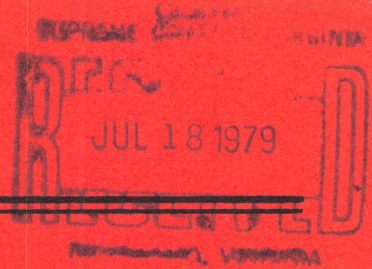


221 VA 896



IN THE
Supreme Court of Virginia
AT RICHMOND

RECORD NO. 790328

ROGER W. SAMPSON, Committee
for Marjorie L. Sampson,

.....Appellant

v.

WILLIAM T. SAMPSON, II
JO ANN SAMPSON

.....Appellees

APPENDIX

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De Bene Esse Deposition of Lucille Clarke

1 A Yes.

2 ~~Q All right. Would you relate to me if you have any~~
3 ~~connection with the voluntary police department at~~
4 ~~Hancock, Maine?~~

5 A I'm an officer of the law -- special police officer.

6 Q How long have you been an officer?

7 A Since it started. '73, I think.

8 Q Okay. For approximately five years now?

9 ~~A Yes.~~

10 Q All right. Now, on the 22nd of January, 1977, did you
11 notice anything unusual in or about Hancock Point?

12 A Well, we noticed this driveway had been plowed out
13 and people were visiting the cottage. It's usually
14 not open in wintertime. It's one of the cottages
15 that we do keep an eye on.

16 ~~Q How far do you -- do you yourself live from the~~
17 ~~Sampson summer residence?~~

18 A Approximately two or three miles.

19 Q All right. Now, how was it then that you were in and
20 about the Sampson residence?

21 A That day?

22 Q That day, yes.

23 A Well, that's one thing we usually do, is ride around
24 the point. It's --

25 ~~Q Well, on the 22nd of January then, did you ride around~~

De Bene Esse Deposition of Lucille Clarke

1 at the time?

2 A No, sir.

3 Q ~~Had it been completely plowed?~~

4 A It had all been plowed at that time.

5 Q Were there any vehicles in the driveway?

6 A Yes, sir.

7 Q There was?

8 A There was.

9 Q Would you describe that vehicle?

10 A Well, I think it was a Blazer. I assumed it was a
11 ~~four wheel drive Blazer.~~

12 Q What color was it?

13 A An odd color, like a beige or something. White top
14 or tan, or one of those odd colors.

15 Q All right. Now, did you make a report of that incident?

16 A At that time?

17 Q At some subsequent time after -- after noticing the
18 driveway had been plowed and the vehicle was in the
19 driveway?

20 A Yes, that night when I went around again on duty.

21 Q All right. Now, when you and your husband saw the
22 tan Blazer at around 3:00 o'clock on the afternoon
23 ~~of the 22nd, what did you do about it?~~

24 A Well, I thought I recognized the people as Mr. and
25 Mrs. Bill Sampson, so I didn't do anything about it.

De Bene Esse Deposition of Lucille Clarke

1 I figured they had a right to be there.

2 Q ~~Did you see them as well as the Blazer?~~

3 A Yes, I saw the woman coming down the doorstep, and
4 he was standing on the step. And I could tell that
5 it was them.

6 Q Did you stop to speak with them?

7 A No, I did not. They were quite a little ways across
8 the road.

9 Q Were they coming from the house?

10 A Yes, the steps of the house.

11 Q Did you notice if they were carrying anything?

12 A No, I did not. The Blazer was backed into the steps.
13 The steps went around that way.

14 Q Well, when you say it was backed into the steps --

15 A I was looking at the front of the Blazer when I went
16 by.

17 Q Could you tell if the back of the Blazer was open?

18 A No, I could not.

19 Q You didn't stop to investigate it further?

20 A No.

21 Q All right. How do you know it was the Sampsons? Had
22 you met them before?

23 A Well, we had known them off and on, yes. Both of them
24 had been down to the wharf earlier when they were down
25 there in the summer.

De Bene Esse Deposition of Lucille Clarke

1 ~~A Yes. It had all been plowed from one end into the~~
2 ~~house.~~

3 Q Who was with you in the cruiser that night?

4 A George Moon and Doris Moon were the patrolmen on duty.

5 Q All right. What did you -- what further observations
6 did you make or actions did you take at that point?

7 ~~A Well, I just -- they said there's tracks here.~~

8 And I said, "Yes, I thought I had seen Bill and
9 his wife there." Said, "Well, let's check it out and
10 make sure the doors had been relocked and whatever."

11 ~~And that's when we started checking, and found,~~
12 ~~first, that there were tracks all over the place in~~
13 ~~the snow. And we --~~

14 Q Had the front doorsteps been shoveled?

15 A Yes.

16 Q All right. Now, was the front door locked?

17 A Yes.

18 Q Did you notice footprints around the house?

19 A Footprints around the porch to the -- out around the
20 porch on the side of the house. And then they led off
21 and went all around the house.

22 Q Did the footprints stop at any particular place?

23 A At a back door of the house -- what I call the back
24 door of the house, back out around to the driveway.

25 ~~Q Did you notice any forced entry?~~

De Bene Esse Deposition of Lucille Clarke

1 ~~Q What kind of an instrument would you need to cut that~~
2 ~~glass?~~

3 A Well, I don't know. I have no idea.

4 Q All right. Well, when you saw the pane itself, was
5 there glass removed where it was cut?

6 A Yes.

7 Q What was the shape of the cut that had been removed?

8 A Well, it looked like a half moon affair. I wouldn't
9 say that it was really cut. but still, it wasn't
10 jagged or the whole window wasn't smashed.

11 Q Was the hole large enough to insert your hand into?

12 A Yes.

13 ~~Q Did you notice any snow inside the house?~~

14 A There was snow apparently left by what we assumed to
15 be the footprints -- off the feet anyway -- that was
16 there just as you stepped in the window.

17 Q All right. When you unlatched the latch, does the
18 window open or is it a door that opens?

19 A It was a window.

20 Q All right. And when that is unlatched, I assume a
21 person could step into that window, lift the window
22 and step inside?

23 A Yes.

24 Q Now, this snow that you're talking about that you had
25 ~~seen inside the house, was that melted or unmelted?~~

De Bene Esse Deposition of Durrell Dow

1 A No. See, I didn't talk to her. All I talked to was
2 him. He called at work and said that she recommended
3 me.

4 Q Did he identify himself?

5 A Yes, but it's been so long I wouldn't know who it was.

6 Q Well, if you heard the name, would you recall?

7 A No, because when I got the letter in the mail from
8 you, I couldn't figure out who it was or what it was
9 about. See, what they should have done is come and
10 ask me when they found out it was broken into.

11 Q What letter did you receive from me?

12 A The one that I was supposed to be here today.

13 Q The notice? All right. Now, what you're saying
14 then is that you received a phone call from someone?

15 A Right.

16 Q It was a man, was it?

17 A Yes.

18 Q And approximately what time did he call you?

19 A Well, I'd say that it must have been around three in
20 the afternoon. But --

21 Q Okay. What exactly did he ask you to do?

22 A Wanted me to plow a driveway for him.

23 Q Did he ask you what it would cost him?

24 A No.

25 Q Did you tell him what it would cost him?

De Bene Esse Deposition of Durrell Dow

1 A I couldn't tell you.

2 Q Was there anyone with him other than this woman
3 you're talking about?

4 A I didn't see anybody.

5 Q Did he introduce himself?

6 A Yes, I believe he did.

7 Q Did he introduce the woman that was with him?

8 A No.

9 Q Can you tell me where the Blazer or the Wagoneer was
10 parked when you met him?

11 A When I met him, he had it backed up like -- like this
12 is where you turn out of his street here. And he was
13 parked right there, on the main road down through to
14 the point.

15 Q All right. Now, when you met him, what did he have
16 to say to you, if anything?

17 A Well, he just wanted it plowed, he told me. You
18 went in a ways and turned left and then go right to
19 the house.

20 Q How long a driveway was it that he wanted plowed?

21 A Oh, it was a good-size driveway. It's quite -- a
22 fairly long driveway. Because, like I say, you
23 had to go in by one house and then take a left and
24 swing around to the house. The driveway goes around
25 the house, but I plowed to the house and stopped.

De Bene Esse Deposition of Durrell Dow

1 Q How deep was the snow?

2 A Well, winter snow, probably a foot and a half.

3 Q ~~How many feet in distance is that driveway or~~
4 roadway that you plowed?

5 A I would say approximately 200 feet altogether.

6 Q Okay. It took you about an hour and a half you
7 say?

8 A No, about a half an hour.

9 Q Half hour?

10 A Yes.

11 Q Did they wait for you to do it?

12 A Yes.

13 Q Did you have any conversation with them during the
14 time you were plowing it?

15 A No, I didn't.

16 Q All right. Where did they wait?

17 A Well, he was more or less behind watching. And I
18 assume Mrs. -- the lady stayed in the car.

19 Q Okay. After you finished -- you say you didn't
20 plow all the way around?

21 A No, I plowed to the house. You could go around and
22 come back out the other side.

23 Q Would you be good enough to draw two things for me on
24 this piece of paper? One is a rough location of where
25 ~~the house was, and then the direction of how this~~

De Bene Esse Deposition of Charles Wheeler

1 ~~Q Now, if you were to draw the Crenshaw residence in~~
2 ~~that -- this map, where would you put it?~~

3 ~~A Right here.~~

4 ~~Q All right. Just put your initials under that.~~

5 ~~(The deponent complies.)~~

6 ~~Q Is that residence already drawn in that map?~~

7 ~~A Yes.~~

8 ~~Q All right. And would you agree with its location?~~

9 ~~A Yes.~~

10 Q All right. So, you left Crenshaw's and what did you
11 do?

12 A I started out of the driveway of the Crenshaw's and
13 I come around a bend and looked over there, and I
14 saw movement over there -- over in Sampson's. I
15 stopped there a second to decide what I was going to
16 do, and then drove directly over and drove in.

17 Q All right. What did you see, or what did you drive
18 in to?

19 A I drove in on a Blazer.

20 Q Where was it?

21 A It was up to the -- backed up to the porch of the
22 Sampson residence.

23 ~~Q All right. Would you draw it in, please, as to where~~
24 ~~you saw it?~~

25 ~~(The deponent complies.)~~

De Bene Esse Deposition of Charles Wheeler

1 ~~Q All right. If you could, describe it by writing under~~
2 ~~neath the rectangle Sampson's vehicle.~~

3 ~~(The deponent complies.)~~

4 Q And date it -- that would have been what, January 23?

5 A Yes.

6 Q And then put your initials under that.

7 All right. Now, was that vehicle backed up to
8 the house?

9 A Yes, it was.

10 Q All right. Would you relate to us whether the back
11 of the vehicle was open or not, if you recall?

12 ~~A I don't know.~~

13 Q All right. Well, will you tell me exactly what you
14 did and what you saw?

15 A Well, I drove in the driveway. There's a curve, a
16 sharp curve in the driveway. And as I came around
17 that curve, they had drove their vehicle right up to
18 me. In fact, we met bumper to bumper.

19 Q Did it appear as though they were -- it was a planned
20 departure by them, or were they leaving because you
21 drove in?

22 A At that time I felt they were leaving because I
23 drove in.

24 ~~Q Okay. Go ahead and tell me what happened?~~

25 ~~A And I got out of the vehicle and the subject in the other~~

De Bene Esse Deposition of Charles Wheeler

1 car, he jumped out. And the subject in the other car
2 asked who I was, and I in turn asked who they were.

3 Q What did they say?

4 A They told me they were the Sampsons.

5 Q Who was doing the talking?

6 A Mr. Sampson.

7 Q It was the man?

8 A Right.

9 Q Now, was the other person with him a man or a woman?

10 A A woman.

11 ~~Q All right. Now, what did he say?~~

12 A He said -- he said he was Mr. Sampson. And I asked
13 him to produce identification.

14 Q Was he able to produce identification?

15 A He did produce a government identification card with
16 his picture on it, and he told me he worked for the
17 food stamp program. He was up here on vacation and
18 had stopped in to pick up some things that had been
19 left there the preceding summer.

20 Q Did he tell you what things he wanted to pick up?

21 A He said something about a coat, basically.

22 Q All right.

23 A And he didn't elaborate on it further than that.

24 ~~Q Did you ask him about entering the premises?~~

25 ~~A I told him that we had noticed -- that the cruiser had~~

De Bene Esse Deposition of Charles Wheeler

1 ~~noticed that the place had been opened up, and thought~~

2 ~~it was very unusual, and no one called us about it.~~

3 ~~And we had been watching the place.~~

4 Q Well, did he say anything about the broken window?

5 A I asked him -- I told him it looked unusual to see
6 him going through a window like that. And he said
7 they had forgotten his keys.

8 Q Did he say he had broken the window?

9 A Yes.

10 ~~Q Was there any discussion about the fact that a glass~~
11 ~~cutter had possibly been used?~~

12 A No.

13 Q Did you ask him about the driveway being plowed?

14 A No. I told him that we noticed the driveway had
15 been plowed and thought it was highly unusual, and
16 it was dropped at that time. It was no --

17 MR. ARTZ: Let's go off the record for a minute.

18 (Off the record discussion.)

19 BY MR. ARTZ:

20 Q All right, let's go back on the record.

21 In your report is a reference, Mr. Wheeler, that
22 you had asked Mr. Sampson who plowed the driveway.

23 Do you have a recollection of asking him that question?

24 A It seems I did. And he said a Mr. Dow. And apparently
25 ~~had been -- Erma Brown, which he brought her name up,~~

De Bene Esse Deposition of Charles Wheeler

1 ~~A Yes, I did.~~

2 Q And what did he say?

3 A And I believe he said that this was his last trip,

4 ~~or he was leaving immediately, something to that effect.~~

5 Q All right. Was there any further conversation about
6 the -- about the window that was entered?

7 A I asked if he secured the window before he left,
8 and he said it was all taken care of.

9 Q Did you have occasion to check whether or not that
10 window had been secured thereafter?

11 A I checked it that night after the patrol went out.

12 Q Was it secure?

13 A No.

14 Q All right. Now, did you notice anything in the back
15 of the Blazer?

16 A Yes.

17 Q All right. Now, is there a window in the back of the
18 Blazer that you're able to see through?

19 A Yes, all the way around.

20 Q All right. Now, what did you notice?

21 A I could see chairs tipped up on their backs.

22 Q How many chairs could you see?

23 A I'd say several.

24 Q All right. Could you describe the chairs?

25 A They were cane-bottom chairs, the bottoms being turned up,

De Bene Esse Deposition of Charles Wheeler

1 Q What happened at that point?

2 A He was obviously in a hurry to get out of there, and
3 I --

4 Q Well, how did he get by your vehicle?

5 A Well, he had backed up to the porch again, and then
6 he made just enough of a turn in there to let me
7 swing in, and then he went out. As far as I'm
8 concerned, he went flying out of the driveway when
9 he pulled back far enough so I could get in and turn
10 around.

11 ~~Q What did you do at that point?~~

12 A I proceeded to Mrs. Lounder's corner to see Mrs.
13 Lounder, who is probably the last resident on the
14 Point who is a year-round resident, that would
15 see vehicles going up and down there.

16 Q Why did you go there?

17 A Because she had been a caretaker for years, and knew
18 all of the people, I would say, on the Point, to
19 identify them and their vehicles. It was probably
20 my best source.

21 Q What did you find out?

22 A Well, as I went there, Edith Lounder was there, which
23 is one of her daughters.

24 Q Okay.

25 ~~A And Mr. Sampson had left the Point ahead of me. And I~~

De Bene Esse Deposition of Harold Dow

1 ~~A Well, I was caretaker.~~

2 Q How long had you been caretaker there?

3 A Oh, probably been with them 35 years. Must be all
4 of that. 30, anyway.

5 Q And did Mrs. Sampson leave items of furniture and
6 personal belongings in that summer residence during
7 the entire year?

8 ~~A Left everything right there.~~

9 Q All right. Now, let me direct your attention to
10 January 22, or thereabouts, of 1977. Did there
11 come a time around that time that you were in Florida?

12 A Geez, I don't know. I was there two weeks.

13 Q Let me rephrase the question, and see if we can get
14 at it this way. Did there come a time, when you
15 returned from Florida, that you went to check on the
16 Sampson cottage?

17 A Yes.

18 Q All right.

19 A Yep.

20 Q And was that sometime in January of last year, if you
21 recall?

22 A Not last year.

23 Q '77? A year and a half ago, approximately?

24 A Yes, that's right. Yes.

25 ~~Q All right. Now, when you got to the cottage, did you~~

De Bene Esse Deposition of Harold Dow

1 ~~go there alone, the first time?~~

2 ~~A The first time, yes.~~

3 Q And what did you see?

4 A Well, I see all this stuff was gone.

5 ~~Q Well, how did you get in the cottage?~~

6 A Well, I have a key.

7 Q Did you notice anything unusual about a window?

8 A Well, you couldn't help but see the window where it had
9 been cut out.

10 Q Was there a hole in the window?

11 A Yes.

12 Q All right. And what did you do when you noticed the
13 hole in the window?

14 A I plugged it.

15 Q With what?

16 A With a cardboard thing, or a -- I guess a piece of
17 zinc I got out on the back porch.

18 Q All right. Had anybody advised you that the window had
19 been cut?

20 A No.

21 Q Can you describe how the cut was made?

22 A Yes.

23 Q All right. How?

24 A Just a round circle. See, the catch is like that.

25 ~~They went right up like that, and just this little piece,~~

De Bene Esse Deposition of Harold Dow

1 ~~cut right out so they could reach in and unhook it.~~

2 Q All right. Was the window shattered?

3 A Not a bit.

4 Q All right. You're pointing to a latch that's a
5 horizontal circular latch?

6 A Well, a window fastener on top.

7 Q All right. After you saw that the window had been
8 cut, did you look around the premises? Did you check
9 around the --

10 A Yes.

11 Q And what did you observe?

12 A Nothing.

13 Q All right. Were there any items missing?

14 A Plenty of them.

15 Q Would you tell us what they were and try to remember
16 as many as you can?

17 A Well, as near as I can. The table, mahogany table
18 was gone.

19 Q Was that a coffee table?

20 A No, it's a big drop leaf table.

21 Q And when you say big drop leaf table --

22 A Well, it's longer than that one there, (indicating)
23 and it had two leaves.

24 Q Well, the table you're pointing at is what, approximately
25 four feet?

De Bene Esse Deposition of Harold Dow

1 A Yes, I think so. That was at least five feet long.

2 Q And how wide would you say it was?

3 A Oh, it was -- might have been six inches wider than
4 that one there. Four feet, probably, wide.

5 Q Okay. So, five feet by four feet wide?

6 A Yes. And the leaves went to the bottom.

7 Q If the leaves were in place, the table would be longer
8 than that?

9 A Wider, this way.

10 Q Wider? All right. Now, can you describe the legs?
11 Were they rounded legs or square?

12 A I can't do it.

13 Q Do you know -- was it wood?

14 A It was mahogany.

15 Q Mahogany?

16 A Yes.

17 Q Do you know if the legs could be removed from the
18 table?

19 A Well, that, I don't know. I refinished it, I know
20 that, but I don't remember the legs. He kept it
21 in good shape.

22 Q Let me show you a photograph and ask you if you can
23 look at that and see --

24 A Yep.

25 Q -- is that the table?

De Bene Esse Deposition of Harold Dow

1 A ~~That's the one.~~

2 Q All right. Let me ask --

3 A And them's the chairs, too. But --

4 MR. ARTZ: Let me ask the Court Reporter to mark
5 that, please, as Plaintiff's Exhibit #2.

6 (Plaintiff's Exhibit #2, a copy of a photograph,
7 was marked by the Reporter.)

8 BY MR. ARTZ:

9 Q Okay. Now, you say also that the chairs in this
10 photograph are the chairs that were also --

11 A At the table.

12 Q How many chairs were missing?

13 A Well, I can't exactly say whether it's four or six.

14 Q Can you describe those chairs?

15 A Well, they're just -- what I can figure out, they're
16 just a cane bottom and they were kind of mahogany
17 colored. Not mahogany -- what's that light colored
18 oak, I guess.

19 Q All right. What other items were missing?

20 A Well, then I looked -- of course I always put the
21 silver up in a three-gallon metal container -- I
22 don't know what come in it -- and we done them up
23 in this white paper and put them in there.

24 Q Put them in where?

25 A In this can and put them away.

De Bene Esse Deposition of Harold Dow

1 ~~Q Were these antique dishes?~~

2 ~~A Well, I suppose they was old dishes. I don't know~~
3 ~~whether they were antiques or not.~~

4 ~~Q Were they used as decorative pieces?~~

5 ~~A No, they were used at the table. They had two plates~~
6 ~~hanging on the wall, and they're gone.~~

7 ~~Q All right. Now, did you notice whether or not a~~
8 ~~candle stand was missing?~~

9 ~~A Yes. And that was in the chest over by the stairs~~
10 ~~there. They had that in there, and she had the clock~~
11 ~~in there.~~

12 ~~Q That was with the silver?~~

13 ~~A No, that was separate.~~

14 ~~Q All right.~~

15 ~~A The candlestick was one of them round ones -- I think~~
16 ~~it was twelve candles or six candles.~~

17 ~~Q What was the candlestick made of?~~

18 ~~A Brass.~~

19 ~~Q How about the candle stand?~~

20 ~~A Brass, the whole thing was brass.~~

21 ~~Q And the clock that you're talking about?~~

22 ~~A The clock -- you see that one up there? It's just~~
23 ~~like that only smaller.~~

24 ~~Q That's --~~

25 ~~A I don't know what you call it.~~

De Bene Esse Deposition of Harold Dow

1 ~~A Yes, I believe it did.~~

2 Q How large was the hall mirror?

3 A Oh, must have been two by four or two by six. Two
4 by five, something like that.

5 Q Feet?

6 ~~A Yes. It was quite a mirror.~~

7 Q And how about the mirror that was in the bedroom,
8 how large was that?

9 A Oh, that one, that was about -- oh, might have been
10 two by three, something like that.

11 ~~Q All right. And was there a kerosene lamp --~~

12 A Yes.

13 Q -- with a glass shade missing?

14 A Yes.

15 Q Anything unusual about that table lamp?

16 A Nothing, only -- I always took it to be an old lamp,
17 but I don't know as it was. The shade was different
18 colored. I don't know what it was, but --

19 Q What color was it?

20 A I don't know.

21 Q How about a bowl and pitcher set?

22 A I remember, that was up in the attic. It might have
23 been on a stand in her room.

24 Q Did you ever see a cast iron toy locomotive?

25 A Yes.

De Bene Esse Deposition of Harold Dow

1 ~~Q Did you find that to be missing?~~

2 ~~A That's gone.~~

3 ~~Q All right. Did you ever closely examine the silver~~
4 ~~that you would wrap up each year?~~

5 ~~A No.~~

6 ~~Q Do you know whether it was engraved or not?~~

7 ~~A I couldn't say. I couldn't say.~~

8 ~~Q Okay. Now, had this cottage that you cared for for~~
9 ~~30 years or more, had that ever been broken into~~
10 ~~previously?~~

11 ~~A Not that I know of.~~

12 ~~Q All right. Now, prior to the taking of these items~~
13 ~~that we have been talking about --~~

14 ~~A Yes.~~

15 ~~Q -- had you seen them shortly before you left for~~
16 ~~Florida?~~

17 ~~A They was all there, everything. Wasn't anything touched.~~

18 ~~Q All right. And you say you were in Florida approximately~~
19 ~~two weeks?~~

20 ~~A Yes. But, I don't know -- I don't know who was in~~
21 ~~there, because I didn't see nobody.~~

22 ~~Q All right.~~

23 ~~A Nothing.~~

24 ~~Q Are you familiar with the set of clear cut crystal~~
25 ~~goblets, eight of them?~~

FILED

DEC 26 1978

JAMES E. HOOFNAGLEE
Clerk of the Circuit Court
of Fairfax County, Va.

FILED

DEC 22 1978

JAMES E. HOOFNAGLEE
Clerk of the Circuit Court
of Fairfax County, Va.

WRITTEN STATEMENT OF TESTIMONY AND
OTHER INCIDENTS OF THE CASE

(Page 1)

1. The de bene esse depositions of Lucille Clark, Durrell Dow, Charles R. Wheeler and Harold Dow which were used as evidence during the trial of the above case are hereby incorporated by reference.

2. The Plaintiff utilized two other witnesses namely, the Plaintiff himself, Roger W. Sampson, and Mr. Douglas Henry, a certified appraiser, both of whose testimony will be summarized below.

Roger W. Sampson (hereinafter referred to as Plaintiff),
Committee for Marjorie L. Sampson

The Plaintiff is the stepson of his ward and qualified as Committee on November 12, 1976 (Plaintiff's Exhibit #1, Letter of Committeeship), following a contested hearing in the Circuit Court of Arlington County, which was opposed by the Defendants in this case and Harriet Adams, now deceased, who was the sister of the Plaintiff's ward. The Defendants are the natural brother and sister-in-law of the Plaintiff. The Plaintiff is employed by the CIA in Langley, Virginia.

(Page 2)

Marjorie Sampson is 84 years old and physically cared for by the Plaintiff and his wife in Marjorie's home in Arlington, Virginia. She also owns a modest summer residence in Hancock Point, Maine, valued at approximately \$22,000.00. The summer residence has been in the family in excess of 40

years. It is looked after during the nonsummer months by Mr. Harold Dow, local resident of Hancock, Maine. Mr. Dow has acted in that capacity for over 35 years. At the end of the summer of 1976, around labor day, the Plaintiff and his wife were visiting the summer residence with the intention of driving Marjorie to Arlington, Virginia. ~~Shortly before leaving and with knowledge that he would soon be petitioning the court in Arlington, Virginia, to have himself appointed Committee, the Plaintiff took stock of some of the personal items in the summer residence. The Plaintiff testified that at that time all of the items on the appraisal list of missing items, Plaintiff's Exhibit #5, including a set of silverplate ware were known to him and were in the summer residence when the house was closed in the fall of 1976.~~ On the day prior to their departure from Hancock Point a 70 piece set of sterling silverware was cleaned and counted by the Plaintiff and his wife and placed back in the silverware drawer. It was later wrapped and put away by the caretaker in a 3-gallon potato chip tin along with a 68 piece set of silverplate ware in a hiding place unknown to the Plaintiff at that time. The hiding place turned out to be under the stairs. The furniture and other personalty were left in the premises during the winter. Only two keys were available to gain access to the house. The caretaker had one and the second was hung inside the front door to the house itself.

(Page 3) In January of 1977, the Plaintiff received a phone call from the caretaker stating that the house had been burglarized. The Plaintiff directed Mr. Dow to make a list of items found

to be missing. Mr. Dow asked Sylvia Young, post mistress of Hancock, Maine, who was familiar with the house and Hazel Springer and Daisy Hudson, who had done housework in the house to assist in preparing the list. The Plaintiff contacted Officer Wheeler, the investigating officer of the Hancock Police Department and asked to be kept up to date on the investigation. Copies of Police reports were forwarded to the Plaintiff.

The Plaintiff himself together with his wife visited the premises in August, 1977. He noticed missing items and took pictures of the window that had been cut (Plaintiff's Exhibits 7 and 8). Thereafter, Plaintiff made a final list of all items found to be missing, based on personal observation and with the benefit of a partial list made by others, Harold Dow, Sylvia Young, Hazel Springer and Daisy Hudson as aforesaid. This list he presented to Mr. Douglas Henry for appraisal purposes. Mr. Henry duplicated the list and assessed values to the items and it was this document that was admitted into evidence as Plaintiff's Exhibit #5. Permission to enter the premises following the Plaintiff's qualification as Committee was not given to the Defendants.

~~Plaintiff's Exhibit #4~~
~~Short list of items in August, 1977, showing a missing~~
~~silver teaspoon (Plaintiff's Exhibit #4) that was a part of the~~
~~set of flat silver in the back of the silverware drawer in a~~
~~electro-cupkin.~~

"Upon cross examination the plaintiff testified concerning the list of articles on the appraisal list, Exhibit 5, to the following effect: that a number of people looked at the house in Maine to give their recollection as to what they were familiar

with seeing; and what they noticed was missing. The plaintiff was asked by counsel for the defendants the following questions followed by his answers:

Q. Would you tell me how you put this list together?

A. Well, this list was put together by putting the memory of these various people together that I mentioned to you, including my wife and myself.

Q. Well, it appears that half a dozen or more people from memory have helped you to comprise this list?

A. That is correct.

The plaintiff named the persons who assisted him in making the list as follows:

A. Besides myself and my wife, as I say we came in August, 1977 (year supplied by Court) Mrs. Sylvia Young, Mrs. Hazel Springer, Mrs. Daisy Hudson and Mrs. Elizabeth Swan, in addition to Mr. Harold Dow.

None of the ladies mentioned in the last answer were called as witnesses in this case except the plaintiff's wife.

Douglas Henry

Mr. Henry is a certified appraiser of 28 years experience with a business office in Alexandria, Virginia. He has been a member of the Appraisers Association of America since 1956. As an expert appraiser his services have been sought after and utilized by museums, banks, attorneys, federal and local law enforcement agencies. He qualified as an expert for the purposes of establishing fair market values of items listed on Plaintiff's Exhibit #5.

MC Mary Sampson

She testified that in August, 1977, she found a sterling silver teaspoon (Plaintiff Exhibit 4) that was a part of the set of flat silver in the back of the silverware drawer in a cloth napkin.

(Page 4)

~~He qualified as an expert for the purpose of establishing fair market value of items found to be missing from the Sampson residence in this case.~~ JM

Mr. Henry testified that assessing fair market value from a verbal description of the items including their condition was an acceptable method of determining fair market value within his profession.

The Plaintiff presented Mr. Henry with a listing of missing items, an oral description of each item including condition, a photograph of some of the items set out with more particularity below, a sample of the sterling, and in the case of some of the procelain, similar items were shown to him from Marjorie L. Sampson's, Arlington house. These samples were photographed (Plaintiff's Exhibit #3) and shown to the jury. Thereafter he prepared Plaintiff's Exhibit #5, an appraisal containing the items and their fair market value as of the time of the loss and he testified therefrom. This list was objected to by defense counsel on the grounds of hearsay and admitted over objection.

He stated the basis for his valuation and the information available to him as follows: A photograph of a walnut dining room table, cane bottom oak chairs, a brass candelabra, a brass

sugar and creamer set, and antique hot water kettle and cover were shown to him. From this plus a verbal description, he placed the following fair market value on the items.

- 1 large mahogany sheraton style drop-leaf dining room table in nearly perfect condition, early Victorian*.....\$750.00
- 4 matching mahogany side chairs with newly (1968) rewoven cane seats..... 300.00/set
- 1 antique brass seven light Menorah candelabra. 150.00
- 1 antique brass hot water kettle with cover, sugar bowl and creamer..... 110.00

(Page 5) *There was some question as to whether the table was mahogany or walnut, but Mr. Henry testified that the values were comparable.

Mr. Henry was shown the sterling silver teaspoon (Plaintiff's Exhibit #4) that was found by Mrs. Sampson in the summer of 1977 which was part of the 70 piece set found to be missing by Harold Dow. His valuation for one set, matched, bright, hand-engraved, sterling flatware in floral leaf pattern, Gorham, 1875, engraved "B", twelve place settings plus ten serving pieces (total seventy pieces)..... \$2,800.00

As to the below listing of items, Mr. Henry was shown a similar sample, not identical, from the Arlington residence and placed the respective values on them. Photographs were taken of the similar Imari plates for display to the jury:

- 1 brass 400-day Kundo brand clock, made in West Germany, glass bell, jar cover..... \$ 50.00
- 12 Imari dinner plates..... 900.00/set
- 1 antique mirror, chippendale style, mahogany frame, scrolled top, gold leaf decoration (excellent condition)..... 280.00

1 antique large wall mirror in ornate gold
leaf frame..... 150.00

The remaining items were verbally described in terms of
design and condition and Mr. Henry placed these respective
values on them:

1 round mahogany 22" diameter candle stand..... \$150.00
8 Minton cups and saucers (perfect condition).. 80.00
12 Minton dinner plates (perfect condition)..... 120.00
8 handpainted limages porcelain dessert plates. 160.00/set
6 canton plates, porcelain blue & white..... 300.00/set
4 plates, green-gray pattern, unmarked, old
(thought to be Caladon, 1700 by Mr. Henry)... 240.00/set
8 clear glass cut crystal goblets..... 80.00/set
1 pair delft plaques in blue & white colors.... 40.00/set
1 cast iron toy locomotive, original paint..... \$45.00
1 kerosene table lamp w/chimney and fluted
colored glass shade..... 50.00
1 large glazed soft paste wash bowl and
pitcher..... 80.00/set

(Page 6)

Upon the conclusion of Mr. Henry's testimony the Plaintiff
rested his case. The Defendant, thereafter made a motion to
strike which was denied.

The defense called the following witnesses, William T.
Sampson, II, Jo Ann Sampson, Mrs. Mary Adams, Irma V. Brown and
Adonell N. Howell. Irma V. Brown and Adonell N. Howell were
called as witnesses through their deposition upon written
questions and cross questions which we hereby incorporate by
reference.

The testimony of Jo Ann Sampson and William T. Sampson
was substantially the same and is set out as follows:

Mr. Sampson is employed by the Department of HEW in the
Food Stamp Program. With an eye toward a job transfer and

possible retirement in New England and for the purpose of retrieving some personal belongings of their own and Harriet Adams, William and Jo Ann Sampson drove to New England and arrived in Boston shortly before January 21, 1977. Mr. Sampson called an official of the Food Stamp Program to discuss a transfer but the individual was ill and unable to be contacted.

The Sampsons then drove on up to Hancock, Maine and arrived at Irma Brown's on Friday afternoon, January 21, 1977. They visited with Irma Brown and told her that they were in the area to retrieve some fishing equipment, a coffee maker and two coats belonging to Harriet Adams, all of which had been left there the previous summer. Sometime thereafter, Irma Brown called Durrell Dow to plow out the Sampson driveway and William and Jo Ann Sampson left to meet Mr. Dow at approximately 5:30 p.m., at the summer residence.

(Page 7) Upon showing Mr. Dow what they wanted plowed, they waited until the job was completed and paid Mr. Dow \$10.00 for his services. It took about one-half hour to plow the driveway. The Defendants then left the premises and returned to their motel without entering the premises.

The following day around 11:00 a.m., the Defendants again visited Irma Brown and brought some bakery goods for a brunch. Sometime in the mid-afternoon they left for the Sampson residence and backed their vehicle, a tan Chevy Blazer up to the front porch. Upon finding all the doors and windows locked, Mr. Sampson poked out a small jagged hole in a window on the left side of the house with a pen knife. Mrs. Sampson unlocked the window and Mr. Sampson entered the premises through the

window and unlocked the front door from the inside. Upon a search of the premises, the Defendant could not find their fishing equipment or coffee maker, but did find Harriet Adams' two coats. On that occasion, the Defendants took a trunk from under the stairs, a 68 piece set of silverplate ware from a 3-gallon tin found under the stairs and a portrait of Admiral Sampson. These items were taken for sentimental reasons but without permission from their owner. It was very cold in the house and they did not stay beyond thirty minutes. They then returned to Irma Brown's for a short visit and then to the motel.

The following day was Sunday. They went back to the summer house to double check to see if they could find the fishing gear and coffee maker. Mr. Sampson entered the house through the same window and opened the front door. They took nothing from the inside of the house, but Mr. Sampson did take a wooden sign with the Sampson name engraved on it which he made the preceding summer. The sign was hanging near the roadway identifying the Sampson residence. Just prior to departing Sunday morning from the summer residence, a vehicle with a man identifying himself as Officer Wheeler drove in on the Defendants. He asked who they were and what they were doing there. Mr. Sampson showed him his government ID card and told him that they were in Maine on business and stopped to pick up some personal belongings that they had left the preceding summer. Thereafter, Officer Wheeler backed his vehicle up and they left. They went back to Irma Brown's to say goodbye. They showed her the items that they had recovered from the summer residence specifically, the portrait of the

(Page 3)

Admiral. They visited a while longer, said goodbye and left. They drove to Massachusetts and spent Sunday night with an aunt, Adonell Howell, whose testimony was received through deposition on written questions. The following day they left and drove straight through to their home in Vienna, Virginia. The Defendants both denied taking any other items from the summer residence. The Defendants further testified that they had visited the summer residence in June of 1976 and had planned to return around Labor Day to drive Marjorie back to Arlington. They were surprised to find out that Roger and his wife were planning on driving Marjorie back to Arlington and accordingly the Defendants did not go up to Maine at the end of the summer.

Mary Adams

Mary Adams is a resident of Annapolis, Maryland and the sister-in-law of Harriet Adams. She testified she had visited the summer residence in summers previous to and ~~and~~ including

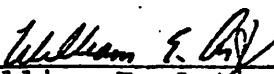
1976^{for 2 weeks}. She denied ever seeing sterling silverware such as exhibited to her in Plaintiff's Exhibit #4. ^(but saw only plate) ^{testified that she} ^{helped with}

974 The housework; She washed the dishes daily; she denied seeing any mirrors back as described. ~~She denied seeing any sterling silver in the drawer, but saw only plate.~~

REBUTTAL

The Plaintiff was called in rebuttal and produced two photographs (Plaintiff's Exhibits 7 & 8) taken in summer of 1977 of the window where entry was made into the summer residence. The Defendants both testified the hole was small and jagged to counter the notion of a glasscutter being used as Officer Wheeler suggested. The photographs show a large smooth half moon cut.

Seen and agreed as being in substantial compliance with the testimony of witnesses and other incidents of trial in the above case.

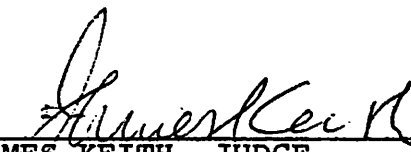


William E. Arz, Counsel for
Plaintiff



Denman T. Rucker, Counsel for
Defendants

Certified in compliance with Rule 5:9 of the Rules of Court.



JAMES KEITH, JUDGE

FILED

DEC 26 1978

JAMES E. [unclear]
Clerk of the Circuit Court
of Fairfax County, VA

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

ROGER W. SAMPSON, Committee
for Marjorie L. Sampson

Plaintiff

vs.

AT LAW NO: 40967

WILLIAM T. SAMPSON, II
and
JO ANN SAMPSON

Defendants

W A I V E R

The Defendants, WILLIAM T. SAMPSON and JO ANN SAMPSON, by Counsel, hereby waive the requirement of Rule 5:9(c)(i) whereby the Written Statement must lie in the Clerk's office no less than 10 days nor more than 15 days after filing of same to give Counsel for the Defendants an opportunity to file written objections.

Benman T. Rucker

Benman T. Rucker
Counsel for Defendants William T.
Sampson and Jo Ann Sampson

OCT 28 1977

JAMES E. HODGINS
CLERK, FAIRFAX COUNTY, VA.

MOTION FOR JUDGMENT

COUNTY PAID \$ 5.00
DEPOSIT. . . . 13.00

COMES NOW the Plaintiff, Roger W. Sampson, Committee for Marjorie L. Sampson, and requests judgment against William T. and JoAnn Sampson in the amount of \$5,000.00 plus reasonable attorney's fees and the costs of this proceeding. In support thereof the plaintiff states as follows:

1. That on the 12th day of November, 1976, the Plaintiff, Roger W. Sampson, qualified as committee before the Clerk of the Circuit Court of Arlington County on behalf of Marjorie L. Sampson, Incompetent.
2. That part of Marjorie L. Sampson's estate consists of a fee simple interest in a summer residence known as Camp Anula located at Hancock Point, Maine.
3. That Marjorie L. Sampson owns and leaves personal items of furniture and necessities in the above summer residence all year long.
4. That the Defendants William T. and Jo Ann Sampson are residents of Virginia and are the stepson and daughter-in-law of your incompetent, Marjorie L. Sampson.
5. That on the 22nd of January, 1977 the Defendants jointly and in concert conspired to and did unlawfully enter and take the personal property belonging to Marjorie L. Sampson with the intention to permanently deprive the owner thereof.
6. That the allegation referred to in paragraph 5 was accomplished without permission or authority from Marjorie

L. Sampson, and/or Roger L. Sampson, Committee.

7. That as a direct and proximate result of the above unlawful conduct of the defendants Marjorie Sampson was deprived of property valued at \$5,000.00.

WHEREFORE Roger W. Sampson, Committee for Marjorie L. Sampson respectfully requests judgment be entered against William T. Sampson and Jo Ann Sampson jointly and severally in the amount of \$5,000.00 plus reasonable attorney's fees, plus interest and the costs of this proceeding.

Respectfully submitted,

Roger W. Sampson, Committee for Marjorie L. Sampson
Roger W. Sampson, Committee for
Marjorie L. Sampson
By Counsel

HARRIGAN & ARTZ

By William E. Artz
William E. Artz
Attorney for Plaintiff

FILED

A N S W E R

NOV 25, 1977 ✓

JAMES E. HOOFNAGLE
Clerk of the Circuit Court
of Fairfax County, Va.

TO THE HONORABLE JUDGES OF SAID COURT:

The defendants, William T. Sampson, II and Joan L. Sampson, answer the Motion for Judgment as follows:

1. The defendants admit Paragraph One of the Motion for Judgment.

2. The defendants admit Paragraph Two of the Motion for Judgment.

3. The defendants admit Paragraph Three of the Motion for Judgment.

4. The defendants are the stepson and stepdaughter-in-law of Marjorie L. Sampson. The defendant's correct name is Joan L. Sampson and not Jo Ann Sampson.

5. The defendants admit that in January, 1977, they entered the summer home of Marjorie L. Sampson located in the State of Maine and removed certain items of personal property. Their intention at the time of entry was to repossess fishing equipment owned by them, plus their coffee-maker, which were missing from the premises. At the request of Harriett Adams, a sister of Marjorie L. Sampson, the defendants removed a coat and suede jacket belonging to Harriett Adams. The defendants also removed some items of silverplate ware belonging to Marjorie L. Sampson, which Marjorie L. Sampson had previously told the defendants they could have, plus a portrait of William T. Sampson, II's (defendant)

grandfather. The only items of value which were removed by the defendants pertain to the silverplate ware, which is of a trifling monetary value. The defendants have offered and continue to offer to return the silverplate ware to Marjorie L. Sampson.

6. The allegations of Paragraph numbered Six of the Motion for Judgment are technically correct. Due to the closeness of the relationship between the parties (stepmother and stepson), the defendants felt that prior consent to enter by Marjorie L. Sampson was unnecessary. Furthermore, the entry was made in daylight and with knowledge of other persons in the community.

7. The defendants deny the allegations contained in Paragraph Seven of the Motion for Judgment.

AND NOW HAVING FULLY ANSWERED, the defendants pray that this case be dismissed, with their costs expended.

William T. Sampson II
William T. Sampson, II (By Counsel)

Joan L. Sampson
Joan L. Sampson (By Counsel)

Denman T. Rucker
Denman T. Rucker

Attorney for Defendants
2007 North 15th Street
Arlington, Va. 22201
525-4900

VIRGINIA;

IN THE CIRCUIT COURT FOR THE COUNTY OF FAIRFAX

ROGER W. SAMPSON,)
Committee for Marjorie L. Sampson,)

Plaintiff,)

v. : AT LAW NO. 40967

WILLIAM T. SAMPSON, II,)
and)


JO ANN SAMPSON,)

Defendants.)

NOTICE

TO: WILLIAM E. ARTZ,
Attorney for ROGER W. SAMPSON,
Committee for Marjorie L. Sampson,
2055 North 15th Street, Arlington, Va. 22201

PLEASE TAKE NOTICE that I will appear before the
Hon. James Keith, Judge of the Circuit Court of Fairfax County,
Virginia, ^{ON THE 27th DAY OF OCTOBER, 1978} for the purpose of arguing a Motion for a new trial
pursuant to the attached Motion.



Denman T. Rucker
Attorney for Defendants
2007 North 15th Street
Arlington, Va. 22201
525-4900

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing
NOTICE was delivered this 20th day of October, 1978, to Mr. Wil-
liam E. Artz, Attorney at Law.


Attorney for Defendants

FILED

OCT 24 1978

JAMES E. HOOFFNAGLE
Clerk of the Circuit Court
of Fairfax County, Va.

AT LAW NO. 40967

MOTION TO SET VERDICT ASIDE
AND GRANT A NEW TRIAL

TO THE HONORABLE JAMES KEITH
JUDGE OF THE CIRCUIT COURT, FAIRFAX COUNTY, VIRGINIA:

The defendants, WILLIAM T. SAMPSON, II, and JO ANN SAMPSON, by their counsel, move the Court to set aside the verdict of the Jury and grant a new trial, stating as follows:

1. On the 6th day of September, 1978, a verdict was rendered by the Jury in favor of the plaintiff against the defendants in the amount of \$6,860.00.

2. The controversy of the case related to whether or not the defendants unlawfully removed and converted to their own use certain articles of personal property, which they did not own, from a dwelling house in Hancock, Maine, which real estate and personal property were under the control of the plaintiff as Committee of the Estate of Marjorie L. Sampson.

3. During the course of the testimony of the plaintiff, he referred to a list of articles alleged to have been unlawfully taken by the defendants from the said dwelling house in Hancock, Maine. On cross-examination it was elicited from the plaintiff that the list of articles was prepared by the plaintiff from the recollection of five people who were not

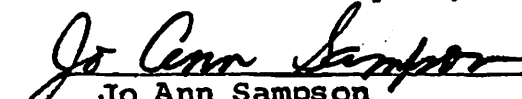
called as witnesses. These five people had been requested by the plaintiff to enter the said dwelling house and give to the plaintiff their recollection as to what they were familiar with seeing, and what they recalled was missing. At the time this exhibit, described as an "appraisal list", was offered into evidence, objection was made thereto and exception noted to its admission into evidence.


4. The recollection of the plaintiff and the plaintiff's wife was also used in compiling the list but without any specification from these two witnesses which articles they recalled being in the dwelling house, except the silverware and a mahogany table and chairs.

5. The Jury after being instructed and after hearing argument of counsel, retired to consider their verdict. After their deliveration, a verdict was returned strictly in accordance with and without variation from the exhibit which was received in evidence over the objection of the defendants.

WHEREFORE, the defendants pray that the relief sought in this Motion be granted.


William T. Sampson, II


Jo Ann Sampson
By Counsel


Denman T. Rucker
Attorney for Defendants
2007 North 15th Street
Arlington, Virginia 22201
525-4900



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA
COUNTY OF FAIRFAX CITY OF FAIRFAX
CITY OF FALLS CHURCH

BARNARD F. JENNINGS
JAMES KEITH
WILLIAM G. PLUMMER
LEWIS D. MORRIS
BURCH MILLSAP
JAMES C. CACHERIS
THOMAS J. MIDDLETON
RICHARD J. JAMBORSKY
JUDGES

FAIRFAX COUNTY COURTHOUSE
4000 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

November 24, 1978

Mr. William E. Artz
2060 N. 14th Street
Arlington, Virginia 22201

Mr. Denman T. Rucker
2007 N. 15th Street
Arlington, Virginia 22201

Re: Sampson, Committee v. Sampson;
At Law No. 40967

Gentlemen:

There was a plaintiff's verdict in this case for \$6,860.00, which was exactly the value of the "stolen" property testified to by plaintiff's expert appraiser. The list of missing items was reconstructed largely from hearsay testimony - recollections of people, not called to testify, who passed it on to plaintiff-committee, who compiled the master list. Because the controversy was entirely a family affair, it was permitted to go to the jury, so that there would be a complete record. But the verdict cannot be allowed to stand. There is insufficient credible testimony to support it. The motion to set aside and enter final judgment for the defendants is granted. Mr. Rucker can prepare a final order and submit it to Mr. Artz for his approval as to form.

Very truly yours,

James Keith

JK:elc

O R D E R

THIS CASE came on to be heard on the Motion of the defendants, William T. Sampson, II, and Jo Ann Sampson, for the entry of an Order setting aside the verdict of the jury which was rendered in favor of the plaintiff, Roger W. Sampson, Committee for Marjorie L. Sampson, on the 6th day of September, 1978, in the amount of \$6,860.00. Upon consideration whereof the Court by letter opinion dated 11/24/78, found the controversy in the case related to whether or not the defendants unlawfully removed and converted to their own use certain articles of personal property, which they did not own, from a dwelling house in Hancock, Maine, which real estate and personal property were under the control of the plaintiff as Committee of the Estate of Marjorie L. Sampson. During the course of the testimony of the plaintiff, he referred to a list of articles alleged to have been unlawfully taken by the defendants from the said dwelling house in Hancock, Maine. The list of missing items was reconstructed largely from hearsay testimony -- recollections of people, not called to testify, who passed it on to plaintiff-committee, who compiled the master list.

The Court having considered the Motion, the evidence and argument of counsel, is of the opinion that there is insufficient credible testimony to support the verdict of the jury.

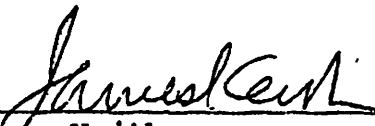
It is hereby ORDERED

(1) The Motion to set aside the verdict of the jury is sustained.


(2) Final judgment is entered in favor of the defendants.


THIS ORDER IS FINAL.

ENTERED the 5th day of December, 1978.


James Keith
Judge

Seen and objected to:
OBJECTION AND EXCEPTION
noted to the entry of this Order


William E. Artz
Counsel for the Plaintiff
2055 North 15th Street
Arlington, Virginia 22201


Denman T. Rucker
Counsel for the Defendants
2007 North 15th Street
Arlington, Virginia 22201

FILED
DEC 12 1978
JAMES E. HOOFNAGLE
Clerk of the Circuit Court
of Fairfax County, Va.

NOTICE OF APPEAL

COMES NOW the Plaintiff, by counsel, pursuant to Rule 5:6 of the Rules of the Supreme Court of Virginia and hereby notes his appeal to the finding of the Court in the above styled matter. A written statement of facts, testimony and other incidents of the case will be hereafter filed in accordance with Rule 5:9.

Respectfully submitted,

William E. Artz
William E. Artz, Attorney for
Plaintiff

SCHWARTZ, ELLIS AND ARTZ, LTD.
2055 North 15th Street
Arlington, Virginia 22201

William E. Artz
William E. Artz, Attorney for
Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Appeal was mailed, postage prepaid, to Denman T. Rucker, Counsel for Defendants, 2007 North 15th Street, Arlington, Virginia 22201, this 11th day of December, 1978.

William E. Artz
William E. Artz

ASSIGNMENT OF ERROR

1. The trial Court erred in setting aside the verdict of the jury and entering judgment in favor of the defendants "on the grounds that the plaintiff's expert appraiser testified from a list of missing items which was reconstructed largely from hearsay testimony."
2. The trial Court erred in setting aside the verdict of the jury and dismissing the plaintiff's claim on the grounds that the verdict was not supported by sufficient credible evidence.