

MAINE STATE LEGISLATURE

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December 21, 1961

George Lasselle, Business Manager

Augusta State Hospital

Donald B. Perry, Ass't. Atty. Gen'l.

Mental Health and Corrections

Distributive Share of Residuary Testamentary Trust of Fred Sharp

Enclosed you will find a copy of the petition for compromise and the decree of the Probate Court in the case of the State of Maine v. Estate of Fred Sharp based thereon. After reading the enclosure and the correspondence between Frank W. Burkett, Administrator, d.b.n. - c.t.a. and Leroy Wilson, Register, counsel employed by the Attorney General's Office to handle this matter, I have reached the following conclusion relative to the passage from the will cited below:

"The remainder to be turned over to the Augusta State Hospital in appreciation for the care and attention they rendered my wife, Martha G. Sharp, during her life time."

The compromise settlement of the estate of this State of Maine for \$7,322.00 arose from the parties' interpreting the quoted passage as expressing the intention of the testator, to have the sum turned over to the Augusta State Hospital to be for reimbursement for the support of Martha G. Sharp during her long period as a patient. The compromise was intended to protect the State by ultimately assuming its nearly total reimbursement, \$1,000.00 at the time of the compromise and monthly \$4,000.00 which you now hold.

It is my opinion that the distributive share of the residuary testamentary trust received by the Augusta State Hospital should not be paid into the patient's benefit fund, but should be paid into the Treasury of the State as final reimbursement for the support of Martha G. Sharp.

GDP/ene

cc: Attorney General's Department
Enclosures

RECEIVED

DEC 20 1961

DEPT. ATTORNEY GENERAL
AUGUSTA

4
No. 34097

ESTATE OF

Fred Sharp

Petition for Compromise

Franz U. Burkett

Attorney

FILED

JAN 6 1947

CLERMONT COUNTY

CLERMONT, MO.

FORBATH USE

1st Tuesday February 24 1947

Notice was given by publication once a week three weeks successively.

Attest:

Henry A. Baur

Recorder.

State of Maine

To the Honorable, the Judge of the Probate Court, in and for the County of Cumberland

RESPECTFULLY REPRESENTS Franz H. Burkett
of Portland, Administrator d.b.n.c.v.a. of the
estate of Fred Sharp late of
Gray in the County of Cumberland, deceased.

That there is a claim against the said estate described as follows:

The State of Maine has filed a claim against the estate in the amount of nine thousand two hundred eighty-one dollars and sixty-two cents (\$9,281.62) for maintenance in Augusta State Hospital of Bertha Sharp, wife of said Fred Sharp, covering the period from Mar. 7, 1910, to April 11, 1942.

That it is probable the same can be adjusted by compromise, by the payment to said State of Maine of the sum of three thousand (\$3,000.00) dollars, it being expressly understood that such settlement of said claim will in no way prejudice or waive the rights of the State to the share of the residue of said estate provided for in the will of said Fred Sharp on final settlement of the estate.

or by arbitration.

WHEREFORE, your petitioner prays that he may be authorized to adjust said claim by compromise or to submit it to the arbitration of disinterested person.

Dated this third day of January, A. D. 1947

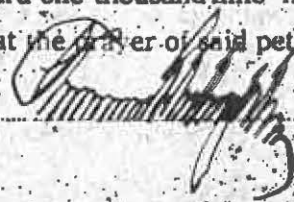


STATE OF MAINE

CUMBERLAND ss

At a Probate Court held at Portland, in and for said County, on the fifth day of February, in the year of our Lord one thousand nine hundred and forty seven,

On the foregoing petition it is decreed that the prayer of said petitioner be granted.



Judge of Probate

FEB 5 1947