

[Frutchey, Helen Louise Coe]

ASK TENANTS OF THE MAPLES FOR TITLE TO PLACE
Legatees of Frutchey Will Sue Holders of Property
ALLEGE VALUE IS IMPAIRED
Plaintiffs in Supreme Court Action Claim Negligence
of Life Tenants of Livingston County Has Greatly Reduced Its Value

Alleging that the life tenants of the Maples, one of the show places of Livingston county, on the state Highway between Livonia and Conesus, have not kept the place in proper condition and that the place has been allowed to deteriorate, several legatees under the will of H. Louise Frutchey have started a Supreme Court action against the life tenants to compel them to give up the property. The case has reached the Appellate Division, and at the September term the court will hear argument on an appeal from an order of Supreme Court Justice John B. M. Stephens, sitting in Geneseo, who overruled a demurrer to the complaint.

The Maples has long been known as a beauty spot and thousands of persons have passed it on the state highway and admired it. The legatees, who are bringing the action, charge, however, that the life tenants have rented the property to strangers, that they have allowed the show place to deteriorate and that the property has depreciated in value to the extent of about \$7,500.

Dismissal Motion Denied

H. Louise Frutchey died in Livonia on February 14, 1915, and directly after her death letters testamentary were issued to Peter G. Frutchey, her husband; Fitch M. Davis and Albert Long, who were named executors of the will. The property at the Maples was bequeathed to Peter G. Frutchey and Sarah M. Draper for life use while other bequests were made to Anna C. Webster, John C. Coe, Flavius C. Coe, S. Edward Hitchcock, Julian C. Gibbs and G. Arnold Gibbs, made co-defendants in the action with Mrs. Draper and Mr. Frutchey.

The residue of the estate was left to Mr. Frutchey and Mrs. Draper, and the will stated specifically, the complaint in the action states that the condition of the Maples was to be kept up and that it was not to be allowed to deteriorate. The plaintiffs charge that the defendants intended to injure them and the trust interests to the extent of \$7,500 and they ask that Mr. Frutchey and Mrs. Draper be relieved from taking care of the estate and that they forfeit their rights to it.

The defendants took exception to the action started by the plaintiffs and before Justice Stephens in Geneseo they sought to have the complaint dismissed on the grounds that it did not state a sufficient cause for action, but the motion was denied. It is from that order that the defendants are appealing. Peck & Whitbeck of Rochester appear for Mrs. Draper; Charles Ward for Mr. Frutchey; and Edwards P. Ward, of Geneseo, for the plaintiffs.

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(Transcriber's Note: Helen Louise Frutchey was a devout Universalist, as were many in her family.)