

SURROGATE'S COURT : KINGS COUNTY

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In the Matter of the Petition of :

DAVID BABCHOOK, :
also known as DAVID BALZACK, :

to render and settle his Account :
as Executor of :

REPORT OF
SPECIAL GUARDIAN

ANNA BABCHOOK, also :
known as ANNA BALZAC, also known :
as ANNIE BABCHOOK, Deceased. :

File # 5256-48

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TO THE SURROGATE'S COURT OF THE COUNTY OF KINGS:-

I, BERTHA SCHOOLNIK, having been duly appointed Special Guardian for FRANK BABCHOOK, also known as FRANK BALZACK, if living, and if dead to his widow, if any, his heirs at law, next of kin, and all the unknowns, who may be parties to this proceeding, do hereby report as follows:

FIRST: That I was duly appointed Special Guardian on June 2, 1953, and that I duly filed my consent to act on June 4, 1953.

SECOND: That on June 9, 1953, I duly served and filed my Notice of Appearance to act as such Special Guardian.

THIRD: Immediately and with due diligence I examined the decedent's file in the Accounting Dept. of the Surrogate's Court. The following facts were revealed:

A- The decedent died on December 20, 1946 and Letters Testamentary were issued on her estate on March 15, 1949, and more than seven months have elapsed since the issuance of such letters.

B- Decedent's will bequeathed \$1,000 to her son Isadore Babchook, and directed the Executor to liquidate the rest of her property, and divide the proceeds into six equal shares for each of her six children. Abraham Babchook was

and has four no record of a marriage for
nominated as Executor, and in the event he predeceased his
mother, David was to become Executor without bond. Abraham
died on September 25, 1941.

C- FRANK BABCHOOK, decedent's son, has a 1/5 interest in the residuary of this estate. An affidavit in the decedent's file, by David Babchhook, Executor, dated November 20, 1952, states that personal service of citation on FRANK BABCHOOK could not be made at his last known address, 418 East 52nd Street, Brooklyn, since he moved away without leaving a forwarding address.

D- I examined the Order for Service of Citation by Publication on FRANK BABCHOOK, dated November 20, 1952, and the affidavit of Publication by Joseph Davit, Chief Clerk of the Brooklyn Daily Eagle, that the Citation was published once a week for four weeks, commencing Dec. 9, 1952.

E- I examined the Order for Publication of Supplemental to FRANK BABCHOOK, a/k/a FRANK BALZACK, dated March 10, 1953, and the affidavit of Publication in the Brooklyn Daily Eagle commencing April 1, 1953.

F- I examined the waiver and consent by Robert Balzac and Rachel Marcus that the Account of the Executor be judicially settled without further notice to them.

G- I examined the Petition of Larry Siegel, alleged creditor, to compel the Executor to render and settle his final Account, and the ORDER by the HON. E. IVAN RUBENSTEIN, dated April 23, 1951, directing the Executor to account. I examined the Objections to the Account of David Babchhook by the same Larry Siegel.

FOURTH: An affidavit, dated November 20, 1952, made by David Babchhook, Executor, and brother of Frank, states that he hasn't seen Frank for over five years and that he was single. The Special Guardian has checked the marriage records

and has found no record of a marriage for FRANK BABCHOOK or FRANK BALZACK. During a telephone conference with his sister, Rachel Marcus, the Special Guardian was told that FRANK was never married.

FIFTH: The Special Guardian made the following thorough investigation to determine the whereabouts of FRANK BALZACK, dead or alive.

A- A telephone conference with BERNHARDT MEISELS, Attorney for the estate, revealed that FRANK might be in jail and that the alleged creditor was a former husband of Rachel Marcus, Frank's sister.

B- On July 23, 1953, I sent letters to Mrs. Hertha Becker, Robert Balzack and Rachel Marcus, asking for information concerning Frank's whereabouts or disappearance. Copies of these letters are attached hereto. Rachel Marcus telephoned me to say that she did not know where Frank is and could not give me the names of any of his friends or acquaintances. I have not heard from the other two.

C- On July 23, 1953, I wrote to Larry Siegel, alleged creditor, for any facts he could give me concerning Frank's whereabouts. Copy of this letter is attached hereto. On August 21, 1953, Mr. Siegel telephoned me to say that Frank had a record but he was unable to give me any facts that might lead me to locating him. He promised to call me again and the correspondence that followed is attached hereto. Mr. Siegel called me later to say he thought that Frank might be roaming the country.

D- On August 19, 1953, I wrote to the three witnesses to the decedent's will asking for information that they might give me concerning Frank. Copies of these letters are attached hereto. The letter to George G. Levine

was returned by the Post Office and is attached hereto. Both Annie Liebers and Wolf Liebers telephoned me to state that they are unable to give me any information about FRANK, since she knew only the decedent and were not acquainted with her children.

E- Since it was brought to my attention that Frank Balzack has a record, I proceeded to investigate for facts in his record which might lead to his present whereabouts.

1) The Special Guardian went to the Parole Office at 100 Centre Street, Manhattan, where he was informed that there is a record on FRANK BALZACK, 9214 Avenue B, Brooklyn, #73015. This is obviously the person I am trying to locate since the real property mentioned in the will of the decedent is located at that address.

2) The Special Guardian went to the office of the Kings County District Attorney to get aid in locating FRANK through his record. Information concerning this was received and a copy of it is attached to this report. I now had information that on October 7, 1941, he was arrested in Brooklyn for Conspiracy and on January 16, 1942, he was sent to New York County Penitentiary.

3) On September 22, 1953, I wrote to the Warden of the Penitentiary of the City of New York to enlist his aid. Copy of the letter is attached hereto, together with the reply from Mr. Mann, Chief of the Identification Bureau, stating that FRANK BALZACK was discharged from parole on 2-8-45.

4) On October 1, 1953, I wrote to the F.B.I. in New York City and on October 26, 1953, to the Probation Bureau of Special Sessions Court asking for any information they could furnish. Copies of both letters and the replies

that they were unable to aid me, are attached to this report. On the recommendation of Mr. Mann, Chief of the Identification Bureau, N.Y.C., I wrote to the F.B.I. in Washington, on October 1, 1953, concerning FRANK'S present whereabouts. Copy of my letter, together with the reply by the Hon. J. Edgar Hoover, are attached hereto. No information concerning FRANK could be located in their identification files. The Special Guardian wrote to the City Parole Commission, Probation Dept. of the Kings County Court, and the U.S. Board of Parole for any information they could furnish. Copies of the letters, together with the replies, are attached hereto. These agencies could furnish no further information than I already had.

5) The Special Guardian went to the TIMES Newspaper Office to look up the dead files for information on FRANK BALZACK. They had no biography on him. On October, 30, 1953, the Special Guardian wrote to the Brooklyn Eagle and the New York Daily News for information on FRANK BALZACK, that they might have in their dead files. Copies of these letters are hereto attached. The Brooklyn Eagle replied that their files had clippings under the name of FRANK BALZAK, which could be obtained at the Montague Branch of the Public Library. The Special Guardian examined the clipping dated October 8, 1941. She found the names and addresses of the others who were arrested for the same offense. The Special Guardian wrote to Morris Hecker and Sidney Lewow for information they could furnish on FRANK. Copies of these letters are attached hereto. Mr. Rintoul, of the New York Daily News, telephoned me to say that their files contained an article, dated February 10, 1942, stating that FRANK BALZAK was sentenced to three years for Policy, in the Kings County Court.

6) On November 9, 1953, Sidney Lewow telephoned me to say he saw FRANK BALZAK two years ago and he knows

he is alive. FRANK BALZAK was seen in a Delicatessen store at Ralph Avenue and Lincoln Place, Brooklyn, three months ago. Mr. Lewow said that in order to aid my search for FRANK, he went to this store and asked that word be spread around for FRANK to contact his family.

7) On November 9, 1953, the Special Guardian, in a telephone conversation with Mrs. Marcus, was told that when she heard that FRANK visited this store, she went there but did not find him. Mrs. Marcus stated that she knows that FRANK is alive.

8) On Tuesday, November 10, 1953, the Special Guardian went to the Delicatessen store at Ralph Avenue and Lincoln Place and found it closed. A sign in the window stated that the owner could be found at 375 Vermont Street, Brooklyn, which I also found as one of the addresses for FRANK. A visit to this address and a conversation with Mrs. Kreitner, wife of the owner of this store, revealed that it is difficult to contact FRANK at present because he "roams around!"

9) On November 15, 1953, the Special Guardian received a telephone call from a son of Morris Hecker, who said his father was ill and he was calling for him, in response to my letter. He stated that his father knew FRANK and thought he might be in Spring Valley, N.Y. No address could be furnished. I tried to obtain a telephone number for him and thus locate him but this was not possible.

FIFTH: The Special Guardian reports that her investigation shows that FRANK BALZAK is alive, since he was seen a few months ago, and his friends and a member of his family reported that he wanders around, and there has been no report of death.

following facts:

Estate was declared exempt from New York Estate Tax by an order dated March 7, 1951 and is not subject to Federal Tax.

Schedule A³ states that the decedent died vest- of Premises 9214 Avenue B, Brooklyn, N.Y., and shortly after her death, said property was turned over by all of the dec- edent's distributees to ROBERT I. BALZAK.

Schedule D-1 shows that a claim by LARRY SIEGEL, for \$264.40, allegedly paid by him for the decedent's fune- al expenses, was rejected by the Executor on October 28, 1950.

Schedule F names the distributees who receive 1/5 of the residuary, i.e., DAVID BABCHOOK, HERTHA HECKER, FRANK BABCHOOK, RACHEL MARCUS and Isadore Babchhook, who is also known as ROBERT I. BALZAK and receives the 1/5 residu- ary plus a specific legacy of \$1,000. There is a statement that none of the persons has assigned his interest and a search of the Court records on January 28, 1952 showed no assignments on record.

Schedule H describes the premises at 9214 Ave. B and states the assessed valuation to be \$4,500.

Seventh: The Special Guardian checked the conveyan- ces in the Register's Office and saw a Quit Claim Deed by which all of the heirs conveyed the above property to ROBERT I. BALZAK. It was recorded on April 3, 1951 and was acknowledged by all the heirs includ^g FRANK BALZACK.

Eighth: On November 16, 1953, the Special Guardian^{wrote} to I.J. Morris, funeral directors, for information as to who paid the funeral bill and in what amount. Copy of this letter is hereto attached. On November 20, 1953, the Attor- neys for LARRY SIEGEL promised to send me the receipted bill

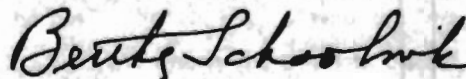
and this is attached hereto. The Petitioner's Attorney, in a telephone conference with the Special Guardian, stated that this money has been repaid. (It is necessary that a hearing be held on the objection to the Account.)

Ninth: The Special Guardian recommends that any money remaining for distribution to FRANK BALZAK be deposited in the City Treasury for him or his heirs.

Wherefore the Special Guardian requests the sum of \$150 as and for her services rendered herein.

Dated: November 24, 1953

Respectfully submitted,



BERTHA SCHOOLNIK
Special Guardian