

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Probate Division

In re Estate of)

GILBERT V. HARTKE,)

Deceased.)

RECEIVED
1966 JUN 10
F. Administration No. 1663-86
Clerk of the Probate Division

AFFIDAVIT OF JOSEPH P. ALLEN, O.P.

District of Columbia, ss:

1. Joseph P. Allen, being first duly sworn on oath deposes and states that he is Treasurer of the College of The Immaculate Conception, 487 Michigan Avenue, N.E., Washington, D.C., 20064, a division of the Dominican Fathers of the Province of St. Joseph and authorized to execute this Affidavit.

2. The decedent executed the attached Document of Renunciation of Temporal Goods on August 14, 1933 upon becoming a religious in the Dominican Order. Upon this renunciation he agreed to transfer any future property he might receive to the Dominican Order.

3. The decedent was assigned to the Province of St. Joseph and within that Province to the Convent in the District of Columbia, known as the Dominican House of Studies, which is incorporated as a District of Columbia non-profit corporation as the College of The Immaculate Conception.

4. The decedent held appointment to the faculty of The Catholic University of America for many years. He turned over his salary pursuant to the 1933 Renunciation to the College of The Immaculate Conception.

5. The decedent owned no assets other than the right to publishing his name, having delivered all he came into possession of to The College of The Immaculate Conception. He owed no one any money. The College of The Immaculate Conception is entitled by virtue of the 1933 Renunciation to his right to publicize his name.

6. The Catholic University of America and The College of The Immaculate Conception filed suit in the Civil Division of the Superior Court of The District of Columbia on May 7, 1986, seeking to enjoin Katherine Faith Prior and The Art and Music Exchange from using the decedent's name in fundraising because the right to publicize the decedent's name belongs to the plaintiffs. On June 30, 1986, Judge von Kann entered the attached Order granting the plaintiffs' Motion for a Preliminary Injunction.

7. The College of The Immaculate Conception is the largest creditor of the decedent and is entitled to file the petition for probate for the administration of his estate. D. C. Code sec.20-303 (a)(1)(J). Since the only property subject to administration is the very property which the College claims there is no reason to appoint one of the decedent's heirs Personal Representative. It is submitted that under D. C. Code sec.20-303(d) that good cause is hereby shown why Joseph P. Allan as agent for the largest creditor should be appointed Personal Representative in lieu of family members. The Civil Division of this Court has directed The College of The Immaculate Conception or The Catholic University of America to initiate a proceeding in the Probate Division to determine if the College is indeed the lawful owner of the right to publicize the name of the decedent.

For Joseph P. Allan, O.P.
JOSEPH P. ALLAN, O.P.

Subscribed and sworn to before me a notary public,
D.C., this 28th day of July, 1986.

Lena M. Reid
Notary Public, D.C.

My Commission Expires:

DOCUMENT OF RENUNCIATION OF TEMPORAL GOODS

Know all men by these presents that I,
... *B. Brother Vincent F. M. Hutter, O.P.*
otherwise known as, ... *Gilbert F. Hutter*
of *Somerset*, in the county of *Peru*,
and State of *Ohio*

IN CONSIDERATION OF the laws of the Roman Catholic Church concerning the renunciation of all goods and possessions of a member of a religious community about to make solemn profession, acknowledged by said Roman Catholic Church (Codex Juris Can. 581)

FIRST: Do hereby renounce all the temporal goods that I am now actually possessed or seized of (in the certain hope of acquiring) which consists of *an insurance policy for \$1,000,000.00, the said policy is due to me at maturity on the year 1995 A.D.*
... *Estate of my father*
... *Estate of J.P. Giffen and W.A. Alexander*
and cede them to *Mrs. Emil A. Hutter of Chicago*
... *in full payment in the state of Illinois*

SECOND: Do hereby declare that by the act of making my solemn profession, I do render myself incapable of possessing temporal goods as my own or of using them with a private right, so that any contrary act, i.e., any act of receiving, retaining, selling, giving, exchanging, profiting etc., on my own authority is an act that is null and void.

THIRD: Do declare that after solemn profession all goods which may in anyway accrue to me individually belong to the Order to be given to the Province or to the Convent according as declared in the Constitutions of the Dominican Order nn. 1139 and 1090, respectively.

IN WITNESS WHEREOF I have hereto subscribed my name this *14th* day of *August*,
in the year of Our Lord, 19*93*

Witnesses:

(Signature)

Bro. Martin M. Murphy, O.P. Vincent F. M. Hutter, O.P.
Bro. Leonard Grady, O.P.