly made shall be held valid and enforced in the courts. *** The principle that contracts in contravention of public policy are not enforceable should be applied with caution and only in cases plainly within the reasons on which the doctrine rests.

Id., 90 U.S.App.D.C. at 88 (quoting *Twin City Pipe Line Co. v. Harding Glass Co.*, 283 U.S. 353, 356-57 (1931)).²

Application of the holdings in *Godfrey* and *Landa* compels the court to sustain the validity of the exculpatory clause in Allen Park's bylaws. Other than a supposed implied warranty of habitability applicable to condominiums, a notion which the court rejects, the plaintiff has not asserted any other public policy which the clause

contravenes. Moreover, the exculpatory clause was clearly supported by consideration because each owner received the potential benefit of its limitation on liability. Therefore, the court shall grant judgment in favor of Allen Park on the basis of the exculpatory clause in its bylaws.

III. ISABELLE HOULBREQUE

Isabelle Houlbrequé, the owner of unit 304, argues that the plaintiff's allegations are too speculative to establish an issue of material fact as to whether the temperature in her apartment caused the pipes to freeze. While the record reflects that the pipes above defendant Houlbrequé's apartment burst during a period of unusually frigid weather, defendant Houlbrequé has not attempted to establish in her statement of material facts not in dispute that the heat in her unit was maintained at any particular level. Indeed, Cary Schneider, the tenant who occupied Ms. Houlbrequé's unit at the time of the incident, has indicated that for the purposes of his motion for summary judgment he is willing to concede that he provided no heat to the unit. In cases such as this where essential disputed facts are exclusively within the knowledge of the moving party, there is a general policy against granting summary judgment. See *Cellini v. Moss*, 98 U.S.App.D.C. 114, 116 (1956). Thus, the court believes that the plaintiff's allegations, while of necessity speculative, are sufficient in the context of this record to raise the issue of causation to the level of a disputed fact.

Another argument advanced by Ms. Houlbrequé is that she cannot be held liable for the damage caused by burst pipes because she had no control over nor duty to maintain the common area of the condominium where the pipes were located. This argument misses the point. The plaintiff's contention is that Ms. Houlbrequé's negligent use of her own unit is what caused the damage to the pipes. Thus, the arguments advanced by Ms. Houlbrequé as a basis for summary judgment are without merit.

While not addressed by any of the parties, an alternative ground for summarily resolving the claim against Ms. Houlbrequé has been considered by the court. Where a landlord has surrendered control of the premises to the tenant, the landlord is ordinarily not liable for injury or damage caused by the tenant's negligent use of the property. *Amoco Oil v. Environmental Protection Agency*, 177 U.S.App.D.C. 123, 543 F.2d 270 (1976); *Dunkley v. Thaxton*, 274 F.Supp. 723 (D. Va. 1967); 49 Am.Jur.2d §908 ("The liability of the landlord is, as a general rule, suspended as soon as he surrenders possession and control of the premises in good condition to the lessee"); 52 C.J.S. §432, 437, 438. Application of this principle to this case would absolve Ms. Houlbrequé of liability for any damage to the plaintiff's apartment. There are certain exceptions to this doctrine, however. For instance, the landlord may be liable where she has retained control over the premises or leased the premises in a defective condition.³

3. "A landlord who transfers the possession of the property in a condition which he realizes or should realize may involve unreasonable risk of injury to the property of others outside the land is subject to the same liability as though he had remained in possession . . . and the landlord is not relieved [of liability] by reason of the fact that the tenant knew of the conditions." 52 C.J.S. §432. (footnotes omitted). 52 C.J.S. §438 illustrates this principle with facts somewhat similar to those in the instant case:

. . . a tenant will be liable for injuries to the property of a cotenant on a lower floor resulting from the negligence of the tenant of an upper floor in allowing water to escape, when the latter is in exclusive possession of the premises where the negligence occurred . . . a tenant will not be liable for damage to the property of a cotenant where such damage resulted from defective facilities in the control and possession of the landlord . . . So the tenant will not be liable for damage done by water, although the source of the injury was in the part of the premises demised to him, where the landlord was in control of the water system, and the tenant is not shown to be guilty of negligence.

In this case, while it is undisputed that the tenant, Cary Schneider, had signed a lease for Ms. Houlbrequé's apartment prior to the flooding incident, the court is unwilling to grant summary judgment in favor of Ms. Houlbrequé given the incompleteness of the record and the fact that the parties have not taken the opportunity to address certain potentially material issues. For instance, on the last page of her motion, defendant Houlbrequé states:

In addition, it is also undisputed that there was no thermostat measuring temperature in defendant Houlbrequé's unit to control the heat. (Defendant Schneider's Answers to Plaintiff's Second Set of Interrogatories, No. 2; Exhibit D).

The record is devoid of further explanation as to what is meant by the statement that there was no thermostat, and whether this was a consequence of the normal design of the building or a defective condition of the apartment. Nor has the absence of a thermostat been established in any of the parties' statements of material facts not in dispute. Additionally, defendant Houlbrequé has not attempted to establish in her statement of material facts not in dispute that her tenant, Mr. Schneider, had actually assumed possession and control of the unit by December 26th. The ambiguity of the record in these respects leads the court to conclude that summary judgment in favor of defendant Houlbrequé would be inappropriate.

IV. CARY SCHNEIDER

Cary Schneider first leased unit 304 on December 15, 1983. Thereafter, he began moving his possessions into the unit, although he was not living there during the eleven days between the 15th and the 26th of December, the date of the flooding incident. For purposes of his motion, Schneider is willing to concede that he provided no heat to his unit and that he was bound by the condominium bylaws.

Citing a plethora of cases, which hold that tenants are not liable for injury resulting from the condition of common areas, Schneider contends that he as a tenant had no duty to maintain the common areas of the building. He asserts that since the pipes which burst were in a common area, he was without liability as a matter of law since he was not under any duty to exercise reasonable care with respect to the pipes. Schneider also argues that he was under no duty to take affirmative steps to benefit other parties and that to maintain heat was such an affirmative step.⁴

Mr. Schneider's arguments are unpersuasive because they do not respond to the plaintiff's claims. The plaintiff does not contend that Mr. Schneider breached a duty to maintain the pipes, a straw man which Mr. Schneider has struck down with a vengeance, but rather that he breached a duty related to the maintenance of the condition of the apartment unit which he had leased and over which he assertedly had control. Although it is true that landlords alone are liable for injuries resulting from the condition of com-

4. The plaintiff claims that defendant Schneider has violated provisions of the bylaws as set forth below:

- (a) Section 7.7.2—for failure to keep the interior of the unit (i.e., the heat) in good order, condition and repair.
- (b) Section 9.6—for maintaining the unit in such a way that it interfered with plaintiff's peaceful possession of his unit and for causing a nuisance by his failure to keep the heat at the proper level.
- (c) Section 9.11—for maintaining an activity (i.e. improper level of heat) which will increase the rate of insurance on the condominium's common elements or any units therein.

Because the court has concluded that defendant Schneider is not entitled to summary judgment on other grounds, it does not reach the issue of whether he violated the bylaws or whether the plaintiff has a cause of action based upon Schneider's alleged violation of the condominium's bylaws.

2. *Accord*, *Nyhus v. Travel Management Corporation*, 151 U.S.App.D.C. 269, 279, 466 F.2d 440, 450 (1972); *Rutter v. Arlington Park Jockey Club*, 510 F.2d 1065 (7th Cir. 1975) (Illinois courts apply a strict test in determining when public policy interest will invalidate a contract; such test is not satisfied merely by showing that the state regulates the business which made the contract); *Jackson v. Sam Finley, Inc.*, 366 F.2d 148 (5th Cir. 1966) (under Mississippi law, a showing that a contract is prohibited by express terms or fair implication of a statute or judicial decision is required to declare it unenforceable as contrary to public policy); *Heaton Distributing Co. v. Union Tank Car Co.*, 387 F.2d 477 (8th Cir. 1967) (Unless there is a compelling legal reason, courts should uphold contracts rather than strike them down on grounds of public policy); *Aerojet-General Corp. v. Kirk*, 318 F.Supp. 55 (D. Fla. 1970), *aff'd*, 453 F.2d 819, *cert. denied*, 409 U.S. 892 (1972). (A contract is not void as against public policy unless it is injurious to the interests of the public or contravenes some established interest of society, and thus contracts are not void as contrary to public policy unless they are either agreements to effect some unlawful or socially repugnant end, or agreements to effect some lawful end by unlawful or socially repugnant means).

mon areas under their control, the weight of authority establishes that a tenant is liable for damage caused by his negligence with respect to property over which he has control. *Amoco Oil v. Environmental Protection Agency*, 177 U.S.App.D.C. 123, 543 F.2d 270 (1976), *Dunkley v. Thaxton*, 274 F.Supp. 723 (D. Va. 1967); 49 Am.Jur.2d §908; 52 C.J.S. §432, 437, 438. Therefore, Mr. Schneider is not entitled to summary judgment.

For the above-stated reasons, it is this 19th day of December, 1985, hereby,

ORDERED, that the motion of Allen Park for summary judgment be, and the same is, granted, and it is,

FURTHER ORDERED, that Isabelle Houlbrequé's and Cary Schneider's motions for summary judgment be, and the same are, denied.

LEGAL NOTICES

(Cont'd. from p. 159)

PUBLIC AUCTION

Garagekeeper's lien on a '71 Mercedes-Benz 4 dr. http., ser. no. 11401112003191. Sale to be held on Feb. 3, '86 at 9:30 a.m. at 714 E St., S.E., Washington, D.C. Seller reserves the right to bid. Jan. 17, 24, 31.

FIRST INSERTION

CASERTA, Isabel Chaly Deceased
Superior Court of the District of Columbia
Probate Division

Foreign No. 4-86

Isabel Chaly Caserta, Deceased

Notice of Appointment of Foreign Personal Representative and Notice to Creditors

Colleen E. Steinman and Yvonne Wright, whose addresses are 1800 Old Meadow Road, Apt. 1708, McLean, VA 22102 and 2519 Cravey Drive, Atlanta, GA 30345, were appointed Personal Representatives of the estate of Isabel Chaly Caserta, deceased, on October 4, 1985, by the Probate Court for Arlington County, State of Virginia. Service of process may be made upon Deborah Colleen Kiser, 2900 Connecticut Ave., N.W., Washington, D.C. 20008, whose designation as District of Columbia agent has been filed with the Register of Wills, D.C. The decedent owned District of Columbia personal property. COLLEEN E. STEINMAN, Co-Executrix; YVONNE F. WRIGHT, Co-Executrix. Date of first publication: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 24, 31, Feb. 7.

COATES, George W. Deceased
Superior Court of the District of Columbia
Probate Division

Administration No. 50-86 S.E.

George W. Coates, deceased

Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs

Garfield Coates, whose address is 126 44th Street, N.W., Washington, D.C. 20019, was appointed Personal Representative of the estate of George W. Coates, who died on December 31, 1985, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before February 26, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before February 26, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its publication shall so inform the Register of Wills, including name, address and relationship. GARFIELD COATES. Name of Newspaper: Washington Law Reporter. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 24.

GARST, Eleanor Averitt Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 71-86 S.E.

Eleanor Averitt Garst, deceased
Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs

Eugenia G. Lennon, whose address is 4619 Greene Place, N.W., Washington, D.C. 20007, was appointed Personal Representative of the estate of Eleanor Averitt Garst, who died on December 10, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before February 26, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before February 26, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its publication shall so inform the Register of Wills, including name, address and relationship. EUGENIA G. LENNON. Name of Newspaper: Washington Law Reporter. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24.

GRAY, Carol Renee Deceased
Superior Court of the District of Columbia
Probate Division

Administration No. 16-86

Carol Renee Gray a/k/a Carol R. Gray, deceased

Brett E. Murchison-Smith, Attorney

3005 Georgia Avenue, N.W., Wash., D.C.

Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs

F. EYVONNE GRAY, whose address is 6816 32nd Street, N.W., Washington, D.C., was appointed Personal Representative of the estate of Carol Renee Gray a/k/a Carol R. Gray, who died on March 20, 1984, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 24, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 24, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. F. EYVONNE GRAY. First Published: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 24, 31, Feb. 7.

HAMILTON, James L. Deceased

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA. Probate Division. Estate of James L. Hamilton, Deceased. Administration No. 101-85. ORDER OF PUBLICATION. Application having been made by the District of Columbia for a finding that the above-named decedent died intestate without heirs-at-law or next of kin within the relationship recognized by the laws of devolution and descent, and for a decree that said decedent's property escheat to the District of Columbia pursuant to applicable law, it is by the Court this 24th day of December, 1985, ORDERED: That the unknown heirs-at-law and next of kin of James L. Hamilton, if any, and all others interested, appear in said Court on the 26th day of March, 1986, at 9:30 a.m. before the Fiduciary Judge and show cause, if any, why such application should not be granted. Let notice hereof be published twice a month for three consecutive months prior to said date in the Washington Law Reporter and the Washington Afro-American. /s/ GLADYS KESSLER, Judge. [Seal.] A True Copy. Attest: ROSEMARY NUNN, Deputy Register of Wills for the District of Columbia, Clerk of the Probate Division. Barbara Mann, Attorney, Assistant Corporation Counsel, D.C., 500 Indiana Ave., N.W., #4450, Wash., D.C. 20001. Jan. 24, 29, Feb. 4, 18, Mar. 4, 11.

HAMILTON, West Alexander Deceased
Superior Court of the District of Columbia

A classified ad in The Daily Washington Law Reporter brings quick results.

Probate Division

Administration No. 25-86

West Alexander Hamilton a/k/a

West A. Hamilton, deceased

Jesse O. Dedmon, Jr. & Charles H. O'Banion, Attorneys

666 11th Street, N.W., #515

Washington, D.C. 20001

Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs

Jesse O. Dedmon, Jr., whose address is 666 11th Street, N.W., #515, Washington, D.C. 20001, was appointed Personal Representative of the estate of West Alexander Hamilton a/k/a West A. Hamilton, who died on December 22nd, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 24, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 24, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. JESSE O. DEDMON, JR. First Published: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24, 31, Feb. 7.

LANGA, Elizabeth C. Deceased
Superior Court of the District of Columbia
Probate Division

Administration No. 21-86

Elizabeth C. Langa, deceased

Susan C. Chaires, Attorney

1818 N Street, N.W., Washington, D.C. 20036

Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs

Helen Susan Langa, whose address is 3407 A Mt. Pleasant St., N.W., Washington, D.C. 20010, was appointed Personal Representative of the estate of Elizabeth C. Langa, who died on October 8, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 24, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 24, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. HELEN SUSAN LANGA. First Published: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24, 31, Feb. 7.

LEARNARD, James C. Deceased
Superior Court of the District of Columbia
Probate Division

Administration No. 7-86

James C. Learnard, deceased

Robert B. Yorty, Attorney

Pierson, Ball & Dowd

1200 18th Street, N.W., Washington, D.C. 20036

Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs

Robert Perry Learnard, whose address is 746 Lunalilo Home Road, Honolulu, Hawaii 96825, was appointed Personal Representative of the estate of James C. Learnard, who died on October 25, 1985, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 26, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 26, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. R.P.

LEARNARD. First Published: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24, 31, Feb. 7.

MARKHAM, Marion G. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 22-86

Marion G. Markham, deceased
Edward M. Statland, *Attorney*
1101 17th Street, N.W., Washington, D.C. 20036
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Edward M. Statland, whose address is 1101 17th Street, N.W., #406, Washington, D.C. 20036, was appointed Personal Representative of the estate of Marion G. Markham, who died on Dec. 24, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 24, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 24, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. EDWARD M. STATLAND. First Published: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24, 31, Feb. 7.

MEYER, Jerome H. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 30-86

Jerome H. Meyer, deceased
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Ronald J. and Robert A. Meyer, whose addresses are 9800 Canal Rd., Gaithersburg, MD 20879 and 8623 Dixie Place, McLean, VA 22102, respectively, were appointed Personal Representatives of the estate of Jerome H. Meyer, who died on December 25, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 24, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 24, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. RONALD J. MEYER; ROBERT A. MEYER. First Published: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24, 31, Feb. 7.

OLSON, Thelma S. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2748-85

Thelma S. Olson, deceased
Ronald D. Aucutt, *Attorney*
655 Fifteenth Street, N.W.
Washington, D.C. 20005

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Richard F. Olson and Larry O. Olson, whose addresses are 1043 A1A, Apt. 19-D, Hillsboro Beach, Pompano Beach, FL 33062 and 11510 S. Glen Road, Potomac, MD 20854, were appointed Personal Representatives of the estate of Thelma S. Olson, who died on September 22, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 24, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 24, 1986, or be

forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. RICHARD F. OLSON; LARRY O. OLSON. First Published: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24, 31, Feb. 7.

PUGHSLEY, Pansy B. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2759-85

Pansy B. Pughsley, deceased
Matthew F. Shannon, *Attorney*
1331 Michigan Avenue, N.E.
Washington, D.C. 20017

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Matthew F. Shannon, whose address is 1331 Michigan Avenue, N.E., Washington, D.C. 20017, was appointed Personal Representative of the estate of Pansy B. Pughsley, who died on December 28, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 24, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 24, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. MATTHEW F. SHANNON. First Published: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24, 31, Feb. 7.

THYSON, Catherine P. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 51-86 S.E.

Catherine P. Thyson, deceased
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Paul F. Cain, whose address is 1921 Cradock Street, Silver Spring, Maryland 20904, was appointed Personal Representative of the estate of Catherine P. Thyson, who died on Dec. 6, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before February 25, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before February 25, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its publication shall so inform the Register of Wills, including name, address and relationship. PAUL F. CAIN. Name of Newspaper: Washington Law Reporter. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24.

WEISS, Michael A. Deceased
Superior Court of the District of Columbia
Probate Division
Foreign No. 3-86

Michael A. Weiss, Deceased
Notice of Appointment of Foreign Personal
Representative and Notice to Creditors

Ann M. Weiss, whose address is 117 Court Street, Penn Yan, New York 14527, was appointed Personal Representative of the estate of Michael A. Weiss, deceased, on March 12, 1985, by the Fairfax Circuit Court for Fairfax County, State of Virginia. Service of process may be made upon Robert E. Madden, 1301 Pennsylvania Ave., Suite 1200, Wash., D.C. 20004, whose designation as District of Columbia agent has been filed with the Register of Wills, D.C. The decedent owned District of Columbia personal property. ANN M. WEISS. Date of first publication: Jan. 24, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 24, 31, Feb. 7.

SECOND INSERTION

ENNIS, Violet S. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2737-85

Violet S. Ennis, deceased
R. Graydon Ripley, *Attorney*
3019 Davidsonville Road
Davidsonville, MD 21035

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Roy A. Fisher, whose address is 7903 Chestnut Avenue, Bowie, Maryland 20715, was appointed Personal Representative of the estate of Violet S. Ennis, who died on April 23, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. ROY A. FISHER, JR. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 17, 24, 31.

FERGUSON, Cora Lee Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2718-85

Cora Lee Ferguson, deceased
Paul J. DiPiazza, *Attorney*
Lerch, Early, Roseman and Frankel, Chartered
7101 Wisconsin Avenue, Suite 1300
Bethesda, Maryland 20814

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Hans Bremer and Shirley Bremer, whose address is 3606 Faircastle Drive, Chevy Chase, Maryland 20815, were appointed Personal Representatives of the estate of Cora Lee Ferguson, who died on November 27, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. HANS BREMER; SHIRLEY BREMER. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 17, 24, 31.

FIELDS, Russell J. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2745-85

Russell J. Fields, deceased
Barnum L. Colton, Jr., *Attorney*
1090 Vermont Avenue, N.W., Suite 640
Washington, D.C. 20005

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

The Riggs National Bank of Washington, D.C., whose address is Trust Department Office, 1120 Vermont Avenue, N.W., Washington, D.C. 20005, was appointed Personal Representative of the estate of Russell J. Fields, who died on November 3, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with

a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. THE RIGGS NATIONAL BANK OF WASHINGTON, D.C., By: Kenneth Foster, Jr., Vice President and Trust Officer. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 17, 24, 31.

GOODWIN, Richard A. Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2677-85
Richard A. Goodwin, deceased
Eileen M. McCarthy, Attorney
1701 N Street, N.W., Washington, D.C. 20036
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Frances M. Gaskins, whose address is 10242 Prince Place, #205, Largo, Maryland 20772, was appointed Personal Representative of the estate of Richard A. Goodwin, who died on November 5, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. FRANCES M. GASKINS. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 17, 24, 31.

HENDERSON, Edna L. Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2724-85
Edna L. Henderson, deceased
W. Alton Lewis, Attorney
1426 H Street, N.W., Suite 437
Washington, D.C. 20005
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Eunice H. Turk, whose address is 5313 Second Street, N.W., Washington, D.C. 20011, was appointed Personal Representative of the estate of Edna L. Henderson, who died on October 10, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. EUNICE H. TURK. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 17, 24, 31.

HERNDON, Joan H. Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2738-85
Joan H. Herndon, deceased
H. Edward Chozick, Attorney
1625 Eye Street, N.W., #925
Washington, D.C. 20006
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Thomas H. Adams, Jr., whose address is 5708 5th Street, N.E., Washington, D.C. 20011, was appointed Personal Representative of the estate of Joan H. Herndon, who died on December 16, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. THOMAS H. ADAMS, JR. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

don, who died on December 16, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. THOMAS H. ADAMS, JR. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 17, 24, 31.

MORRIS, Dorothy Hall Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2731-85
Dorothy Hall Morris, deceased
Alice Brandeis Popkin, Attorney
1015 20th Street, N.W., #222
Washington, D.C. 20036
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Jonas V. Morris, whose address is 1742 Riggs Place, N.W., Washington, D.C. 20009, was appointed Personal Representative of the estate of Dorothy Hall Morris, who died on December 6, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. JONAS V. MORRIS. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 17, 24, 31.

PAYNE, Mary Agnes Deceased

Richard L. Fields, Attorney
5620 St. Barnabas Rd., Suite 250
Oxon Hill, MD 20745
Superior Court of the District of Columbia
Probate Division

In Re: Estate of Mary Agnes Payne, Deceased.
Administration No. 2749-85

Notice is hereby given that a petition has been filed in this Court by Edward K. Reid for standard probate, including the appointment of one or more Personal Representatives. Unless a Complaint in accordance with Superior Court Probate Division Rule 107 is filed in this Court within thirty days from the date of first publication of this notice, the Court will take the action hereinafter set forth.

Upon proof satisfactory to the Court of due execution by affidavit of the witnesses to the Will, the Court will enter an order admitting the Will to probate and appointing one or more Personal Representatives. In the absence of a Will or proof satisfactory to the Court of due execution, the Court will enter an order determining that the decedent died intestate and appointing one or more Personal Representatives.

Date of first publication: Jan. 17, 1986. HENRY L. RUCKER, Register of Wills, Clerk of the Probate Division. [Seal.]

Jan. 17, 24.

RICHARDSON, Douglas M. Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2729-85
Douglas M. Richardson, deceased
Caspa L. Harris, Jr., Attorney
2400 Sixth Street, N.W., Washington, D.C. 20059
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs
Hazel Claritha Franklin, whose address is 5222 4th

Street, N.E., Apt. 305, Washington, D.C. 20011, was appointed Personal Representative of the estate of Douglas M. Richardson, who died on November 17, 1985, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. HAZEL CLARITHA FRANKLIN. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 17, 24, 31.

RICHEY, Edith Mary Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2720-85
Edith Mary Richey, deceased
Raymond L. Poston, Jr., Attorney
313 Park Avenue, Suite 400
Falls Church, Virginia 22046
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Stephen Olin Richey, Jr., whose address is c/o Raymond L. Poston, Jr., 313 Park Avenue, Suite 400, Falls Church, VA 22046, was appointed Personal Representative of the estate of Edith Mary Richey, who died on November 18, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. STEPHEN OLIN RICHEY, JR. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 17, 24, 31.

WILLIAMS, Derek Antonio Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2739-85
Derek Antonio Williams, deceased
Harry Toussaint Alexander, Jr., Attorney
1245 13th Street, N.W., Suite 103
Washington, D.C. 20005

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Wendy Brown, whose address is 47th C.S.H., North Fort Lewis, Washington 98433, was appointed Personal Representative of the estate of Derek Antonio Williams, who died on August 5, 1983, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. WENDY BROWN. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]

Jan. 17, 24, 31.

WILLIAMS, Offie, Jr. Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2742-85
Offie Williams, Jr., deceased
William J. Howard, Attorney

1522 K Street, N.W., Suite 536
Washington, D.C. 20005

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Offetta A. Burch, whose address is 8001 Carmel Drive, Forestville, Maryland 20747, was appointed Personal Representative of the estate of Offie Williams, Jr., who died on 8-23-85, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 17, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 17, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. OFFETTA A. BURCH. First Published: Jan. 17, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 17, 24, 31.

THIRD INSERTION

DIXON, Walter T., Jr. Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2699-85

Walter T. Dixon, Jr., deceased
Renee I. Fox, Attorney

1725 K Street, N.W., Ste. 311
Washington, D.C. 20036

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

LaFara Dixon, whose address is 1337 Fort Stevens Drive, N.W., #118, Washington, D.C. 20011, was appointed Personal Representative of the estate of Walter T. Dixon, Jr., who died on October 30, 1985, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. LaFARA N. DIXON. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 10, 17, 24.

EDWARDS, Alyce Mae Deceased

Superior Court of the District of Columbia
Probate Division
Administration No. 2690-85

Alyce Mae Edwards a/k/a

Alyce M. Edwards, deceased

Dudley R. Williams, Attorney

1004 Sixth Street, N.W., Washington, D.C. 20001

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

John L. Hunt, Jr. a/k/a John C. Hunt, Jr., whose address is 4857 Queens Chapel Terrace, N.E., Washington, D.C. 20017, was appointed Personal Representative of the estate of Alyce Mae Edwards a/k/a Alyce M. Edwards, who died on 11/20/85, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. JOHN L. HUNT, JR. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 10, 17, 24.

GORDON, Alice M. Deceased

Superior Court of the District of Columbia
Probate Division

Administration No. 2686-85

Alice M. Gordon, deceased

Samuel C. Hamilton, Attorney

8605 Cameron Street, Suite 224

Silver Spring, MD 20910

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Willie Mae Gaskins, whose address is 3362 Alden Place, N.E., Washington, D.C. 20019, was appointed Personal Representative of the estate of Alice M. Gordon, who died on October 25, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. WILLIE MAE GASKINS. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 10, 17, 24.

GREENE, Joseph D. Deceased

Superior Court of the District of Columbia
Probate Division

Administration No. 2680-85

Joseph D. Greene, deceased

Nathan Wasser, Attorney

Hirschman and Wasser

8201 Corporate Drive, Suite 1100

Landover, MD 20785

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

American Security Bank, whose address is 1501 Pennsylvania Avenue, N.W., Washington, D.C., was appointed Personal Representative of the estate of Joseph D. Greene, who died on June 27, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. AMERICAN SECURITY BANK, By: Bernard B. Smyth, II. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 10, 17, 24.

HAWKINS, Bessie R. Deceased

Superior Court of the District of Columbia
Probate Division

Administration No. 2697-85

Bessie R. Hawkins, deceased

Sheldon I. Cohen, Attorney

2009 North 14th Street, Suite 708

Arlington, Virginia 22201

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Carlton Boddie and Exum Roberts, whose addresses are 8072 Tributary Court, Springfield, Va. & 1313 Faragut Street, N.W., Washington, D.C. 20011, were appointed Personal Representatives of the estate of Bessie R. Hawkins, who died on September 19, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the

undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. CARLTON BODDIE; EXUM ROBERTS. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 10, 17, 24.

HENDERSON, Paris, Sr. Deceased

Superior Court of the District of Columbia
Probate Division

Administration No. 2684-85

Paris Henderson, Sr., deceased

Diane M. Smith, Attorney

910 17th St., N.W., #303

Washington, D.C. 20006

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Helen C. Henderson, whose address is 1835 Evarts Street, N.E., Washington, D.C., was appointed Personal Representative of the estate of Paris Henderson, Sr., who died on November 26, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. HELEN C. HENDERSON. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 10, 17, 24.

MANGRUM, Walter S. Deceased

Superior Court of the District of Columbia
Probate Division

Administration No. 2694-85

Walter S. Mangrum, deceased

Ronald C. Jessamy, Attorney

Jessamy, Fort & Ogletree

1400 Eye Street, N.W., Suite 1250

Washington, D.C. 20005

Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Geraldine E. Mangrum, whose address is 1321 Allison Street, N.W., was appointed Personal Representative of the estate of Walter S. Mangrum, Sr., who died on March 4, 1984, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. GERALDINE E. MANGRUM. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.] Jan. 10, 17, 24.

MANTON, Monte Deceased

Superior Court of the District of Columbia
Probate Division

Foreign No. 271-85

Monte Manton, Deceased

Notice of Appointment of Foreign Personal
Representative and Notice to Creditors

Howard M. Brown and Dennis D. Brown, whose addresses are 5 Cougar Circle, Wayne, New Jersey 07470 and 531 Old Woods Road, Wyckoff, New Jersey 07481, respectively, were appointed Personal Representatives of the estate of Monte Manton, deceased, on September 1, 1983, by the Circuit Court for Broward County, State of Florida. Service of process may be made upon Karen M. Sprecher, Esq., 3045 N Street, N.W., Apt. 4,

Washington, D.C. 20007, whose designation as District of Columbia agent has been filed with the Register of Wills, D.C. The decedent owned 50% interest in K & M Partnership which owned the following District of Columbia real property: 227 L Street, N.E.; 214-16 L Street, N.E.; 1112-14 Congress Street, N.E.; 1108-10 Congress Street, N.E.; 423 Florida Avenue, N.E.; 425 Florida Avenue, N.E.; 1225 4th Street, N.E. and 1232 4th Street, N.E. Claims against the decedent may be presented to the undersigned and filed with the Register of Wills for the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001 within six months from the date of first publication of this notice. HOWARD M. BROWN; DENNIS D. BROWN. Date of first publication: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]
Jan. 10, 17, 24.

MURPHY, Marjorie Greenwell Deceased
Superior Court of the District of Columbia
Probate Division

Administration No. 2673-85
Marjorie Greenwell Murphy, deceased
Raymond L. Poston, Jr., Attorney
313 Park Avenue, Suite 400
Falls Church, Virginia 22046
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs
William Fitzpatrick, whose address is 509 Seward Avenue, S.E., Washington, D.C. 20003, was appointed Personal Representative of the estate of Marjorie Greenwell Murphy, who died on September 4, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. WILLIAM FITZPATRICK. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]
Jan. 10, 17, 24.

O'NEAL, Eleanor G. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2710-85
Eleanor G. O'Neal, deceased
Avis E. Black, Attorney
Buchanan Ingersoll Professional Corporation
1667 K Street, N.W., Washington, D.C. 20006
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Edward K. Mark, whose address is 4509 Western Avenue, N.W., Washington, D.C. 20016, was appointed Personal Representative of the estate of Eleanor G. O'Neal, who died on November 18, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of

Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. EDWARD K. MARK. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]
Jan. 10, 17, 24.

OTWELL, Robert A. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2682-85
Robert A. Otwell, deceased
Tanina D. Liammari, Attorney
Hyatt Legal Services
1701 K Street, N.W., Washington, D.C. 20006
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Joseph D. Otwell and Pamela C. Dethlefs, whose address is 758 Rosedale Avenue, S.E., Atlanta, Georgia 30312, were appointed Personal Representatives of the estate of Robert A. Otwell, who died on August 8, 1985, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. PAMELA CAYE DETHLEFS; JOSEPH D. OTWELL. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]
Jan. 10, 17, 24.

OWEN, Walter L. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2695-85
Walter L. Owen, deceased
Suzanne M. Snedegar, Attorney
5454 Wisconsin Avenue, #1500
Chevy Chase, Maryland 20815
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Joseph W. Pitterich, whose address is 1810 19th Street, N.W., Washington, D.C. 20009, was appointed Personal Representative of the estate of Walter L. Owen, who died on November 19, 1985, with a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment (or to the probate of decedent's Will) shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against

the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. JOSEPH W. PITTERICH. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]
Jan. 10, 17, 24.

SIMS, Edgar R. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2693-85
Edgar R. Sims, deceased
James T. Wright, Attorney
720 5th Street, N.W., Washington, D.C. 20001
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Theopa E. Sims, whose address is 905 6th Street, S.W., Washington, D.C. 20014, was appointed Personal Representative of the estate of Edgar R. Sims, who died on April 26, 1985, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. THEOPA E. SIMS. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]
Jan. 10, 17, 24.

THOMES, Jacqueline T. Deceased
Superior Court of the District of Columbia
Probate Division
Administration No. 2698-85
Jacqueline T. Thomes, deceased
Robert Wade, Attorney
2700 Que St., N.W., Suite 204
Washington, D.C. 20007
Notice of Appointment, Notice to Creditors
and Notice to Unknown Heirs

Charmione T. Thomas, whose address is 1557 Ft. Dupont St., N.W., Washington, D.C. 20020, was appointed Personal Representative of the estate of Jacqueline T. Thomes, who died on November 8, 1985, without a Will. All unknown heirs and heirs whose whereabouts are unknown shall enter their appearance in this proceeding. Objections to such appointment shall be filed with the Register of Wills, D.C., 500 Indiana Avenue, N.W., Washington, D.C. 20001, on or before July 10, 1986. Claims against the decedent shall be presented to the undersigned with a copy to the Register of Wills or to the Register of Wills with a copy to the undersigned, on or before July 10, 1986, or be forever barred. Persons believed to be heirs or legatees of the decedent who do not receive a copy of this notice by mail within 25 days of its first publication shall so inform the Register of Wills, including name, address and relationship. CHARMIONE T. THOMAS. First Published: Jan. 10, 1986. TRUE TEST COPY. Henry L. Rucker, Register of Wills. [Seal.]
Jan. 10, 17, 24.

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