

State of Illinois)
Champaign County) ^{ss}

In the Circuit Court
September Term, A. D. 1939

W. C. Dallenbach, Jr.)
Plaintiff)
-vs-) Chancery No. 1833
S. A. Blaine, Trustee, et al) Foreclosure
Defendants)

SPECIAL MASTER'S EVIDENCE

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Evidence offered before William F. Woods, Special Master in Chancery, at his office in Champaign, Illinois, on October 31, 1939.

Appearances:

Filson & Williamson, Attorneys for Plaintiff.
John Barr, Guardian ad Litem.

By Mr. Filson:

Offer in evidence notes and extension agreements which I will ask to have marked Plaintiff's Exhibits A, A-1, A-2, B, B-1 and B-2, C, C-1 and C-2, and D, D-1 and D-2,

Trust deed marked Plaintiff's Exhibit E,
Tax receipt marked Plaintiff's Exhibit F,
Original deed, marked Plaintiff's Exhibit G.

By the Master: The exhibits offered may be admitted.

Mrs. Alma Roysdon Coey, being first duly sworn, upon her oath testified as follows:-

Examination by Mr. Filson.

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Q. State your name.

A. Alma Roysdon Coey.

Q. You are the Alma R. Coey made defendant in this case?

A. Yes.

Q. Where do you reside?

A. 412 West Clark Street, Champaign, Illinois.

Q. That is the property that is being foreclosed in this proceeding?

A. Yes.

Q. Who lives with you in that property?

A. My sister, Grace R. McCormick, and my brother, Emmett R. Roysdon.

Q. I will hand you an instrument here marked Plaintiff's Exhibit G, were you present when that deed was drawn up?

A. Yes, I must have been, we were all over there.

Q. Who prepared that deed?

A. I think Mr. Carson.

Q. F. T. Carson, the attorney in Urbana?

A. Yes.

Q. The deed was acknowledged before Mary P. Havard, who is she?

A. She is his secretary.

Q. Works in his law office in Urbana?

A. Yes.

Q. Who else was there on that date?

By Mr. Filson: Offer in evidence abstract page 3
receipt marked Plaintiff's Exhibit H.

Offer in evidence the Last Will and Testament
in the estate proceedings of William Roysdon, deceased,
appearing in probate case No. 8238 in the County Court
of Champaign County, Illinois, and order admitting the
will to probate on July 15, 1931.

Also the certificate of death of William Ira
Roysdon, being death certificate No. 11184 in the
County Court of Champaign County, Illinois.

Offer in evidence the record of the warranty
deed from Aaron D. Whitehead and wife to William Roysdon,
dated January 15, 1889, filed for record January 24,
1889, recorded in Book 83 at page 121 of the deed
records of Champaign County, Illinois, conveying the
premises which are the subject matter of this suit,
being the deed by which William Roysdon acquired title
to these premises.

A. Emmett and Grace, I am not sure about Emmett's wife, whether she signed it at home or not, I can't remember. She was living with us then, she lived with us two or three years.

Q. Was this deed delivered to you?

A. Yes.

Q. And when?

A. About that time, I imagine.

Q. It was handed to you in the office there that day, was it, Mr. Carson's office?

A. I don't know whether it was handed to me there or at home.

Q. You delivered it to us on request here recently?

A. Yes.

Q. And you had it in your possession then?

A. Yes.

Q. And it had been in your possession ever since it was executed?

A. Yes.

Q. It was delivered to you while Minnie L. Roysdon was living there with you?

A. Yes, I have had it all the time.

Q. The execution of this deed had been talked over among you before you went over to Carson's office?

A. Yes.

Q. And it was the result of a conference among all of you at home?

A. They felt that I could handle it, could clear it, and they couldn't.

- Q. What do you mean that they felt you could clear it better than the others?
- A. They didn't have anything to clear it with and thought I might be able to.
- Q. Felt you might be able to work it out?
- A. Yes.
- Q. William I. Roysdon, that was your brother?
- A. Yes.
- Q. The death certificate appearing on the abstract shows that he died on December 28, 1932?
- A. I know he died between Christmas and New Years, but I didn't know the year.
- Q. And where did he die?
- A. He died over in Burnham Hospital.
- Q. But he was a resident of Champaign at that time?
- A. Yes, lived out on Hill Street.
- Q. And did he leave a widow surviving him?
- A. Yes.
- Q. What was her name?
- A. Ella Roysdon.
- Q. Did he leave any children?
- A. No.
- Q. Did he and his wife ever have any children?
- A. No.
- Q. Was that the only time he was ever married?
- A. Yes.
- Q. Did he ever adopt any child?
- A. No.

- Q. At the time your brother William Roysdon died was his father living?
- A. No.
- Q. Was his mother living?
- A. No.
- Q. Did he have any brothers living?
- A. Emmett R. Roysdon.
- Q. That is the defendant in this case by that name?
- A. Yes.
- Q. Did he leave any sisters?
- A. Two, Grace R. McCormick and myself.
- Q. Did he leave any deceased brothers and sisters?
- A. No.
- Q. The four children were the only four ever born to your father and mother?
- A. Yes.
- Q. Was your father, William Roysdon married more than one time?
- A. No.
- Q. Your mother was married twice?
- A. Yes.
- Q. What was the name of her first husband?
- A. Shriver.
- Q. Was Jacob Shriver her first husband?
- A. Yes.
- Q. And he died before your mother married your father?
- A. Yes.
- Q. How many children did your mother have by Jacob Shriver?
- A. Four, I believe.

Q. And did any of them die in infancy? page 7

A. Two.

Q. And what were the names of the other two?

A. Alonzo Lewis Shriver, and Loren Shriver.

Q. Is Alonzo Lewis Shriver living?

A. No.

Q. Do you know about when he died?

A. About 1927.

Q. And did he leave any children?

A. Two daughters.

Q. What were their first names?

A. Helen and Lutie Mae.

Q. Is Loren Shriver living or dead?

A. He is dead.

Q. Do you know whether he left any children?

A. Yes he did.

Q. Do you know their names?

A. No I don't.

Q. They live out west?

A. On the coast, west coast.

Q. Since this suit was started - of course you are well acquainted with Minnie L. Roysdon and your brother Emmett Roysdon?

A. Yes.

Q. Is she living or dead?

A. She is dead.

Q. Do you know when she died?

A. Some time in September, 1939.

Q. Where did she die?

A. In Kankakee, at the State Hospital.

Q. Do you live in the property that is being foreclosed?

A. Yes.

Q. Who else lives there with you?

A. Grace R. McCormick and Emmett R. Roysdon.

Q. And you are the only three that reside there?

A. Yes.

Witness excused.

Mr. Edwin Filson, being first duly sworn, upon his oath testified as follows:-

My name is Edwin Filson, and I am one of the attorneys for the plaintiff in this cause, and I have conducted extensive investigation to ascertain the names of the children born to Jacob Shriver and his wife, Elizabeth Shriver, afterwards Elizabeth Roysdon. I have had correspondence with the children of Alonzo Lewis Shriver, and also with a son of Loren Shriver. As a result of this correspondence and personal investigation of others, I find that Jacob Shriver died about the year 1868, and was buried at Springfield, Illinois, and that four children were born to Jacob Shriver and Elizabeth Shriver, namely: Alonzo Lewis Shriver, Loren Shriver, and two other children who died in infancy, while quite young.

That Alonzo Lewis Shriver died on or about December 27, 1927 at Jerseyville, Illinois, leaving no last will and testament, and leaving no widow surviving him, his

wife, Ella Shriver having died on or about March 17, 1917 at Champaign, Illinois. That Alonzo Lewis Shriver had only two children born to him, Helen, who is the wife of Theodore Ansell, and who lives at Jerseyville, Illinois, and Lutie Mae, who first married R. P. Shapley, now living at Rockford, Illinois, from whom she obtained a divorce for his fault on or about June 3, 1927 at Woodstock, Illinois; she later married Dr. G. M. Moteney, who now lives at Marengo, Illinois, and he obtained a divorce from his wife Lutie Mae in November, 1936 at Woodstock, Illinois. That Alonzo Lewis Shriver never adopted any children.

That Loren Shriver died at Seattle, Washington, about the year 1904, leaving a widow, Etheldia Rosena Shriver, who afterwards married a man named Wells, and she died about April 24, 1939 at Los Angeles, California, having had no children by her second marriage. That Loren Shriver left three children, Clyde Shriver, who resides at 2520 Cherry Street, Bellingham, Washington, and Pearl Bergman, who resides at 212 Eleventh Avenue North, Seattle, Washington, and Alonzo Leroy Shriver, who died about 1905, intestate, leaving a widow, Mattie, but leaving no children or descendants of deceased children, him surviving. That Loren Shriver died intestate and never adopted a child.

That the wife of Clyde Shriver is Blanche Shriver, and Inga Shriver, the first wife of Clyde Shriver, died about July 28, 1928. The husband of Pearl Bergman is Elmer Bergman.

The plaintiff herein paid the taxes on the premises which are the subject matter of this suit on May 31, 1939,

in the total sum of \$670.20, as shown by Plaintiff's Exhibit F introduced in evidence herein, and on June 14, 1959, the defendant Alma R. Coey paid to the plaintiff \$100.00 to apply on said taxes.

The plaintiff herein has paid the sum of \$39.75 for continuing the abstract of title to the premises which are the subject matter of this suit, as shown by Plaintiff's Exhibit F.

That interest has been paid on the four notes, Plaintiff's Exhibits A, B, C, and D, up to and including December 30, 1958.

Executed.

Mrs. Alma R. Coey, being recalled as a witness, testified further as follows:-

Examination by Mr. Pilear.

Q. Mrs. Coey, you have heard my testimony relative to the heirship of your mother by her first husband, Jacob Shriver?

A. Yes sir.

Q. And those statements are correct as far as you know?

A. As far as I know they are correct.

Executed.

Mr. William F. Woods, Jr. being first duly sworn,
upon his oath testified as follows:-

Examination by Mr. Filson.

Q. State your name please.

A. William F. Woods, Jr.

Q. You are an attorney practicing at the bar of this County?

A. I am.

Q. And are you familiar with the work involved in the
matter of foreclosure proceedings in this County, in
obtaining a decree and sale thereunder?

A. I am.

Q. And are you acquainted with the usual, reasonable, and
customary fees allowed and paid to competent attorneys in
this County for such services, where the matter is the
subject of contract between attorney and client?

A. I am.

Q. This is a foreclosure proceeding involving four notes of
\$1,000.00 each in principal amount, making a total of
\$4,000.00 principal, and about \$200.00 interest, and in
which over \$500.00 has been advanced for taxes by the
plaintiff, there are about a dozen defendants, and service
was obtained upon some of the defendants by publication and
mailing of notice. Have you an opinion as to what a
reasonable, customary attorney fee would be for the services
of an attorney in such a proceeding?

A. I have.

Q. And in your opinion what is such a fee?

A. \$275.00.

Excused.

Witness fee: 1 day.