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State

Judge denies new Hughes will claim

HOUSTON — A local judge's ruling Howard Hughes died without a will excludes a major claimant from Texas estate proceedings, but lawyers said Wednesday the 5-year-old case is still years away from final resolution.

In the latest development in the complex case, Harris County Probate Judge Pat Gregory ruled Tuesday the multimillionaire left no will and Miami-based Howard Hughes Medical Institute has no legal claim to any of his estate.

The institute, a research facility set up under Hughes' sponsorship in 1953, had claimed a Hughes will that has been lost left the institute all of his fortune, variously estimated from \$167 million to \$2 billion.

"Based on the law and the evidence, the lost will could not be produced in court," said Gregory, whose estimate of the fortune is \$490 million. "The summary judgment means their claim is not a valid claim at this time."

Gregory announced his order orally Tuesday and said he will sign a formal judgment Feb. 27 ruling out the institute. Officials of the institute could not be reached for comment Wednesday.

However, Gregory is not the only judge in the nation claiming jurisdiction to divide the estate. Lawyers said the Supreme Court likely will decide which state has authority to divide Hughes' estate and collect inheritance taxes.

In addition to Texas, California and Delaware claim Hughes as a legal resident. The administrators of his estate chose Nevada as his legal residence. Nevada has no estate tax to add to federal estate taxes.

The 5th U.S. Circuit Court of Appeals has asked a federal district court in Austin to decide which state should have jurisdiction. That case is scheduled to begin this summer.

Texas Comptroller Bob Bullock said Texas could collect \$100 million in taxes if Hughes were ruled a Texas resident. As much as 77 percent of the estate could go to federal and state taxes once all litigation is concluded.

"Everything is up in the air until the appeals are exhausted," said Bill Miller, a lawyer who represented Hughes' relatives against the medical institute's claim.

Texas Attorney General Mark White said Gregory's decision nevertheless is a significant step which "brings us

one step closer to settling the Hughes domicile estate, the realizing tax revenues to the state of Texas."

Gregory expects this summer to try to decide — by Texas at least — who are the individual heirs. He said that in Texas proven wives and children have first claim, the paternal relatives, then maternal relatives.

Whether Gregory's decision has effect outside Texas, course, depends on the federal courts' ruling on Hughes' legal residency.

Twenty-two relatives signed an agreement several years ago saying that, if the courts ruled there was no will, they would divide up the estate.

However, 400 other people have filed petitions in Gregory's court claiming to be relatives, including alleged sons, daughters and wives of the enigmatic businessman.

Several other wills turned up after Hughes died, including the most famous will of the Mormon Church in Salt Lake City. It was declared a forgery in Nevada in 1973.

Hughes died aboard a private jetliner en route to Houston from Acapulco in 1974.

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Six campaigners indicted on election law violations

DALLAS — A campaign worker for Rep. Jim Mattox, D-Texas, has been indicted on a misdemeanor election law violation alleging she signed an absentee ballot for woman who died six months earlier.

persons on misdemeanor charges of witnessing too many absentee ballots for the elections last November and illegally assisting voters.

Mattox worker Linda Susan Russell was charged with signing absentee ballot application under the name Anna Lohner. Public records showed the Anna Lohner died March 31. The date on the ballot application was Oct. 9.

Miss Russell and a second Mattox worker, Fred Steven Spainhauer, were also charged with witnessing too many absentee ballots applications.

The apparent election law violations were discovered just before the election last November.

Officials of the Mattox campaign said the two workers were attempting to register voters in a home for the elderly but denied there was an intention to violate the law.

"They were just out there trying to register people to vote," Mattox said. "They were just trying to help some senior citizens."

Spainhauer was charged with forging the name of one elderly person, Dorothy Bann, on an absentee ballot. Bann has told officials she did not make an application for an absentee ballot.

All the indictments involve the registering and making application for absentee ballots for elderly people and in each case have said ignorance of election law appeared to be the primary cause of the violation.

Election law says a person may witness only one application for an absentee ballot. Some of the witnesses signed as many as five ballots.

Also indicted were election judges S. E. Diggles and Jerrill Alan Raskin and Pearl Edmond Miller and Donnie Pearl McCort.

Baylor woman gets toxic shock disease

WACO — A Baylor University woman disregarded health warnings in using a Playtex brand of tampon and is hospitalized with toxic shock syndrome, the school's health director said.

Dr. Cecil Edwards, head of the Baylor Health Center, said Tuesday the 18-year-old transfer student was in good condition at Hillcrest Baptist Hospital and may be released Wednesday.

She was admitted to the hospital last Tuesday suffering from the disease.

Edwards said the woman, whose name has not been released, was taken to the student health center Tuesday complaining of a relapse of the flu. Doctors there decided to keep her there overnight.

While at the health center, Edwards said the woman inserted a Playtex tampon. He said she told him she thought toxic shock syndrome was linked only to Rely tampons and felt her Playtex tampon would not cause a problem.

"She said she more or less forgot about it and left it in overnight," Edwards said.

The following morning, after having the tampon in about 14 hours, he said the woman began suffering a high fever and sudden drop in blood pressure. She was taken to Hillcrest Hospital, where toxic shock syndrome was diagnosed.



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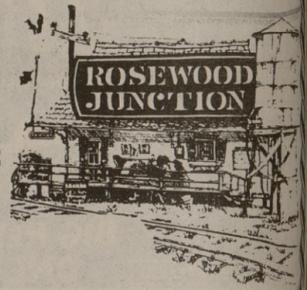
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