

ARTHUR A. MAY  
JAMES W. OBERFELL  
JOSEPH T. HELLING  
JOHN J. LORBER  
VINCENT P. CAMPITI  
JOHN H. PEDDYCORD  
THOMAS J. HALL  
  
THOMAS D. BLACKBURN  
E. SPENCER WALTON, JR.  
JEFFERY A. JOHNSON  
ROBERT J. PALMER  
MAGGIE MAWBY CHIPMAN

MAY, OBERFELL, HELLING  
LORBER & CAMPITI  
ATTORNEYS AT LAW  
224 W. JEFFERSON BLVD., SUITE 600  
SOUTH BEND, INDIANA 46601  
219-232-2031

*Lowe Law firm  
entered appearance  
on 11-16-83*

HEARER  
(82)  
SEL  
MAY  
GALS  
DRISCOLL  
SHERRI L. WEBBER  
MARCIA A. KOPE  
ADMINISTRATOR  
EARL W. BRICKNER II

November 15, 1983

G. Wix Unthank, Judge  
United States District Court  
Eastern District of Kentucky  
Pikeville, KY 41501

Re: Glendal Good v. James R. Skeens  
United States District Court  
Eastern District of Kentucky  
Civil Action No. 83-372

Dear Judge Unthank:

I received an Order in the above referred to case advising that a preliminary conference is scheduled on December 12, 1983 at 2:30 p.m.

I am writing to advise that this case has been transferred back to Mr. Charles E. Lowe, Jr., Attorney at Law, Second Street, Pikeville, Kentucky for handling and representation of his client, Mr. James R. Skeens. If Mr. Lowe has not entered an Appearance yet, please advise me as I would want to contact him and make certain that he will be entering an Appearance in this matter. As soon as his Appearance is entered on behalf of Mr. James R. Skeens, I would appreciate very much if you would withdraw this firms Appearance as it would be unduly expensive for us to continue representation of Mr. Skeens.

I look forward to your reply, and remain,

Very truly yours,

*Tom Blackburn*

Thomas D. Blackburn

TDB:bjb  
cc: Charles E. Lowe, Jr.

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LORBER & CAMPITI

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R. FLOYD SEARER  
(1905-1982)  
OF COUNSEL  
ARTHUR L. MAY  
PARALEGALS  
SUSAN K. DRISCOLL  
SHERRI L. WEBBER  
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cc: Charles E. Lowe, Jr.

Lowk Law Firm  
entered appearance  
on 11-16-83

Dr

TO: Judge  
FROM: Donald  
DATE: 12-12-83  
RE: 83-272  
Glendal Good v. James R. Skeens

PC, Monday, 12-12-83, at 2:30

Synopsis: This case is interesting, similar to a law school hypothetical.

Plff and her husband were Indiana residents. In October of 1980, husband received an award of \$22,136.40 from the U.S. Dept. of Labor. He later came to Kentucky to visit family and brought with him \$19,136.40 to deposit into a joint savings account he and his half-brother maintained at the First National Bank of Pikeville (Ferrell's Creek Branch). Apparently, the account was a joint account with the right of survivorship.

In Dec. of 1980, husband died. His widow is the administratrix of the estate, and she brought this action to recover the money deposited into the joint savings account, on the theory that the money was held as a constructive trust for her.

The defendant maintains that he is entitled to the money since he is the survivor and co-owner of the joint savings account.

Pending Motions: NONE.

Substantive Issues:

1. Do the plff's allegations support the idea that a constructive trust was created with her as the beneficiary and the def. as the trustee?
2. Is def. entitled to the proceeds of the joint bank account because he is the survivor?

Comments:

1. It appears to me that if the account was actually a "joint account with the right of survivorship", the def. should be entitled to the money. On the other hand, if it were merely a joint account, plff would arguably be entitled to at least half of the money.
2. Other factors to consider are: 1. the decedent died intestate; 2. how long had the joint account been opened; 3. how much each co-owner contributed to the acct.