

1940

Lena Shanko Waters v. Silvia Waters : Abstract of Record

Utah Supreme Court

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J. Patton Neeley; Paul G. Ellis; Attorneys for Appellant;

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In
The Supreme Court
of the
State of Utah

IN THE MATTER OF THE
ESTATE OF CHARLES WES-
LEY WATERS, Deceased,

LENA SHANKO WATERS,
Appellant,

vs.

SILVIA WATERS,
Respondent.

Appeal From the Third District Court of Utah,
for Salt Lake County
Honorable P. C. Evans, Judge.

ABSTRACT OF RECORD

J. PATTON NEELEY,
PAUL G. ELLIS,
Attorneys for Appellant.

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1-3 September 2, 1939 Silvia Waters filed her petition for letters of administration alleging:

1.

That Charles Wesley Waters died in Salt Lake County, Utah, on August 18, 1939, a resident of said county and left personal property (listed by items and valuations).

2.

The names, ages and places of residence of the

heirs at law and next of kin of said deceased are:

SILVIA WATERS, age 33, wife, 1768 South State St., Salt Lake City, Utah.

DANIEL WESLEY WATERS, age 5, son, 1768 South State St., Salt Lake City, Utah.

DELORES WATERS, age 8, daughter of former wife, Burlington, Iowa.

3.

Alleges fruitless search for a will, intestacy, etc. That petitioner was the legal wife and is now the widow of said deceased and a fit person to administer said estate. Prayer for letters of administration. Signed and sworn to before Notary, September 1, 1939.

- 4 September 2, 1939 order for hearing on September 20, 1939, 10 A. M. Notice to be given by posting in three public places.
- 5-6 September 2, 1939 notice of said hearing with proof attached of mailing copies thereof to parties named as heirs at addresses given in the petition, and of posting at the three public places specified in the order.
- 7-8 September 20, 1939 order appointing Sylvia Waters administratrix of said estate, no one appearing to oppose the same, (fixing \$900 corporate or \$1550 personal security bond).
- 9 October 18, 1939 letters of administration issued to Silvia Waters.
- 10 October 19, 1939 order for publication notice to creditors.
- 11 January 22, 1940 order appointing appraisers (naming them).

- 12 January 23, 1940, inventory and appraisement filed.

August 6, 1940, Lena Shanko Waters filed in said court and proceedings her petition for an order removing the said Silvia Waters from the office of administratrix, cancelling her letters, substituting and appointing petitioner as administratrix, and meantime suspending the said Silvia. A demurrer thereto was filed and before the hearing thereon certain amendments were filed. The petition as amended is as follows:

PETITION

(TITLE OF COURT AND CAUSE).

- 14 The petition of Lena Shanko Waters against the said Silvia Waters, administratrix as aforesaid, respectfully shows to the court and alleges:

1.

That the said Charles Wesley Waters departed this life at Salt Lake City, Utah, on or about the 18th day of August, A. D. 1939.

2.

That at the time of his death the said Charles Wesley Waters was the owner in possession of sundry goods and chattels of the nature and character of dining room and kitchen equipment used by him in conducting a restaurant or cafe under the business name of Chicken Castle Cafe, at No. 1768 South State Street in Salt Lake City, Salt Lake County, Utah, of the value of towit: More than \$500.00; and also one 1936 Lincoln-Zephyr automobile of the value of more

than \$300.00 and one Harley-Davidson motorcycle of the value of more than \$25.00.

3.

That the names, ages and places of residence of the heirs at law and next of kin of the said decedent are as follows, towit:

Lena Shanko Waters, age 33, relationship, wife, 534 South Parkview Street, Los Angeles, California.

Daniel Waters, age 5, relationship, son, 1768 South State Street, Salt Lake City, Utah.

Delores Waters, age 8, relationship, daughter, 123 South 6th Street, Burlington, Iowa.

4.

15 That the said Silvia Waters on or about September 2, 1939 filed in the above entitled court, in probate, her petition for letters of administration upon the estate of said Charles Wesley Waters, deceased, alleging his death and possession of assets and estate in Salt Lake County, Utah, as aforesaid, and further alleging that she, the said Silvia, was the wife and the surviving widow of the said decedent, and with the said Daniel Waters and Delores Waters were and are the only heirs at law of said decedent. But petitioner alleges that said averment is untrue, in that the said Silvia was not the wife and is not the widow of said decedent, has no interest in his estate, and is not entitled to administer the same.

5.

Upon information and belief petitioner alleges that the said Silvia bases her claim to have

been the wife and now the widow of said decedent upon a certain marriage ceremony claimed to have been performed and entered into by and between her, the said Silvia, and said decedent in his lifetime at Coalville, Utah, on or about September 16, 1938. Petitioner alleges that if such marriage was contracted and performed, it was void and of no effect, because petitioner was at the time thereof the lawful wife of the said Charles Wesley Waters, as both he and the said Silvia well knew.

5a.

- 36 That this petitioner and the said Charles Wesley Waters were married and became husband and wife at Valparaiso, Indiana, on or about the 29th day of July, A. D. 1935, and they were ever since and until his death husband and wife. (As amended September 25, 1940).

6.

- 15 Petitioner further alleges that the said Silvia in justification of her said alleged marriage, claims and pretends that the said Charles Wesley Waters had been and was divorced from this petitioner by a decree of the District Court for Salt Lake County, Utah, entered on or about February 18, 1938, in an action therein numbered 60289 wherein he, the said Charles Wesley Waters, was plaintiff and this petitioner was defendant. But plaintiff alleges that said divorce decree and all proceedings therein was and were wholly void and of no legal effect whatever, because:
- 16 (a) The said Charles Wesley Waters at the time he began said action on November 24,

1937, had not been a resident of the State of Utah for one year, but in order to deceive and mislead the said court he falsely alleged in his complaint therein that he had been for more than one year prior thereto an actual and bona fide resident of the State of Utah. Because thereof the said court seemed to have but in fact did not have any jurisdiction to hear, entertain or determine said action.

Amended 6a.

- 36 That the said Charles Wesley Waters, at the time he began said action for a divorce from this petitioner, had not been an actual or bona fide resident of the State of Utah, and had not resided in said State, for one year. But he falsely alleged in his complaint therein that he had been for more than one year next prior thereto an actual and bona fide resident of the State of Utah. On the contrary, petitioner alleges, the said Charles Wesley Waters had resided outside the State of Utah for all or a greater part of the year next prior to the beginning of said action. As petitioner is informed and believes, he resided all or a great part of said year in the State of Illinois.
- 16 (b) No summons was in fact ever issued in said action to bring this petitioner into court in said action and require her to appear and defend the same. Petitioner never had any knowledge thereof and never entered any appearance therein.
- (c) Notwithstanding that no summons was ever issued in said action, the plaintiff therein by his attorney attempted to procure an order for

service of a summons therein by process of publication.

(d) The plaintiff in said action never filed any affidavit of facts upon which to base an order by the clerk of said court for publication of a summons in said action. Such affidavit in conformity to the Statutes of Utah could not have been truthfully made or filed by said plaintiff, without stating and showing therein the true residence address of this petitioner, defendant therein, in the City of Chicago, Illinois, as below stated, and which was then well known to plaintiff, and because thereof he caused an affidavit to be made by his record attorney, A. C. Melville, although said plaintiff was then personally present in the city, county and State where said action was commenced.

Amended 7 (d)

- 36 That the said affidavit of said A. C. Melville for an order for publication of summons therein, did not purport to state facts sufficient to warrant said order, in this, inter alia, that said affidavit did not contain or state any facts showing diligence by the affiant to inquire from persons or sources most likely to yield information as to where this petitioner then resided, or to what local residence, business or street address where she then resided, and to which an envelope containing a copy of the complaint and summons in said action could be addressed and mailed in the United States mails whereby she would receive the same and thereby obtain notice and knowledge of the beginning and pendency of said action for divorce. Said affidavit did not purport to show

that the affiant had made any inquiry whatever from the plaintiff, his client, in said action, as to where this petitioner then resided and at what local or street address she would receive said complaint and summons if mailed to her through the United States mails. Or that in lieu of the plaintiff himself, he had inquired of any other person likely to know of this petitioner's then address, locally, or the results of any such inquiries.

- 37 (e) as amended. That at the time of the beginning of said action, and of the filing of the complaint and affidavit for publication of summons therein, she resided in the City of Chicago, Illinois, and her residence address and place of residence was at No. 7516 Cornell Avenue in said city, and her business address where she was then working was at, and in care of, the Cook County Hospital, in Chicago, Illinois. That the said Charles Wesley Waters then well knew that her local residence and business addresses were then as above herein stated, and he could have informed his said attorney, A. C. Melville thereof, as it was his duty to do. And if he did not so inform his said attorney thereof, it was because he desired to withhold such information from the court, and he connived with his said attorney to suppress the same, and thereby to prevent a copy of said complaint and summons from being mailed to or received by this petitioner. By so withholding said information from the court and clerk he did deceive and mislead them into believing that this petitioner's local address was unknown to them, save that she was be-

lieved to be in Chicago, Ill. That thereby petitioner was cheated and deprived of the legal notice due her as defendant herein of the beginning and pendency of said action, and she did not obtain any knowledge or information thereof until long after entry of the decree therein.

In lieu of an affidavit showing diligence to obtain information of this petitioner's local residence or business address, which would have elicited the information thereof contained and stated in subdivision (e) hereof, the said plaintiff filed no affidavit, but his said attorney, A. C. Melville, filed an affidavit in which he stated merely:

- 37 “that he has made due search and inquiry to determine if the above named Lena Waters resided and can be found within the State of Utah. That according to his best knowledge, information and belief, the said defendant cannot be found within the State of Utah, and that she is and resides in the City of Chicago, Illinois, and that the only manner in which service can be made on said defendant is by publication.”

But petitioner alleges that said statement that “due search and inquiry” had been made was false, in that no inquiry was made of plaintiff himself, or if made, the information he could have given as aforesaid was suppressed by the affiant and plaintiff and withheld from the court and clerk, so that no notice of said action reached this petitioner. And said averment quoted was of a conclusion merely and not of

fact, and was insufficient, void and of no effect to warrant an order for publication of summons in the action.

Except as above stated, petitioner strikes out all of subdivision (e) in paragraph 6 of her original petition herein.

17-18 (f) That the City of Chicago, Illinois, is a city of many millions of inhabitants, and that the said affidavit was false in stating that affiant had used due diligence, search or inquiry to ascertain the correct local street or residence address of this petitioner as defendant in the City of Chicago, Illinois, to which a copy of the complaint and summons might be mailed, and the affiant and said plaintiff were intentionally deceptive and misleading in failing to state any local or street number of the residence or business address of petitioner in said city, in said affidavit for an order for publication of summons.

For amendment to subdivision (f) of paragraph 6 of her said petition, she repeats the same, and adds thereto as follows:

37 That at the time of the beginning of said action, this petitioner did not reside in the State of Utah but in the City of Chicago and her local residence and business addresses in said city were as before stated herein, and the domiciliary residence of the plaintiff and defendant in said action was not in the State of Utah. And because thereof and of plaintiff's lack of actual residence in said State of Utah for one year next prior thereto, the courts of Utah had no

jurisdiction of the res of said action, and no jurisdiction of the parties.

(g) That the said complaint, affidavit and order for publication of summons were each and all filed in said court on November 24, 1937, at the same time, without issuance of summons, or any showing of diligence to obtain service of summons, or to ascertain where such service might be effected personally or by mail or by publication.

- 18 (h) That there was filed in said action on February 18, 1938, an affidavit by one W. Pratt Smith, as publisher of the Southeast Sentinel, an obscure publication in Salt Lake County, that a summons was published in his said paper for five weeks from November 26, 1937, to December 23, 1937, inclusive, but no summons was filed therewith. And no return or proof of service by publication or otherwise was filed in said court within ten days after service as required by statute.

7.

That by reason of the matters alleged in paragraph 6 hereof, the said court acquired no jurisdiction whatever to hear and determine said action or to render a decree of divorce therein, and the decree, if entered, was and is wholly void and of no effect.

8.

- 18 That the said Silvia Waters at the time she filed her petition for letters of administration upon the estate of said decedent, and at the time of her pretended marriage to him, well knew that he had not been a resident of the State of Utah for one year prior to the com-

mencement of his said divorce action against this petitioner, and that he had in fact resided in said State of Utah less than six months when he commenced said action. And she, the said Silvia, had both actual and constructive notice of all the matters invalidating said divorce decree alleged in paragraph 6 hereof, and had knowledge and notice of facts putting her upon inquiry with respect to every detail thereof. At all said times she well knew that she was not the wife or widow of said decedent, nor interested in his estate, nor entitled to administer thereon. Her said petition for letters and all her proceeding therein were done and contrived by her to enable her to get possession of the assets and estate of said decedent and to cheat and defraud this petitioner thereof. That all the matters, acts and things done by said Charles Wesley Waters as alleged in paragraphs 5 and 6 hereof were done by him with the knowledge, connivance, collusion, co-operation and approval of the said Silvia for the like purpose of cheating and defrauding this petitioner of her rights as his wife and expectancy as his widow upon his death.

9.

- 19 That this petitioner had no knowledge of the commencement of said divorce action, or of any of the proceedings by said Silvia to administer upon said estate of said decedent until on or about the 26th day of June, A. D. 1940.

10.

That under and pursuant to her said petition and letters of administration issued thereon the said Silvia Waters has taken possession of all

the said goods and chattels without right, and is appropriating to herself the use, income, earnings and avails thereof without right. She is herself without assets or property and unable to respond in damages for the value of said assets, income, earnings, etc.

For amendment to paragraph 10 of said petition, she alleges:

10 (a)

37-38 That the said Silvia Waters has filed herein an incorrect and incomplete inventory of the assets of said estate, omitting therefrom assets of substantial value; and declared her intention but failed to file an amended or better one, also promised but failed to file a sufficient official bond with corporate surety.

11.

19 That she has given and filed bond as administratrix of said estate signed by herself as principal and by L. W. Quick and George M. Hamilton as sureties. But the said sureties have no assets or not sufficient assets or estate in excess of their just debts and lawful exemptions to respond to any judgment which may be rendered against their principal the said Silvia, or to insure her fidelity to her trust. Hence also she should be suspended and upon the hearing removed as administratrix.

12.

38 For further amendment she alleges that said Silvia Waters in her petition for letters listing the heirs of said estate as required by Utah Rev. St. 1933, 102-4-7, omitted the name of this petitioner as widow and heir of said de-

cedent, well knowing the same, and in lieu thereof listed her own name as widow and heir, well knowing that she was not such widow or heir. Thereby she contrived that this petitioner should not have or receive statutory notice of hearing upon the said Silvia's petition for letters, or opportunity to appear and oppose the same, or to claim on her own behalf the right to administer upon and inherit therefrom the widow's share, or receive distribution thereof. Thereby also the court and its clerk were deceived and misled into believing that said Silvia was and is the wife and widow of said decedent and entitled to administer thereon, and to issue to her said letters of administration as was done. This petitioner had no knowledge thereof until during or about the month of June, 1940, and no opportunity to oppose said letters to Silvia upon the hearing of her petition or to claim the same for herself until the last named date. All with the intent of said Silvia to deprive petitioner of her said property rights.

13.

Save as herein otherwise stated petitioner repeats by reference all the averments of her original petition as if here set out at length.

Wherefore, petitioner prays the order of the court:

1.

That said Silvia Waters be suspended from further action as administratrix of said estate until the further orders of the court pursuant to Section 102-6-1 of Utah Rev. Stat. of 1933.

2.

- 20 That pursuant to said Section 102-6-1, a citation issue to said Sylvia requiring her to appear

and answer or show cause why she should not be removed permanently from acting as administratrix and her letters of administration cancelled.

3.

That new letters of administration upon said estate be issued to Eric Rosenvall whom she hereby nominates as her appointee, and requests that he serve in her behalf, inasmuch as petitioner is now a non-resident of the State of Utah.

4.

That the said Silvia be required to account for all her acts and doings as administratrix, and concerning all property, moneys, assets and effects of said estate that have come to her hand either as the pretended widow of said decedent or as administratrix of his estate, and that she be required to deliver the same and all thereof to the administrator to be appointed by this court.

5.

That pursuant to Section 102-4-11 of Utah Rev. Stat. 1933, the court immediately appoint a suitable person as special administrator of said estate with instructions to take immediate possession of all the goods and chattels, assets and effects of said estate and to hold the same until the further orders of the court.

6.

For such other orders and relief as to the court may seem meet and proper.

(Amendment). Wherefore petitioner prays as in her amended petition, and that the court

find and decree that petitioner was said decedent's wife at his death and is now his widow and entitled to administer upon his estate with the right to inherit as his heir; that letters be issued to her accordingly; that the said Silvia is not the wife or widow nor entitled to administer the said estate; that this petitioner is a competent person to file this petition under the provisions of Utah Rev. St. 1933, 102-6-1, and as such widow has the prior right to administer said estate and that she had no opportunity to apply previously or to oppose the petition of said Silvia for letters previously issued to her, or for revocation thereof by the court. For such other relief as to the court may seem meet.

J. PATTON NEELEY,

P. G. ELLIS,

38-39

Attorneys for Lena Shanko
Waters.

Duly verified.

23-26 August 6, 1940, order requiring Silvia Waters to show cause September 12, 1940 at 10 A. M. (Citation and service).

DEMURRER

(TITLE OF COURT AND CAUSE).

31-32 Comes now Silvia Waters, administratrix of the above entitled estate, and through her attorney, Joseph C. Fratto, demurs to the petition of Lena Shanko Waters in the above entitled estate and for grounds of demurrer states:

1.

That the petition of Lena Shanko Waters on

file herein does ✓ state facts sufficient to constitute a cause of action.

2.

That the above entitled court does not have jurisdiction of the subject matter alleged in the petition for the following reasons:

A. The matters alleged in the said petition are a collateral attack on the default divorce obtained by the deceased, Charles Wesley Waters.

B. The petitioner does not pray that the default divorce proceedings of Charles Wesley Waters be set aside, therefore, the above court has no jurisdiction of the matters alleged in petition for it cannot render a decision thereon.

3.

That there is a defect and misjoinder of party defendants.

4.

That paragraph 5 of said petition is uncertain in that it cannot be ascertained therefrom when the petitioner, Lena Shanko Waters, became the alleged wife of Charles Wesley Waters.

5.

That paragraph 6, subdivision A, of said petition is uncertain in that it cannot be ascertained therefrom just how Charles Wesley Waters falsified his residence, nor can his actual residence, if not Utah, be determined from said paragraph.

find and decree that petitioner was said decedent's wife at his death and is now his widow and entitled to administer upon his estate with the right to inherit as his heir; that letters issued to her accordingly; that the said Silvia is not the wife or widow nor entitled to administer the said estate; that this petitioner is competent person to file this petition under provisions of Utah Rev. St. 1933, 102-6-1, and as such widow has the prior right to administer said estate and that she had no opportunity to apply previously or to oppose the petition of said Silvia for letters previously issued her, or for revocation thereof by the court. such other relief as to the court may seem n

J. PATTON NEELEY,
P. G. ELLIS,

38-39

Attorneys for Lena Shanko
Waters.

Duly verified.

23-26 August 6, 1940, order requiring
Waters to show cause September 12, 1940,
10 A. M. (Citation and service).

DEMURRER

(TITLE OF COURT AND CAUSE).

31-32 Comes now Silvia Waters, administratrix of the above entitled estate, and through her attorney, Joseph C. Fratto, demurs to the petition of Lena Shanko Waters in the above estate and for grounds of demurrer states

1.

That the petition of Lena Shanko Waters

file herein does ✓ state facts sufficient to constitute a cause of action.

2.

That the above entitled court does not have jurisdiction of the subject matter alleged in the petition for the following reasons:

A. The matters alleged in the said petition are a collateral attack on the default divorce obtained by the deceased, Charles Wesley Waters.

B. The petitioner does not pray that the default divorce proceedings of Charles Wesley Waters be set aside, therefore, the above court has no jurisdiction of the matters alleged in petition for it cannot render a decision thereon.

3.

That there is a defect and misjoinder of party defendants.

4.

That paragraph 5 of said petition is uncertain in that it cannot be ascertained therefrom when the petitioner, Lena Shanko Waters, became the alleged wife of Charles Wesley Waters.

5.

That paragraph 6, subdivision A, of said petition is uncertain in that it cannot be ascertained therefrom just how Charles Wesley Waters falsified his residence, nor can his actual residence, if not Utah, be determined from said paragraph.

6.

That paragraph 6, subdivision A, of said petition is ambiguous for the same grounds and reasons as stated in paragraph 5 of this demurrer.

7.

That paragraph 6, subdivision D, of said petition is uncertain in that it cannot be ascertained therefrom just how the affidavit of the attorney for plaintiff in the divorce proceedings failed to conform to the Statutes of the State of Utah.

8.

That paragraph 6, subdivision D, of said petition is ambiguous for the same grounds set forth in paragraph 7 of this demurrer.

9.

That paragraph 6, subdivision F, is uncertain in that it cannot be ascertained from the affidavit in subdivision E of paragraph 6 that attorney for plaintiff said a diligent effort had been made to ascertain the correct address of petitioner in the city of Chicago, Illinois, therefore, it is not certain from the said subdivision F of paragraph 6 how the said affidavit was false.

10.

That paragraph 6, subdivision F, is ambiguous for the same grounds and reasons as set forth in paragraph 9 of this demurrer.

11.

That paragraph 8 of said petition is uncertain in that it cannot be determined therefrom just

how the matters alleged therein affect the subject matter of the petition.

12.

That paragraph 8 of said petition is ambiguous for the same grounds as set forth in paragraph 11 of this demurrer.

Dated this 9th day of September, A. D. 1940.

JOSEPH C. FRATTO,
Attorney for Silvia Waters

Filed September 10, 1940.

September 12, 1940, on return of order and citation to show cause, demurrer to petition
35 submitted for decision upon briefs to be filed.

October 9, 1940, order sustaining demurrer to petition of Lena Shanko Waters, giving her 10
41 days after notice to amend.

42 October 22, 1940, Lena Shanko Waters declines to further amend and elects to stand upon her petition as previously amended.

JUDGMENT OR DECREE

(TITLE OF COURT AND CAUSE).

43 In the above entitled matter, the court having heretofore entered its order sustaining the demurrer of said Silvia Waters to the petition as amended of Lena Shanko Waters for an order

removing said Silvia Waters from the office of administratrix of said estate, and for her own appointment as administratrix in lieu of said Silvia Waters; and giving the said Lena Shanko Waters ten days after notice of said order in which to amend her said petition; and the said Lena Shanko Waters having now elected to stand upon her said petition as heretofore amended and declined to further amend the same;

Now Therefore, it is ordered and adjudged and decreed by the court that the said petition of Lena Shanko Waters be, and the same is hereby dismissed, and that said Silvia Waters recover her costs incurred in defending against the said petition.

Dated this October 22d, A. D. 1940.

P. C. EVANS, Judge District Court.

Entered October 22, 1940.

NOTICE OF APPEAL

(TITLE OF COURT AND CAUSE).

- 44 To Silvia Waters as administratrix of said estate and as claimant of said office, and to Mr. Joseph C. Fratto, as her attorney:

You are notified that Lena Shanko Waters appeals to the Supreme Court of Utah from the judgment of the District Court of Salt Lake County, Utah, made and entered in the above entitled action or proceeding upon the petition of said Lena Shanko Waters as amended for the removal of said Silvia Waters from the

office of administratrix of said estate and for appointment of this appellant as administratrix of said estate and for appointment of this appellant as administratrix of said estate in lieu of said Silvia Waters, dismissing said petition with costs to the said Silvia Waters. Appellant appeals from said judgment and every part thereof, entered on or about October 22, 1940.

J. PATTON NEELEY,
PAUL C. ELLIS,
Attorneys for Lena Shanko
Waters.

Received a copy of this, October 29, 1940.

JOSEPH C. FRATTO,
Attorney for Silvia Waters.

45 CLERK'S CERTIFICATE OF RECORD.

ASSIGNMENTS OF ERROR
(TITLE OF COURT AND CAUSE).

Appellant above named says there is manifest error on the face of the record herein, prejudicial to her rights and necessitating reversal, in the following particulars, viz:

I.

The District Court erred in its order (Tr. 41; Ab. 19) sustaining the demurrer of Silvia Waters, administratrix (Tr. 31; Ab. 3) to

appellant's petition (Tr. 14) as amended (Tr. 36; Ab. 3).

II.

The District Court erred in rendering and entering judgment dismissing appellant's said petition and awarding costs to said Silvia Waters (Tr. 43; Ab. 19).

Wherefore appellant prays that said judgment be reversed, a new trial ordered, and that appellant recover her costs.

J. PATTON NEELEY,
PAUL G. ELLIS,
Attorneys for Appellant.

Received a copy this Nov. 25, A. D. 1940.

JOSEPH C. FRATTO,
Attorney for Silvia Waters,
Administratrix.