

Iowan's disputed estate is finally to be divided

By GENE RAFFENSPERGER
Register Staff Writer

OSKALOOSA, IA. — More than three years after his death, the complicated and controversial estate of Edward A. Schmidt, an Oskaloosa lawyer, is about to be closed.



EDWARD A. SCHMIDT

Five family heirs, the closest blood relationship being nephew and niece, a university friend and confidant will divide what remains of an estate valued at \$1.5 million.

Expenses involved in closing the estate, including federal and state taxes, bills, legal and administrator's fees, already have taken about \$644,000.

The five heirs will divide \$604,321 (not in equal amounts) and the university and Schmidt's friend will take the remaining \$287,500 (again not in equal amounts).

Schmidt, 85, and a bachelor, practiced law here most of his life, following a frugal and introverted life-style that belied the fortune he was accumulating through stock, savings and real estate holdings, including oil rights in 33 Oklahoma counties.

Was Murdered

Schmidt was murdered — stabbed and beaten — in his Spartan-like basement office here Jan. 13, 1972. Robbery appeared to be the motive, although law officers found \$166.41 under the litter of papers on his office desk, and a locked, old-fashioned safe in a room next to the office contained about \$21,000 in cash.

The murder never has been solved.

A mystery nearly as intriguing as his death was the whereabouts of a will Schmidt was said to have drawn in 1962.

Schmidt did leave a will dated in 1917 in which his only bequest was \$10,000 to the Drake University College of Law. Schmidt was a graduate of the Drake college of law. But a affidavit filed after Schmidt's death stated that Glenn Upton, who said he was Schmidt's only close friend in Oskaloosa, was a witness to a will drawn in 1962.

Upton said in an interview after Schmidt's death that he believes, based on what Schmidt told him, that Schmidt intended in that will to leave the bulk of his estate to Drake University for a scholarship program.

Died 'Intestate'
But since the 1962 will could not be found, and since its existence invalidated the 1917 will, Schmidt died "intestate," having no will.

The missing 1962 will soon became a matter of controversy in the Schmidt estate.

Drake University filed a court challenge on the basis of a "lost-will" petition. The Drake action asked the court to declare valid the missing 1962 will and declare the University the principal beneficiary of Schmidt's estate.

Crookham Files
Mahaska County District Court appointed Oskaloosa attorney Joe P. Crookham as administrator for the estate, and

now, more than three years later, Crookham has filed for court approval the final report "in the matter of the estate of Edward A. Schmidt, deceased."

Crookham's report shows family heirs and the amount of the estate each will receive are:

Wilmer Breeden, a nephew, San Diego, Calif., \$117,387; Mabel Smith Denham, a niece, Oklahoma City, Okla., \$201,440; Eva Schmidt Greiner, a niece, Keota, Ia., \$201,440; Peter C. Neu, a grandnephew, Boston, Mass., \$42,027; Nancy Louise Neu Deets, a grandniece, Florissant, Mo., \$42,027.

Drake University, on the basis of a court-approved compromise in its claim for the entire estate receives \$250,000.

Upton, the Oskaloosa man who was said to be Schmidt's close friend and associate for nearly 40 years, receives \$37,500 — which according to court records was again a court-approved compromise of Upton's claim for \$150,000 for his services to Schmidt.

Upton's claim for \$150,000 was accompanied into court records with a 46-page journal-like accounting of every errand and service Upton said he performed for Schmidt from August, 1934, to Schmidt's death in January, 1972 — more than 28 years.

"Unsolved Murder"
Crookham's final report shows that a total of \$644,000 was spent in paying bills, taxes and fees for the estate.

Crookham was awarded \$80,000 by the court as his fee for administrator and the law firm of Garold Heslinga and Harold Heslinga was awarded \$60,000 by the court for its service as attorneys for the estate.

Crookham's report shows that the estate paid \$362,366.74 in federal taxes over the course of three years, and \$92,316.17 in state taxes in the same period.

Crookham's "final report" does not close the Edward Schmidt story in Oskaloosa.

Wayne L. Sheston of Centerville, an Iowa Bureau of Criminal Investigation agent, said of Schmidt's death: "I'm sorry to say it is still an unsolved murder. I still work on it and I still follow up leads."

Clemency plan to end at midnight

WASHINGTON, D.C. (AP) — The clemency program for Vietnam wartime deserters and draft evaders is nearing an end with less than one-fifth of those eligible signed up.

As of the weekend 22,566 had signed up for the program, which ends at midnight today, out of an estimated 117,000 eligible.

Telephone lines were available at the clemency board over the weekend, recording the names of callers.

The program went into effect last Sept. 12 and has been extended twice by President Ford. Chairman Charles E. Goodell has said he feels Congress should extend the board.

Bills have been introduced to do so, but there was no indication of how much support they would receive.

DISPUTE OVER OIL COMPANY PROSECUTION

WASHINGTON, D.C. (AP) — Government investigators of alleged oil company profiteering at the height of the Arab oil embargo are fighting among themselves over whether to seek criminal indictments, according to sources close to the case.

The U.S. Customs Service wants the cases criminally prosecuted, the sources said, but the Federal Energy Administration (FEA) is arguing that the matter should be pursued through administrative channels. The Justice Department reportedly is caught in the

middle but so far has sided with Customs.

Federal Energy Administration lawyers say published reports that oil companies may have overcharged U.S. consumers by billions of dollars are gross exaggerations without evidence to support them.

Refunds, Rollbacks

According to tabulations Saturday, the FEA has forced the oil industry to give back some \$612 million through refunds, price rollbacks or cancellation of claims on future price increases.

Investigators say the industry may have cheated the public out of \$861 million or more since the Arab oil embargo.

The probe is going on in several cities, but only one case so far has reached the stage of being presented to a grand jury. It is in Jacksonville, Fla. Oil company executives who are subjects of that in-

vestigation say the whole matter is the result of "a terrible misunderstanding."

Residual Fuel Oils

The Customs Service says the joint Customs-FEA investigation began last August and was focused on residual fuel oil imported chiefly through East Coast ports. A major portion of the residual fuel oil brought into this country is used by public utilities.

A status report on the six-month-old probe said that although oil was a duty-free product during the 1973-74 embargo period, "false and fraudulent customs documents may have been submitted by importers as part of a scheme to reap huge profits by attaching fictitious overcharges to the price of oil. These charges are eventually passed on to consumers."

During the embargo that began in late 1973, some countries outside the Arab bloc continued to sell oil at pre-embargo

prices while others boosted their charge nearly 500 percent.

Theory of Case

The theory of the case is that some oil companies with contracts to deliver fuel to utilities and other large consumers obtained their foreign oil from countries with relatively low prices but falsified the required Customs documents to make it appear that the oil came from countries where the price had skyrocketed. The extraordinary increases were then passed on to the consumers with the oil companies pocketing the difference.

That is the theory. Whether sufficient evidence exists to support it, whether it was a criminal offense and whether it was limited to a few small companies or a common industry practice are the issues at the core of the dispute between Customs and FEA.

Douglas Robinson, deputy

general counsel of the government energy office, said in a recent interview. "I'm frankly surprised at the way in which things like this can get blown out of proportion."

"No Jail Sentence"

On the basis of evidence gathered so far, he said, no one knows how extensive the practice was or what laws were broken.

"As far as FEA is concerned," Robinson said, "it's really a question of whether it is worth going through all of this grand jury thing to bring a criminal case in which the maximum penalty is only a \$5,000 fine for each violation — no jail sentence or anything like that — or whether it is more appropriate to proceed administratively, which we can do much more quickly, the burden of proof is not nearly so great, and the result would be to effectuate rollbacks in very

substantial amounts in some cases."

Customs spokesmen refused to comment. But other government attorneys familiar with the case said Customs hopes to seek indictments under three criminal statutes that make it a felony to make false statements to the government, bring goods into the country by means of false statements or to smuggle goods into the United States.

Those laws carry maximum penalties of from two to five years in prison and \$5,000 to \$10,000 fines.

One lawyer pointed out that "taking the criminal route would not preclude any civil actions to force rollbacks. We're still at it."

The American Petroleum Institute has said it rejects "the implication that the nation's oil companies have been parties to a massive conspiracy that has resulted in alleged overcharges of from \$1 billion to \$3 billion."

If you really want more for your money see us!

We have a plan called MoneyManager to help you.

It is a total money management program as good as money in the bank — because that's what it is. Open a regular savings account for \$500 or more and receive a free checking account with no minimum balance required, plus a number of other banking services.

Yes, write as many checks as you wish without any charge, and take advantage of other valuable services while your savings earn 5% annual interest, compounded daily. Among these are . . .

A CHECK GUARANTEE CARD to insure prompt, trouble-free check cashing at all Bankers Trust Offices.

OVERDRAFT PROTECTION to avoid embarrassment caused by a check that "bounced" and **CHECKING RESERVE** which permits you to draw on a personal credit reserve prearranged to meet unexpected needs.

PREFERRED RATES ON CONSUMER LOANS enabling you to enjoy more economical financing for that new car, home improvement or personal loan.

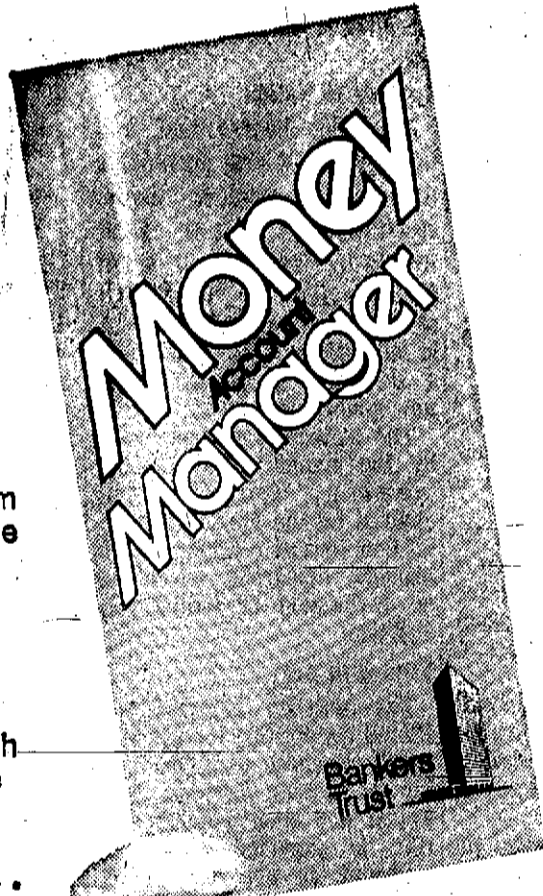
SAFE DEPOSIT BOX at the office of your choice (subject to availability).

MONEY ORDERS AND TRAVELERS CHECKS whenever you need them.

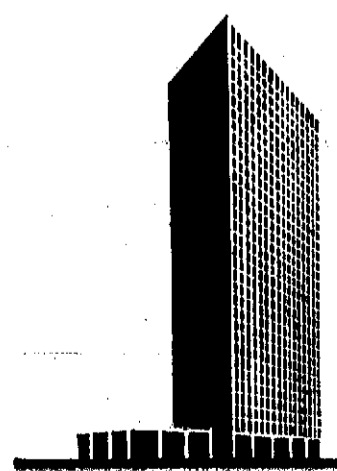
NOTARY PUBLIC SERVICE without charge.

POSTAGE PAID both ways and ample **FREE PARKING** at all offices.

There is no catch. No monthly fee of \$2 or \$3. Each of these services is yours just for maintaining a regular savings account of \$500 or more. The MoneyManager Account. In times like these, isn't it worth making the move to Bankers Trust? Where we're building a better world of banking for you.

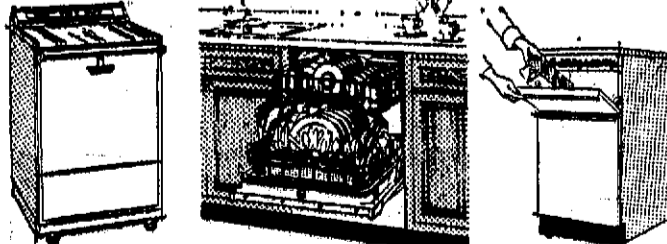


Bankers Trust



OFFICES: DOWNTOWN, 6th & Locust / DOWNTOWN DRIVE-IN, 6th & Grand / MERLE HAY OFFICE, 3905 Merle Hay Road / WINDSOR HEIGHTS OFFICE, 66th & University / EASTGATE OFFICE, East 15th & Euclid / GRIMES OFFICE, Grimes, Iowa
Member: FDIC

BRACS Des Moines KitchenAid HEADQUARTERS



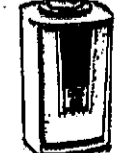
See our selection of all the KitchenAid Appliances. Choose from 10 models of Built-Ins, Portables and Convertible Dishwashers. We Have Trash Compactors, too.

SEE THESE RELIABLE KITCHENAID TIMESAVERS, TOO

KitchenAid BUILT-IN TEAKETTLE



KitchenAid FOOD WASTE DISPOSER



Designed For Today's Home! **KitchenAid** Built Better — Not Cheaper

Severdale 2707 Beaver 277-4403

BRACS Appliance-TV OPEN MON. & FRI. NITES