


COPY

HALL, CUNNINGHAM, JACKSON & HAYWOOD
22 EAST 40TH STREET-NEW YORK

January 28, 1941.

Mrs. Sina Fosdick,
Carnegie Hall - Suite 1114,
New York City, N.Y.

Dear Mrs. Fosdick:-

As you will remember, we discussed at this office on November 25, 1940, the question of counsel fees and disbursements due us and the application of Mrs. Roerich's legacy of \$2500. under Article NINTH (hereinafter referred to as the "second legacy") under the last will and testament of Florentine S. Sutro, deceased, in payment thereof.

As you know, the second legacy is payable upon the death of Mrs. Florence S. Anspacker, formerly Florence S. Esberg, the daughter of the decedent and the life beneficiary of the trust under said will, who, as we understood from you, is now about fifty-seven years old.

According to the Actuaries' or Combined Experience Table of Mortality, the life expectancy of a person of fifty-seven years of age is 15.59 years and the reversion or present value of \$1.00 due at the end of the year of death of a person of that age is \$0.56310. Although the said second legacy may have a present theoretical value, according to said tables, of \$1,407.25, it is highly improbable that it could be sold for any such amount. Possibly, you might find someone who is willing to buy it and pay our bill out of its proceeds. If, however, you are unable to do so, we are willing, as an accommodation to Professor and Mrs. Roerich to accept an assignment of said second legacy in payment of our claim of \$1,193.41. It should, of course, be clearly understood that our acceptance of such an assignment would be conditional upon there being no attachment, set-off or any adverse claim against the said second legacy by the executors and trustees of said will or any other person or party. Furthermore, the validity of said bequest is assumed. In other words, unless

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we collect our claim out of said legacy, our claim will not be deemed satisfied.

We enclose herewith a proposed assignment of said legacy and an affidavit, pursuant to the Rules of the Surrogate's Court of New York County, which we would ask you to please have executed by Mrs. Roerich, assuming the foregoing proposition is agreeable to her. The date of execution should be filled in on page 2 of the Assignment and signed by Mrs. Roerich. It should be acknowledged before a Magistrate, who should fill in the date of acknowledgment, sign his name and affix his seal to the Certificate of Acknowledgment on page 3. When that is done, the Clerk of the Magistrate's Court for Kangra District should fill his name and the date in the Certificate of Authentication on page 4 and sign and affix his seal thereto. When this is done, the Assignment should be returned to us for filing in the Surrogate's Court of New York County.

The affidavit, pursuant to Rule XXIV of Surrogate's Court Rules, New York County, should be signed by Mrs. Roerich on page 2 and sworn to before a Magistrate, who should fill in the acknowledgment, sign his name and affix his seal on page 2. The Certificate of Authentication should be filled in by the Clerk of the Magistrate's Court, signed by him and the seal of the Court should be affixed thereto. When this has been so executed, it should be returned to us.

We enclose herewith a copy of this letter, which please forward to Professor and Mrs. Roerich.

Very truly yours,

Hall, Cunningham, Jackson & Haywood

Enclos.

HHD/fg

HALL, CUNNINGHAM, JACKSON & HAYWOOD

22 EAST 40TH STREET

NEW YORK

Professor Nicholas Roerich and
Mrs. Helena Roerich,
c/o Mrs. Sina Fosdick,
Carnegie Hall, Suite 1114,
New York City, N.Y.

January 28, 1941.

Balance due as of September 1, 1940, as per
bill rendered, dated September 23, 1940

1,792 64

Postage, stenography, telephones and miscellaneous
from September 1, 1940 to December 31, 1940

45 13

Disbursements re libel suit against
Esquire-Coronet, Inc.

1939

March 1	F. A. Russo	\$ 2.40
July 24	Premium on bond	10.00
Nov. 20	Premium on bond	10.00
	Postage & Fares	1.57
	Stenography & Telephones	113.51

Bill of Olcott, Havens,
Wandless & Stitt

Carfares	3.55
Postage	.12
Serving summons	4.49
Issuing summons	<u>10.00</u>

155 64

1,993 41

Less amount received from the
Executors of the Estate of
Florentine S. Sutro out of
\$2500. legacy to Mrs. Roerich
under Article SIXTH of Mrs.
Sutro's Will

800 00

BALANCE DUE as of December 31, 1940

1,193 41