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June 17th, 1919.

Dr. T. S. Kennedy,  
Ft. Lauderdale, Fla.

Dear Dr. Kennedy:

I am returning, herewith, by registered mail,  
the papers you let me have this morning, as follows:

1. Certified copy of Last Will and Testament of Carlton Marshall, deceased.
2. Decree of Judge E. B. Donnell, dated Nov. 16th, 1918, causing division of property in Marshall estate. This paper is a carbon copy not certified.
3. Carbon copy of Order of Judge E. B. Donnell, dismissing T. S. Kennedy, as Executor.

I thank you very much for your kindness in allowing me to take these papers until I could make copies of them.

Yours very truly,

FJP

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June 17th, 1919.

Refund advance payment Carlton Marshall, deceased,  
land purchased in Cape Sable District:

Mr. J. E. Ingraham,  
P r e s i d e n t,  
St. Augustine, Fla.

Dear Sir:

Following my letter of yesterday regarding above matter, and in further reply to yours of the 15th, will state, Mr. Pepper went back to Ft. Lauderdale again this morning, and by appointment with Dr. T. S. Kennedy, Executor of the Will, went through all the papers in his possession in connection with the estate of Carlton Marshall, deceased, but they found no receipt, contract or any other paper having any connection with such a transaction.

Dr. Kennedy and Mr. Pepper then went to Pompano and called on the widow of Carlton Marshall, and asked her if she had any knowledge of such a transaction. She stated she remembered that her husband went down in the Cape Sable country to look at land, and thinks she had the contract or receipt in her possession when her husband died, but that a few days after his death, A. D. Marshall, a brother and others called on her, and while she went with some of them to show the farm, A. D. Marshall who remained at the house, went through her papers and took what he wanted, including this land receipt she believes, as she missed it along with other papers a short time afterwards. Dr. Kennedy is also of the opinion that A. D. Marshall, who lives at Ft. Lauderdale has this receipt, but I doubt if Kennedy has ever seen it himself.

On account of the condition of the estate which is about as set forth in my letter of yesterday, and not being able to get possession of the original receipt, we did not deem it wise to refund this money until you could look into the matter further, and for this purpose we are enclosing, herewith, copy of the Last Will and Testament of Carlton Marshall, deceased, Decree of Judge Donnell making a division of the property, and an Order signed by Judge Donnell dismissing Dr. T. S. Kennedy as Executor of the Estate.

As stated in letter of yesterday, Mrs. Marshall, widow, blames her attorneys agreed to this division of property without her

knowledge, and she has employed Attorney Geo. A. Worley of Miami, to take legal action to have this decree set aside on the grounds of collusion and fraud, which will be done shortly.

Mr. E. S. Farrington, Attorney for Dr. Kennedy as Executor (present mayor of Ft. Lauderdale) will likely assist Judge Worley, and informed Mr. Pepper, it is his opinion they have ample grounds to have this ruling set aside by higher court. Mr. Farrington expressed his opinion that the Model Land Company should wait until the matter is finally settled in court before refunding any money.

Yours very truly,

FJP

The State of Florida,

Dade County,

In the Name of God Amen:

I, Carlton Marshall, of said State and County, being of sound mind but considering the uncertainty of my earthly existance, deem it proper to myself and my family that I should make a disposition of the property with which a kind providence has and may bless me, do therefore make this my last will and testament, hereby revoking all others heretofore made by me.

1st. I desire and direct that my body be buried in a decent and Christian like manner suitable to my circumstances and conditions in life. My soul, I trust, shall return to rest with God who gave it.

2nd. I desire and direct that all my just debts be paid without delay by my executor hereinafter appointed, as I am unwilling my creditors should be delayed in their rights, as there is no necessity for delay.

3rd. I give, bequeath and devise to my beloved wife, Victoria Bellamy, with whom I am now living quietly, two hundred and fifty dollars per annum during her natural life, provided she lives a virtuous and honorable life and remains unmarried. Should she fail to live as above stated, then she is forever debarred from the above endowment.

4th. At my wife's death, or failure to live according to my desire as above expressed in my last will, then should my estate not be exhausted, the remainder to be equally divided between my father, mother, brothers and sisters that are living.

Amendment to 3rd item.

Be it further understood that it is my desire and will that no real estate or improvements shall be sold or disposed of as long as my wife, Victoria, lives heir to the above endowment. Should the bank account, rents and interest fall short of the two hundred and fifty dollars aforesaid per annum then her endowment is limited to the amount only of said rents and interest.

5th Item. I desire and direct, give and bequath, to my wife, Victoria, all household and kitchen furniture, and household goods that are in our place of residence and in personal use.

6th Item. I desire and direct that all my personal property, such as stock, farming implements, tools, machinery & Co., shall be used or disposed of to the best advantage for my estate by my executor hereinafter appointed.

7th Item. I hereby constitute my worthy friends, Dr. T. S. Kennedy and the Senior Warden of Doric Lodge (140) of F. & A. M., Ft. Lauderdale, Fla., Executors of this my Last Will and Testament.

This day of January, A. D. 1905.

Carlton Marshall L.S.

Signed, sealed, declared and published by Carlton Marshall as his last will and testament in the presence of us who subscribed our names hereto in the presence of said testator and of each other, this 21st day of January, A. D., 1905.

W. L. Bracknell  
William Marshall.

State of Florida,  
Broward County, ss.

I, J. F. Bunn, County Judge in and for Broward County, Florida, do hereby certify that the above and foregoing is a full, true and correct copy of the last will and testament of Carlton Marshall, deceased, as the same appears of record in the County Judge's Office of said Broward County, and recorded in Will Record, Book One (1) at page 73 of the public records of said County. In witness whereof I have hereunto set my hand and official seal at Ft. Lauderdale, Broward County, Florida, this 30th day of July, A. D. 1918.

J. F. Bunn  
County Judge.

(COPY)

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF  
FLORIDA, BROWARD COUNTY: In Chancery:

VICTORIA B. MARSHALL,  
Complainant.

versus

T. S. Kennedy, et. al.,  
Defendants.

This cause coming on this day to be heard upon the application of the defendants other than T. S. Kennedy, to discharge the said T. S. Kennedy, as Executor of the Last Will and Testament of Carlton Marshall, deceased, and the said matter having been submitted to the Court,

IT IS ORDERED: That the said T. S. Kennedy, as Executor of the Last Will and Testament of Carlton Marshall deceased, do file in this Court within three days from this date a report of all sums of money collected by him as rentals from the property in the City of Fort Lauderdale, known as the "Keystone Hotel", and that he pay to the solicitors of record for the said defendants other than T. S. Kennedy, the said sum of money at the time of the filing of said report and take their receipt therefor.

It is further ordered, that upon the filing of said report and the payment of the sum of money as aforesaid that the said T. S. Kennedy be, and is hereby, discharged as Executor of the Estate of Carlton Marshall, deceased, and take no further action with reference to the property hereinbefore set ~~forth~~ apart to the defendants other than T. S. Kennedy, herein.

DONE and ORDERED, in Chambers, at West Palm Beach, Florida, upon this, the 3rd day of July, 1919.

(Signed) E. B. Donnell,  
Judge.

A true copy

A. W. Turner,  
Sheriff, Broward Co., Fla.

In the Circuit Court of the Fifteenth  
Judicial Circuit of Florida in and  
for Broward County, In Chancery.

Victoria B. Marshall,

vs.

T. S. Kennedy, Margarette  
Marshall, M.A. Marshall,  
W.H. Marshall, W.M. Mar-  
shall, Adilph Maddox, J.B.  
Marshall, Minnie Farmer,  
E.E. Marshall, A.C. Marshall,  
A.D. Marshall and Clinton  
Marshall.

This cause coming in for final hearing upon the report  
of the Honorable Rufus M. Robbins, special master herein, the report  
of E.B. Kurtz, special examiner herein, and the stipulation of coun-  
sel, attached hereto, it is therefore ordered, adjudged and  
decreed by the Court:

That the fee simple title to all of the lands situated  
in Jefferson County, Florida, of which the deceased, Carlton Marshall  
died seized and possessed, and the fee simple title to the property  
located in the City of Fort Lauderdale, Broward County, Florida,  
known as the Keystone Hotel property, and the land whereon, the same  
is located be and the same is hereby declared to be vested in the  
defendants Margarette Marshall, M.A. Marshall, W.H. Marshall, W.M. Mar-  
shall, Adilph Maddox, J.B. Marshall, Minnie Farmer, R.E. Marshall,  
A.C. Marshall, A.D. Marshall and Clinton Marshall, as tenants in common.

That the complainant Victoria B. Marshall is hereby  
declared to be entitled to all other real estate of which the said  
Carlton Marshall died seized and possessed, wherever situated, and the  
same is hereby declared to be vested in the Farmers Bank and Trust  
Company, a corporation of Florida, with its principal place of business  
in West Palm Beach, Florida, to be held by said Farmers Bank & Trust  
Company, in trust, however, for the following purposes and uses: To  
pay to the said Victoria B. Marshall all of the income thereof, at  
such periods as shall be found convenient and necessary, after deducting  
the necessary cost of maintaining said real estate in such manner as  
may be deemed proper and advisable to said trustee, and after the  
further deducting of taxes and other costs incident to this trust:

That said Trustee being charged with the duty of administering the trust property so as to keep the corpus thereof income producing. That the homestead property of the said Carlton Marshall being excluded from the operation of the foregoing trust.

That out of the funds remaining in the hands of the said A.D. Marshall, to-wit, the sum of five thousand five hundred fifteen and 98-100 dollars, he shall,

first. Pay the costs of this cause;

second; Pay to S. C. Kearley and C.D.Abbott the sum of \$1500.00 which the court finds to be a reasonable fee for the solicitors for the complainant for their services herein;

third: Of the remainder in his hands, pay the said Farmers Bank & Trust Co. eighty per cent thereof, less twenty per cent of any amounts that have been advanced to the said Victoria B. Marshall for her support by the said A. D. Marshall or T. S. Kennedy, and less one-half the amount that said Victoria B. Marshall may be due the estate of Carlton Marshall, deceased, on account of the purchase of an automobile by her from said estate.

fourth: The balance of money remaining in hands of the said A. D. Marshall, he shall pay to the defendants, Margarette Marshall M.A.Marshall, W.H.Marshall, M.W.Marshall, Adilph Maddox, J.B.Marshall, Minnie Farmer, E.E.Marshall, A.C.Marshall, A.D.Marshall and Clinton Marshall, share and share alike.

The said A.D.Marshall shall take receipt for all sums paid out by him, and shall within ten days after the filing of this decree, make report of his action to this court.

That the defendant T.S.Kennedy shall immediately pay over to the Farmers Bank & Trust Company eighty per cent of all moneys remaining in his hands as executor of the estate of Carlton Marshall, deceased, and shall pay to legatees under the last will and testament of Carlton Marshall, deceased, share and share alike, or to their authorized agency A.D.Marshall, the balance of money remaining in his hands, and shall take receipt therefor and make report of his action to this court within ten days of the filing of this decree, and shall further make report of receipts and disbursements of the assets

COPY

of the estate of the said Carlton Marshall, ~~successor~~ had and made by him as executor of said estate.

Said money so paid to the Farmers Bank & Trust Company to be held by it in trust, however, for the use and benefit of the said Victoria B. Marshall, with power to invest and reinvest the same, the said trust not being confined to what is known as legal investments in its administration thereof, and to pay the income therefrom, after deducting necessary expenses, to the said Victoria B. Marshall.

The said Victoria B. Marshall shall have the full power to dispose of said estate, real and personal, by last will and testament.

Done and ordered at West Palm Beach, Florida, this 16th day of November, 1918.

E. B. Donnell, Judge.

Same.

STIPULATION OF COUNSEL.

It is hereby agreed and stipulated by and between S. C. Kearley and C. D. Abbott, solicitors for the Complainant and Evans & Bell, solicitor for the defendants, that the report of Rufus M. Robbins, special master herein, and the report of E.B.Kurtz special examiner herein, shall not be excepted to; that final hearing of this cause shall be held before the Honorable E. B. Donnell, Judge of aforesaid Court, on the        day of November, 1918; that the final decree, copy of which is hereto attached, shall be signed by said Judge, and entered as the final decree in this cause.

It is further agreed that the report of the commissioners appointed herein shall be waived and dispensed with, and that they may be herewith discharged.

Dated at Ft. Lauderdale, Fla. this Nov. 13th, 1918.

S C Kearley  
C D Abbott, Solicitors for Comp.  
Evans & Bell  
By Joseph Bell, Solicitors for Deft.