

# A REPORTER AT LARGE

## THE RIGHTFUL OWNER

ON the morning of March 18, 1984—a Sunday—Edward Devlin, an eighty-year-old lawyer, dictated his last will and testament to Ruth Paradise Fiorello, his longtime secretary. He bequeathed his house and all his belongings to Mrs. Fiorello. He planned to take the will on Monday to a bank near his home in the Ridgewood section of Queens to have two bank employees witness his signature. On Sunday afternoon, Mr. Devlin stumbled against a bookcase, dislodging a copper horse on top of it. The horse struck him on the forehead, leaving a four-inch cut. Mrs. Fiorello, who was living in Mr. Devlin's house with her husband, Joseph Fiorello, immediately telephoned Dr. Harold Menger, one of Mr. Devlin's closest friends; Dr. Menger drove right over. He looked at the cut and told Mr. Devlin he should go to a hospital to have the wound stitched. When Mr. Devlin refused, Dr. Menger said that the best he could do for him at home was to put a compression bandage on the cut to stop the bleeding. Before Dr. Menger left, he asked Mrs. Fiorello to call him if there was any bleeding through the bandage. Later that evening, there was. Mrs. Fiorello telephoned Dr. Menger, who advised her to get Mr. Devlin to a nearby hospital. Mrs. Fiorello called a local volunteer ambulance company. In the hospital's emergency room, Dr. Menger cleaned Mr. Devlin's wound, anesthetized it, and closed its edges so that there would be little or no scarring. By the time he had finished, it was around midnight. Dr. Menger urged Mr. Devlin to spend the night in the hospital. Knowing that Mr. Devlin was a thrifty man, he reminded him that he had Medicare and offered to pay any charges himself that Medicare didn't cover. Mr. Devlin agreed to stay in the hospital; he appeared to be exhausted.

When Dr. Menger returned to the hospital on Monday morning, he reviewed Mr. Devlin's chart. The blood tests done routinely on admission showed that Mr. Devlin's kidneys were failing. Dr. Menger sent for an internist. On Tuesday, Mr. Devlin was transferred to the intensive-care unit.

On Wednesday he was comatose. A surgeon performed abdominal dialysis, to no avail. Edward Devlin died at seven-thirty on Thursday morning, March 22, 1984.

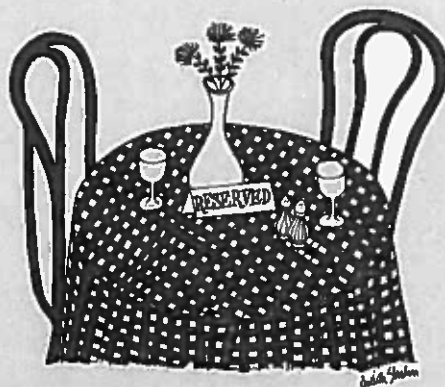
ON November 12, 1985, Burlington Northern, Inc., sent the Markham Company Research Services, Inc., a list containing the names of a hundred and ninety individuals who had held stock in the St. Louis-San Francisco Railway Company (known as Frisco) in November, 1980, when it merged into Burlington Northern. The Markham Company was then one of the country's most active firms in the business of restoring unclaimed assets to their rightful owners. Between 1960 (when the Markham Company was founded) and 1988, it located more than a hundred thousand people and recovered more than ninety million dollars' worth of assets on their behalf. These unclaimed assets included bank accounts, the contents of safe-deposit boxes, and insurance policies but were primarily stocks. The Markham Company was most often hired by large, publicly held corporations—Colgate-Palmolive, Xerox, General Mills, Ford, and U.S. Steel had been clients—to find missing stockholders. Most corporations are missing at least one per cent of their stockholders. In many cases, the stockholders have inadvertently lost touch with their assets, often by moving and neglecting to send out change-of-address cards; postal regulations now limit mail forwarding to one year. In a significant number of cases, the stockholders have died and their heirs are unaware of the stockholdings. The cost of Mark-

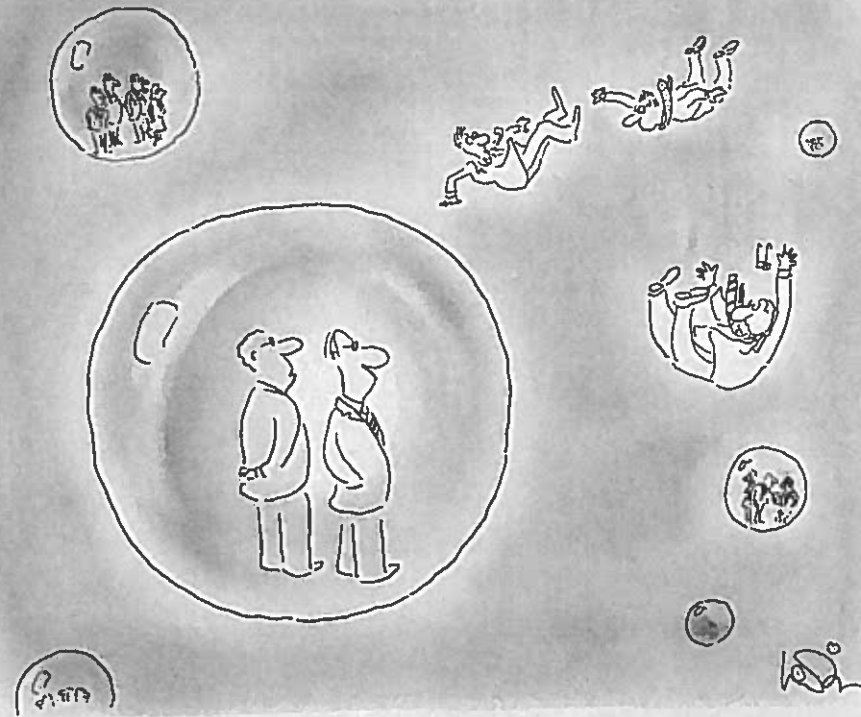
ham's services was generally not paid by the corporation. Markham preferred to operate on a contingency-fee basis, collecting a percentage of the sum recovered from the person for whom the assets had been recovered. The fees generally ranged from thirty-five to fifty per cent. Markham received nothing from stockholders it couldn't locate, and nothing from the considerable number of people it did locate only to learn that they were aware of the dormant asset and simply hadn't bothered to do anything about it.

The hundred and ninety people on the list that Burlington Northern sent to Markham on November 12th were stockholders who had never exchanged their Frisco shares for Burlington Northern shares. The list was given to Bernie Jacobs, Markham's manager of new accounts, who figured out how much each stockholder's Frisco shares were worth. According to Jacobs' calculations, a person who had owned a hundred shares of Frisco stock in November, 1980, owned three hundred and eighty shares of Burlington Northern common stock and fifty shares of Burlington Northern preferred stock five years later. With accumulated dividends, a hundred shares of Frisco were worth \$28,700, or \$287 a share.

The names of the hundred and ninety former Frisco stockholders were listed in alphabetical order. The list had their last known addresses as of 1980 and, in most cases, their Social Security numbers. Thirty-six people had only one share of Frisco; their names were each printed out on a plain piece of paper called a scan sheet, and were given no numbers. The names of the rest of the stockholders, with two or more shares, were printed up a few times, on labels and cards as well as on scan sheets; they were assigned identifying numbers and placed in colored folders. (Cases worth twenty thousand dollars or more went into pink folders.) On December 2, 1985, Bernie Jacobs turned the scan sheets and the colored folders over to Rita Stricker, the head of Markham's Research Department.

The Markham Company, which





*"Well, I guess the bubble has burst over at Phillips Rodney Associates."*

occupies a floor in a building near Wall Street, had forty-four employees at the end of 1985. Eight of them were full-time researchers and five were part-timers—"night scanners," who worked from 5 P.M. to 10 P.M. The night scanners first checked all hundred and ninety names of the Frisco shareholders against a list of the names of all the people Markham had ever looked for. They were the only researchers to work on the thirty-six unnumbered cases with one share of Frisco and had instructions to make a maximum of four calls in attempting to trace those stockholders.

ON January 2, 1986, Nicola Knight, a Markham Company researcher, looked at the label on one of the file folders Rita Stricker had recently handed her. It was Case No. 59,897 and was worth \$28,700. A label on the pink folder gave the name and the address of the asset's "Original Owner" as

DEVLIN, Edward  
58-40 69 Av  
Ridgewood, N.Y. 11227

Miss Knight walked over to the Markham Company's library. Its shelves are filled with reference books, the current telephone books for virtually every town and city in the United

States, and thousands of out-of-print phone books. She took down the 1985 issue of the Cole's directory for Queens, a "reverse telephone directory" to which firms like Markham subscribe. It lists all the buildings in Queens by their street addresses. Under the address for each building are the name and the telephone number of every person residing there who has a telephone number in the regular Queens telephone directory. Nicola Knight found five listings for 58-40 69th Avenue—Bacher & Devlin; Edward Devlin; Edward Devlin Lwyr; Ruth W. Paradise; and E. C. Volmer Ins.—and two telephone numbers. She dialled both numbers and twice heard a recording announce that the number had been disconnected. She had been somewhat surprised to find Edward Devlin in the 1985 Cole's directory, because the label on the file indicated that Mr. Devlin's assets had been dormant since at least 1980, but she did occasionally find a person she was looking for still at a "label address." Some people who receive notices instructing them to send in shares of one corporation so that they may be exchanged for shares in another are afraid to put the shares in the mail. Other people become forgetful and don't cash their dividend checks or vote their proxies,

and are "lost" to corporations that way.

One reason Nicola Knight went first to Cole's was that she had learned from experience that while most Original Owners weren't at the label address, their neighbors might provide information about them. At 3:30 P.M., Nicola Knight chose to call Mrs. M. Wirth, who lived at 58-39 69th Avenue, across the street from Devlin's old address. Mrs. Wirth told her that Mr. Devlin had died about two years earlier, without a will; that he had owned the two-family house in which he had lived; and that he had had no children. She referred Miss Knight to Mr. Devlin's sister-in-law, Eleanor Devlin, who lived with her sisters two houses away from Devlin's old house, at 58-36 69th Avenue.

Miss Knight reached Eleanor Devlin a few minutes later. Mrs. Devlin confirmed what Mrs. Wirth had said, and added that Edward Devlin had had only one sibling, Arthur—her husband, who had died in 1979. Arthur had no children. Mrs. Devlin said that the Public Administrator, whose office was on Sutphin Boulevard in Jamaica, Queens, had assumed control of Edward Devlin's estate. Its people "came in and took everything," she said. With another telephone call, Miss Knight reached Susan Brown, an employee in the office of the Public Administrator for Queens County. Miss Brown verified the fact that the Public Administrator was the administrator of Edward Devlin's estate, told Miss Knight to send whatever information she had about Edward Devlin to the Public Administrator's office, and gave her its address.

On January 3, 1986, Miss Knight turned the Devlin case over to the director of Markham's Pending Agreements Department. It was the task of the Pending Agreements Department to attempt to negotiate a contract between the Markham Company and the Original Owner, or his heir or heirs (if the Research Department has found them and they prove to be unaware of the asset), or, as in this instance, with the Public Administrator if he is unaware of the asset. In the past, the Markham Company had dealt amicably with the Public Administrator of Manhattan.

On January 3rd, Markham sent the following letter to Susan Brown:

DEAR MS. BROWN:

We are in the business of tracing the

owners of dormant assets and have uncovered a dormant asset to which we believe you are entitled.

We have enclosed two copies of our contract. You will note that we charge 50% of the amount recovered, out of which we pay all costs and expenses. If there is no recovery, you would not be obligated in any manner.

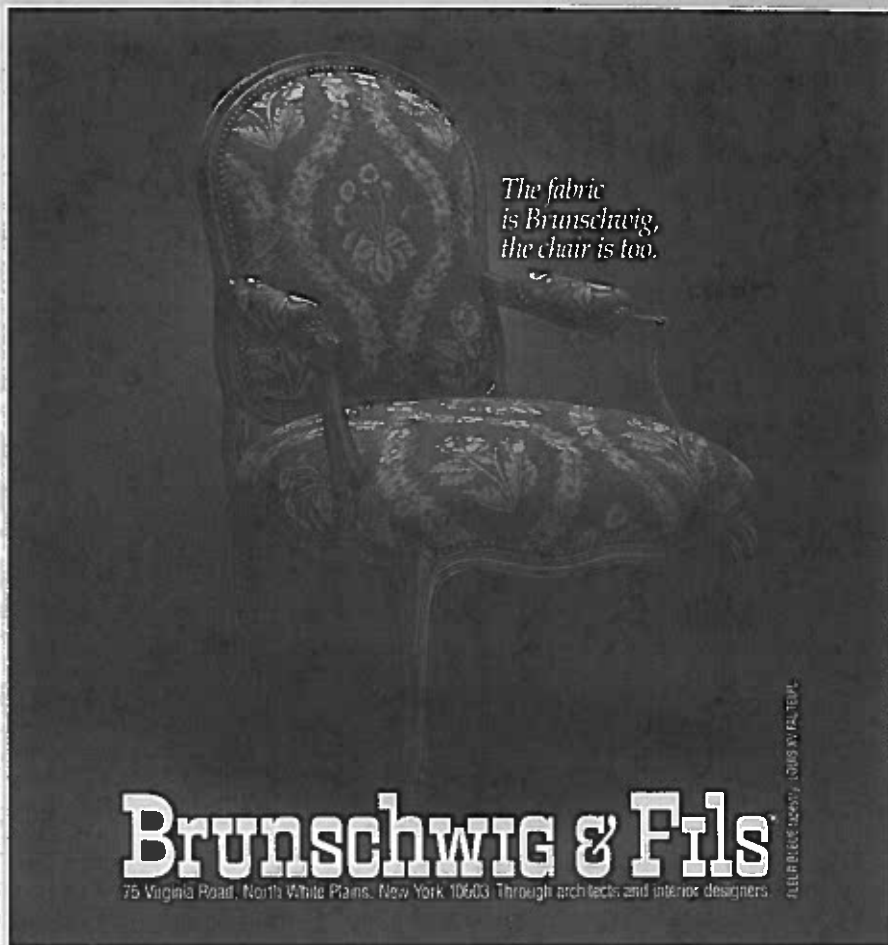
If these terms are acceptable, please sign and return one copy of the agreement, upon receipt of which we will send you the details regarding the asset in question.

After three weeks went by without a reply from Susan Brown, a Markham representative tried to reach her by phone. The representative had no luck at the end of January, but spoke to her twice on February 10th. Susan Brown asked a number of questions about the asset that Markham had discovered—for example, what category it fell into and what its value was—and was told that the asset was stock worth \$28,700. Miss Brown said she would take the information to the Public Administrator's counsel. The Markham representative said that if the fee was the stumbling block the company would be glad to talk with the counsel. (Markham would have accepted a forty-five-percent fee or perhaps even less.) In February, 1986, the Queens County Public Administrator was George L. Memmen; Memmen's counsel was Michael K. Feigenbaum.

The next seven weeks went by without any word from Susan Brown. The Markham representative reached her again on April 8th. A summary of their telephone conversation read:

She remembered me and our proposal very well. Told me she wrote a memo to their attorney, Mr. Feigenbaum. Expressed distaste for our fee, indicated there is some possibility the assets are known. Yet, felt it worthwhile and important enough to refer to her counsel. Reiterated to me that assets are stock. I confirmed that once more. [I] Asked what corporations Devlin held stock in. She replied several. . . I outlined for her verbal exclusion opportunity. Encouraged her or the attorney to tell me the names of the corporations. She said she will bring that to Feigenbaum's attention today, mentioning to him that I called to follow up. . .

Markham always offered the people it got in touch with an exclusion opportunity. If the Original Owner, or his heir (usually referred to as the Rightful Owner), an estate executor or administrator, or a Public Administrator already knew about an asset and could identify it satisfactorily, there was nothing for the Markham Compa-



*The fabric  
is Brunswick,  
the chair is too.*

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"We've come all  
the way from Hong Kong  
to sell you a shirt  
that won't fit."

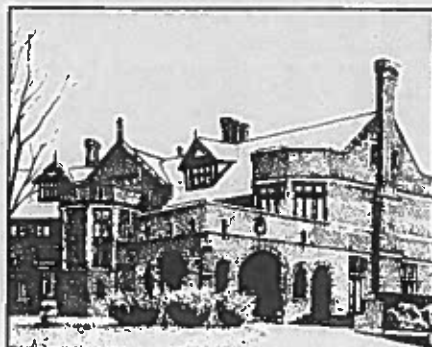
"Not yet, anyway. We've found the most dangerous threat to a perfectly fitted custom shirt is your laundry. So after you wash it, we make any final adjustments your shirt may need. We record them, so every future shirt you buy is perfect. Even after washing.

A perfect fit is more than measurements. It's the way you stand. The way you sit. And the way your laundry washes your shirt.

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ny to recover. If this were the case, Markham would simply send Burlington Northern the Original Owner's current address, the address of the Rightful Owner, or the address of whoever represented the estate. Miss Brown promised to mention the matter to Mr. Feigenbaum.

On May 5, 1986, George L. Memmen, the Public Administrator, sent subpoenas to the Markham Company ordering representatives of the company to appear before him at Queens General Courthouse on the morning of June 9, 1986, and to bring "any and all information, books, records with reference to any assets belonging to Edward Devlin or his estate, of which you may have knowledge." The subpoenas said that failure to comply was punishable as contempt of court.

**A**BOUT a week before George Memmen sent the subpoenas, Edward H. Goldfader came to work for the Markham Company. Goldfader, a tall, well-built man then in his late fifties who went through Brandeis on a football scholarship, had spent thirty years at the Tracers Company of America. In December, 1985, Goldfader and his partner decided to go their separate ways. A large percentage of Tracers' business had consisted of looking for lost stockholders, but Goldfader had also spent time searching for runaway husbands, wives, and children; for the biological parents of adopted children and for children whose mothers had given them up for adoption; for college alumni on behalf of their fund-raising alma maters; and for people who had participated in health studies and were needed for follow-up studies. In the process Goldfader had become known as one of the country's expert tracers of missing people, including heirs, and after he decided to leave the Tracers Company the owner of Markham, David Mickelson, had persuaded him to join the firm.

On Friday, May 9th, Goldfader was handed the Edward Devlin file folder. By then, two items Nicola Knight had requested in January had been added to it: Edward Devlin's death certificate and the Public Administrator's petition, dated April 3, 1984, for "letters of administration" in his estate—formal notice of his right to administer

it. The petition stated that "decendent was the owner of and died possessed of certain PERSONAL PROPERTY, the value of which does not exceed the sum of \$15,000.00" and that the estimated value of decedent's "REAL PROPERTY" was "none." It went on to state that the decedent left surviving no spouse; no child or children, or descendants of predeceased child or children; no father or mother; no brothers or sisters, or descendants of predeceased brothers or sisters; no grandfather or grandmother; no uncles or aunts; no descendants of predeceased uncles or aunts.

Goldfader was skeptical about the contents of the petition—particularly the assertion about real property. He believed that Mrs. Wirth, Edward Devlin's neighbor, had accurately informed Nicola Knight that Mr. Devlin had owned his house. At a lunch held on May 12th to introduce Goldfader to one of the attorneys used by the Markham Company, the question of how to respond to the Public Administrator's subpoenas in the Devlin case came up. (Feigenbaum later agreed to let the Markham Company send a description of Devlin's Frisco holdings in lieu of appearing in court.) Goldfader mentioned that he wanted to run a deed check on Edward Devlin's house. The attorney said he knew someone in the Queens City Register and offered to run the check. The deed search revealed that Edward Devlin had owned his house, mortgage-free, and that the Public Administrator had sold it for \$146,000 late in 1984; the petition for letters of administration was incorrect when it said Devlin had owned no real property. Goldfader also doubted the Public Administrator's sweeping declaration that

the decedent had left no survivors. According to Edward Devlin's death certificate, he was the son of Thomas Devlin and had been buried in Calvary Cemetery, in Woodside, the largest cemetery of the Archdiocese of New York. Goldfader's experience had convinced him that it was rare for Catholics born in the nineteenth century, like Thomas Devlin, to have been only children. He also doubted whether Edward Devlin's mother, Frances Ackerman Devlin, had been an only child. Goldfader was prepared to concede that Edward Devlin had left no wife, chil-



dren, brothers or sisters, or nieces or nephews (Eleanor Devlin would almost certainly have known of any), and it was probable that his parents, grandparents, and uncles and aunts had predeceased him, but Goldfader considered it highly likely that Edward Devlin was survived by "descendants of predeceased uncles or aunts." The laws of inheritance vary from state to state. Goldfader knew that in New York first cousins or any of their descendants may be entitled to inherit. If either Thomas Devlin or Frances Ackerman Devlin had had siblings who had children, and if any of those children had survived Edward Devlin—their first cousin—by as much as a minute, they would qualify to inherit. If none of Edward Devlin's first cousins had outlived him, any of their children—who would be his first cousins once removed—would qualify as his rightful heirs.

The Public Administrator is required by statute to make a "diligent" effort to locate heirs. Goldfader called Feigenbaum to ask if any heirs had been found—it would be pointless for him to search for them in that event—and was told that there "may be cousins" but "none have come forth, and the Public Administrator's search stage hasn't even begun yet." Ed Goldfader decided that finding Edward Devlin's heirs would take time, but that the time would be financially worthwhile. What had come to the Markham Company as a \$28,700 Burlington Northern case was now at least a \$189,700 case—the value of the original Frisco shares, plus as much as \$15,000 worth of personal property, plus \$146,000 from the house sale. And Goldfader reasoned that Edward Devlin's estate was larger than that. In his opinion, an eighty-year-old lawyer wouldn't have bought stock in just one company during his lifetime, and the questions that Susan Brown had asked and the subsequent subpoenas suggested that the Public Administrator was aware of additional stock. Goldfader was convinced that if he found Edward Devlin's first cousins or first cousins once removed they wouldn't know they were his heirs, because more than two years had elapsed since his death and they hadn't come forth. They would therefore willingly enter into an agreement with the Markham Company to enable them to collect their in-

heritance, and Markham would get a handsome fee.

Edward Devlin's death certificate stated that he was born in New York, which Goldfader thought most likely meant Manhattan. Goldfader conjectured that Edward Devlin's parents had been married in Manhattan a few years before his birth. He went to the city clerk's office on May 12th, and looked unsuccessfully for a record of their marriage in the marriage indexes for 1898 and 1899. The 1900 index led him to the marriage certificate of Thomas E. Devlin and Fannie Ackerman, who were recorded as having been married on the Lower East Side by an alderman on April 24, 1900. The certificate provided him with the ages the bride and the groom would reach on their next birthdays and with the names of their parents. Goldfader knew that such records weren't perfectly accurate—he distrusted the ages and he thought that the maiden name of Fannie's mother was more likely to be Mary Isaacs than Marie Isacs. When Ed Goldfader searches for heirs, he draws diagrams to illustrate his progress. On May 13th he drew a diagram based on the information that he had gathered so far (*Diagram A*).

On his way to work on May 14th, Ed Goldfader stopped off at Queens Surrogate's Court and obtained the petition for letters of administration in the estate of Arthur Devlin, which Edward Devlin had filed for his brother's estate; it gave the years of

Thomas Devlin's death (1925) and Frances (Fannie) Ackerman Devlin's death (1962). He also picked up Arthur Devlin's death certificate, which gave the dates of his birth and his death. In addition, Goldfader obtained the petition for letters of administration in the estate of Thomas E. Devlin, which Edward Devlin had filed for his father's estate, on June 2, 1925. Frances Devlin had left no estate in Queens County. Later that day, Goldfader telephoned Calvary and asked for the site of Edward Devlin's grave and for the names and the dates of burial of relatives buried in close proximity to Edward Devlin. Because Calvary provided only a limited amount of information on the telephone, he also wrote to the cemetery for a complete list of interments in the family plot that included Edward Devlin's grave, enclosing the requisite check for thirty-four dollars. On the fifteenth, he returned to Queens Surrogate's Court, where he looked at all the probate records for the name Devlin. The records for an Elizabeth Devlin showed that she was Thomas E. Devlin's sister, and that she had had at least one other brother, John Devlin, and at least one sister, Mary Martin. Goldfader then found probate records for both names. On his way to work on the sixteenth, he went to see the Devlin graves at Calvary. There were no individual headstones, but there was an elegant rectangular marble monument with a cross carved at an angle on its

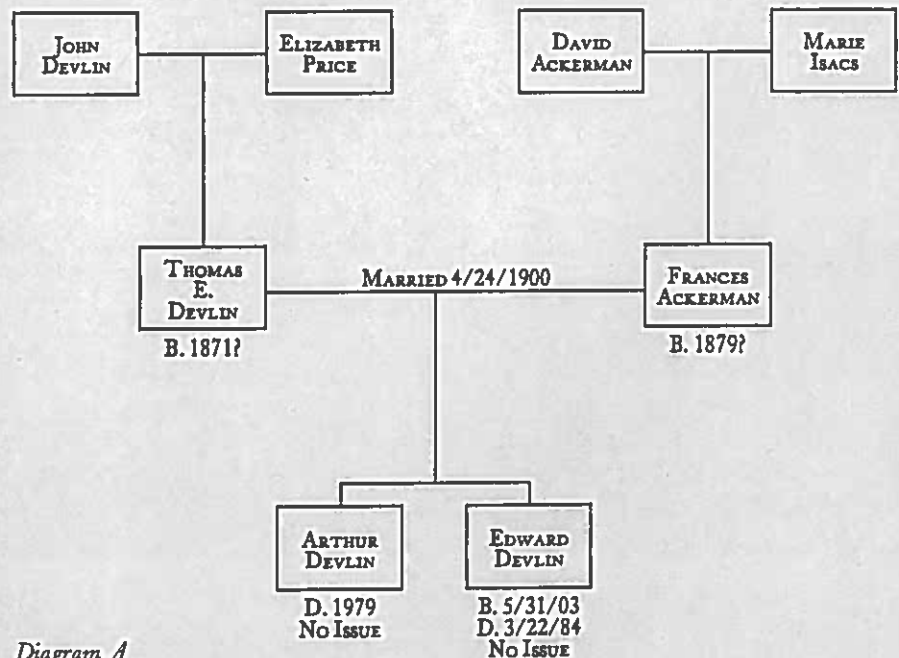


Diagram A

top. Carved on its front surface an inscription read:

DEVLIN  
Erected by MARY MARTIN  
In Memory of Her Beloved Parents  
JOHN & ELIZA DEVLIN  
Also Her Brothers & Sisters  
THOMAS, JOHN, ROSANNA & ELIZABETH  
Rest in peace

After Calvary sent him the information he had requested, Ed Goldfader drew another chart (*Diagram B*). It extended as far as Edward Devlin's aunts and uncles, in accordance with burial records, which gave the approximate age at death of each person buried there, and with the other records he had found. There was no estate in Queens for the Devlin sister Rosanna, whose married name was given in Calvary's records as Koster.

Goldfader had spent a good portion of his life in archives, courthouses, and cemeteries. He is grateful for inscriptions on tombstones: they often clarify family relationships. It was of interest to him that Mary Martin had honored her parents and what he (correctly) assumed were all her brothers and sisters, including John, the only sibling who wasn't, according to Calvary's records, buried at Calvary. Probate documents are even more informative than death certificates and cemetery records: they often provide a list of immediate heirs and their addresses. When Thomas E. Devlin's brother John died, in 1924, he left a wife, six sons (Thomas, John, Frank, Edward, Arthur, and Michael), and two married daughters, Katie Nordt and Mary Hahn.

In early June, Goldfader had turned

his attention briefly to a possible descendant of John Devlin—Harry Nordt, the only person with that surname on record at the Queens Surrogate's Court. In 1965, Doris N. Balko, a resident of Floral Park, Queens, had petitioned Surrogate's Court to determine the estate tax on the \$47,000 estate of her father, Harry Nordt. Goldfader found a D. Balko listed in the latest Queens directory at the 1965 Floral Park address. He dialed her number on June 11th, 12th, and 13th and received no answer. Meanwhile, he had found a probate record showing that a Mary Martin who had died in Queens in 1940 had left an estate to numerous children and grandchildren. For several weeks, he spent most of his time trying to locate her descendants.

ON Monday, July 14th, Goldfader sent a letter to Doris N. Balko. After telling her of his genealogical study pertaining to the descendants of John and Elizabeth Devlin, he wrote:

It is known that they had several children, including a son, John Devlin, who died on August 20, 1924. He had eight children, one of whom was a daughter, Katie Devlin, who married and became Katie Devlin Nordt.

We are writing to you on the basis that you are the daughter of the late Harry Nordt and because you live in Queens County, where the family described is known to have resided.

It has occurred to us that you may be a member of this family and, if so, may qualify to participate in unclaimed assets accruing to their interest.

If you are related, would you kindly telephone me and I will provide further details.

At noon on July 23, 1986, Goldfader's phone rang. A man who identified himself as Albert Nordt was on the line. Mr. Nordt sounded miffed and suspicious. Doris Balko had just forwarded to him the letter she had received from Goldfader. Nordt wanted to know why Goldfader hadn't written to *him* if he had any questions about Katie Devlin Nordt. After all, he was in the Queens telephone book, and he was the son of Adolph and Katie Nordt. Doris was Katie's niece, the daughter of Albert's Uncle Harry. Goldfader explained that he had found Doris Balko's name in connection with the only Nordt estate in Queens Surrogate's Court and that if he hadn't heard from her or some other relative of John Devlin's soon he would have written to all the Nordts and Hahns in the Queens, Nassau, and Suffolk County directories.

Albert Nordt sounded mollified, and answered Goldfader's questions. Did he know the names of his mother's siblings? Nordt said that his mother had one sister, Mary Hahn, "and a bunch of brothers—Tom, John, Frank, Eddie, Arthur, and Mikey." Were any of them alive? No, they had all died many years ago. Only his mother was alive. Ed Goldfader asked Albert Nordt how old Katie Nordt was and where she was living. "She'll be ninety-eight next month and she's in a nursing home on Long Island not far from my sister Mary McDowell's house," he answered. Were Albert and Mary McDowell her only children? They were the only two who were

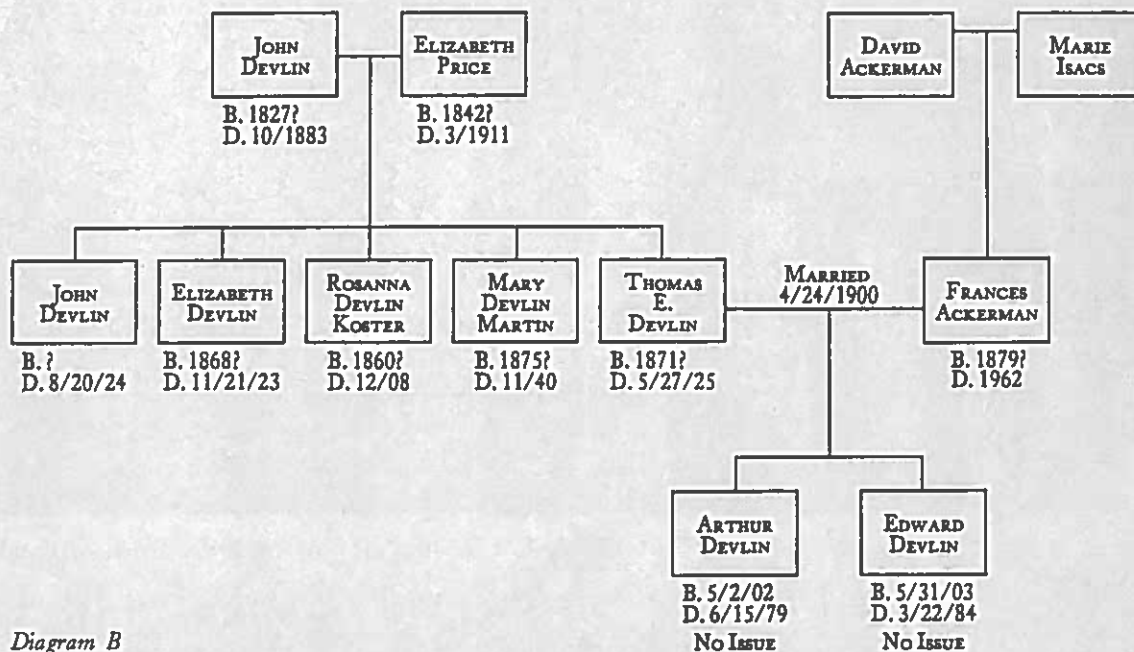


Diagram B

alive. Albert Nordt agreed to let Ed Goldfader come to his apartment in Glendale, Queens, on July 25th for a discussion of genealogy and unclaimed assets.

Ed Goldfader bounded out of his office and into the office of David Mickelson, Markham's owner. "We have an heir in the Devlin case—a first cousin," he told Mickelson, who had been following his genealogical progress. Albert Nordt was certain that his mother was the only one of John Devlin's children who was still alive.

**A**LBERT NORDT, a man of seventy-four who was wearing a short-sleeved sports shirt, polyester pants, and a pair of thick glasses, let Goldfader into his apartment on the morning of Friday, July 25th. They sat down at a table in the dining end of a long dining room—living room with a purplish carpet. "We're trying to establish who is the closest living relative to John Devlin," Goldfader began. He took the latest version of the family tree out of his briefcase and showed it to Albert Nordt, but Nordt said he had developed a serious eye problem a few months earlier and couldn't read it. Goldfader asked him about his Devlin relatives. Had he known his mother's parents? Nordt remembered his grandfather John Devlin as a "tough Irishman" and said that his grandmother, Catherine Donnelly Devlin, was known in the family as Big Katie and his mother as Little Katie. What about his aunts? He had known his mother's aunt Elizabeth ("Lizzie was a spinster") and aunt Mary Martin. Had he known Mary Martin's husband or her children? Nordt looked perplexed. "I heard that Aunt Mary had had a husband, but he was no longer around during my boyhood when I was taken to visit her," he said. "And she didn't have any children." (Goldfader later learned that the Mary Martin who died in Queens in November, 1940, leaving numerous children, was not Mary Devlin Martin, who also died in Queens in November, 1940, but left no estate. He had wasted weeks on the wrong Mary Martin.) Albert Nordt said he had never heard of his mother's aunt Rosanna Koster, but he remembered his mother's uncle, Thomas Devlin. "His wife, Fannie, was of the Jewish faith," he told Goldfader. "They had two sons, Edward and Arthur. Edward was a lawyer. My moth-

er knew them both, and so did I. I saw their obituaries in the newspaper."

Nordt was able to tell Goldfader something about his mother's brothers—where they had lived, whether they had married, and approximately how many children they had had. He believed that one brother had died in the nineteen-thirties, the others between the nineteen-forties and the nineteen-sixties. He had lost track of his mother's sister, Mary Hahn, a long time ago, but he was sure that she, too, had been dead for years. He hadn't kept up with any of his Devlin cousins. He said that his father, Adolph, had also had a number of brothers and sisters, but the only one of their children he was friendly with was his cousin Doris Balko. "You know how it is," he said. "Sometimes big families aren't close."

Goldfader asked whether his mother might know anything about Rosanna Koster (whose children, were there any alive, would share Edward Devlin's estate with her). "She just might," Nordt said. "She's sometimes mixed up about the present, but often when we visit her in the nursing home and ask her about someone from years ago she'll remember a lot." Goldfader asked for the name of the nursing home that Katie Nordt was in and who paid her bills there. Nordt gave Goldfader the nursing home's name but said that his sister, Mary McDowell, handled his mother's finances and Goldfader should talk to her about that. Goldfader asked if Nordt had spoken to his sister since he'd heard from Doris Balko or since he'd called Goldfader. The answer to both questions was no. Would he be willing to call Mary McDowell, so that Goldfader could talk to her? The telephone in the Nordts' apartment is in the kitchen on a long cord. Nordt got up, carried the phone into another room, came back after a few minutes, and handed the telephone to Goldfader, who made an appointment to see Mary McDowell at her home in East Patchogue on Monday afternoon.

Afterward, Nordt asked, "How did this all come about?" Goldfader explained that the Markham Company was engaged by major corporations to look for missing stockholders and that if the stockholders were dead it sought their rightful heirs. He left on Albert Nordt's table a packet of information about the Markham Company, which included letters from people who had

## DENMARK THE OTHER EUROPE



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been happy to be found by Markham. Nordt said his wife, Vera, would read it when she got home from work that evening.

ON Monday, July 28th, Ed Goldfader drove out to East Patchogue, in Suffolk County, Long Island, to see Mary McDowell. Mrs. McDowell, seventy-two, proved to be a short, friendly woman. She was dressed in a flowered shift and lived in a three-bedroom ranch house on a large lot with plenty of grass, which her second husband, Jack McDowell, was mowing. Mary McDowell said, "Mary Martin was either separated or divorced but she had no children." The name Rosanna Koster was familiar to Mary McDowell. Her mother had told her that Rosanna's husband had driven a horse and buggy for a funeral parlor and that they had been childless. Her mother's Uncle Tom occasionally came to her parents' apartment to visit, and she had heard nice things about his wife, Fannie, from her mother, who had helped her with her housekeeping before Fannie had to be put in a mental institution. Mary McDowell had known their two sons, Edward and Arthur. "Eddie handled my separation from my first husband in 1941 and later became an assistant district attorney," she said. "When I read his obituary in the paper, I noticed that the only survivor mentioned was Arthur's widow."

Mary McDowell knew a fair amount about her mother's sister and brothers. Goldfader explained that it was his job to prove that all the people on the same line of his chart as her mother were dead. He needed to know their exact dates of death in order to procure their death certificates. Mrs. McDowell told Goldfader that the person who could help him most was Richard Devlin, the son of her mother's brother Michael Devlin. Richard Devlin was the one Devlin cousin she heard from regularly. "Richard is an only child of older parents," she said. "Ever since he was a kid, he has always been more interested in older people than in his contemporaries. He used to take his mother to parish dances. Richard's a bachelor in his mid-forties who always went to family wakes and still goes to his cousins' weddings." Richard Devlin lived in Queens. Mrs. McDowell gave Goldfader his phone number.

Mrs. McDowell was more forth-

## TO A CHILD

Here, here  
beneath the tented pallor  
August has hung upon this coast  
the direct sight of airy light  
encloses me  
more or less  
in terror.

Madness  
feels like memory  
the sexless angel  
has appeared  
to me since boyhood  
has spread my eyes  
has coated me in pale jellies of faith  
of hesitant  
and burning  
worry

*learn to speak*

*the air is like wax*  
stilled and gay with intimacy  
as if beneath an awning

the air

I see no odd light, hear no voices  
but a man in the waves  
stroking and children silent  
or shouting  
with focussed attention  
in my dispersed attention  
I feel false feelings  
here  
here  
water is always mirror  
is a child heart  
that slaps oddly  
in rhythmic idiocy  
it moves and lapses

*child, child,*  
the white murderers  
the enemies

are here in the glare arrestedly  
my faith is happily empty of faith  
trust  
me.

—HAROLD BRODKEY

coming than her brother and far more emotional; she kept wiping tears from her eyes. She explained that her husband, Jack, hadn't been feeling well; that Jack's brother, Bill, was terminally ill with cancer; and that for the past three Wednesdays when she visited her mother in the nursing home her mother hadn't recognized her. Until then, Katie Nordt had been quite lucid, considering her age: she would be ninety-eight on August 9th. Mary McDowell seemed puzzled by the "assets" that Goldfader told her about, and more interested in their origin—Goldfader's questions had led her to believe that they had something to do with Mary Martin—than in any money that might be involved. "Mama doesn't need any money now," she said. Mary McDowell began to cry, and added that it was a terrible shame these assets hadn't come to her mother when she really needed the money—in the nineteen-twenties, thirties, or forties, or, especially, the late fifties, after Adolph's death.

Until Katie Nordt signed a contract with the Markham Company enabling Markham to collect Edward Devlin's assets on her behalf—or until Albert Nordt and Mary McDowell entered into such an agreement if Katie Nordt was no longer able to sign—Goldfader

wasn't at liberty to reveal the source of the assets. In the hope of cheering up Mrs. McDowell, he did say that the assets had been brought to the attention of the Markham Company only a few months before.

"THE ideal is a family Bible containing a record of several generations of births, marriages, and deaths," Ed Goldfader remarked to his wife, Paula, over dinner a couple of hours after he left Mary McDowell's house. "The next-best thing is a self-designated family historian, like Richard Devlin. In my line of work it's lucky that he's the rule rather than the exception."

Richard Devlin, a talkative, meticulously dressed man, who had inherited from his father a blackthorn stick that Richard's great-grandfather, John Devlin, was said to have brought with him from Ireland, came to Ed Goldfader's office at the Markham Company after work one afternoon in the summer of 1986. He presented Goldfader with memorial cards from the wakes of four of Katie Devlin Nordt's six brothers, which gave the dates on which they had died, and enabled Ed Goldfader to obtain their death certificates. With information Richard Devlin supplied about Katie



Nordt's two other brothers and her only sister, Mary Hahn, Goldfader had little trouble securing their death certificates as well.

One fact about the Devlin case that had interested Ed Goldfader from the day he learned of Thomas E. Devlin's marriage to Frances Ackerman was that it was a mixed marriage. Ed and Paula Goldfader are Jewish; on August 9, 1986—Katie Devlin Nordt's ninety-eighth birthday—their only son was married in East Patchogue, about a mile from Mary McDowell's house, to a Catholic. Goldfader knew that interfaith marriages had been far rarer in 1900 and had been viewed with alarm. Soon after he started working on the Devlin case, he had thought that it would be nice to find two heirs, one on the Devlin side and one on the Ackerman side, who weren't aware of each other's existence.

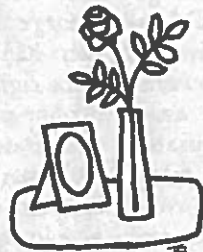
According to Edward Devlin's 1925 petition for letters of administration in his father's estate, Thomas E. Devlin had been survived by his sons Arthur and Edward and his wife, Frances, "an incompetent who has been legally committed to Kings Park State Hospital." On May 14, 1986, Goldfader wrote to Kings Park Psychiatric Center, requesting her birth and death dates, her place of burial, and any biographical information they had about her. A day later, Kings Park wrote back that Frances Devlin had been transferred to Pilgrim Psychiatric Center and he would have to write to Pilgrim for any information he desired. He sent a similar letter to Pilgrim, and on May 28th he got his answer. Frances Devlin was born on April 5, 1879, had died on January 18, 1962, and was buried at Mount Hebron Cemetery, in Flushing, New York.

Goldfader telephoned Mount Hebron on May 30, 1986, and was told that four other people were buried in the same plot as Frances Devlin. Mary Ackerman, in whose name the plot was recorded, had died in the Bronx, at the age of eighty-three, on August 4, 1936; Isidore Ackerman had died, at the age of eighty-two, in Wingdale, New York, on March 7, 1963; Carrie Ackerman had died, at the age of eighty, in Bronx State Hospital (now Bronx Psychiatric Center) on October 7, 1965; and Martha

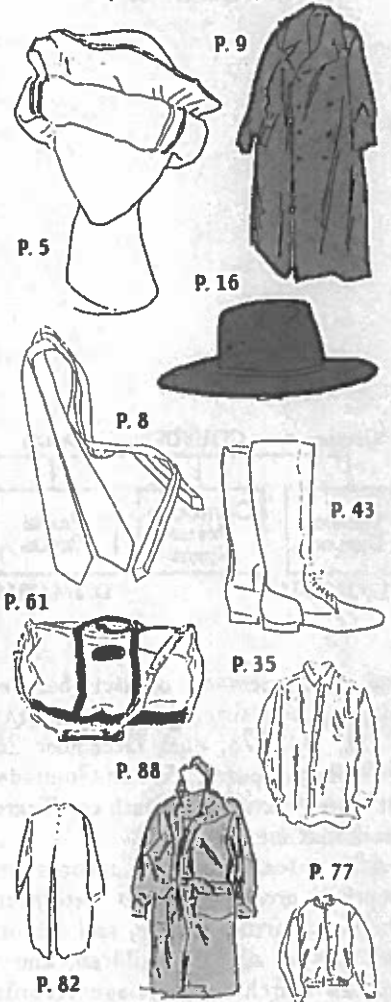
Ackerman had died, at the age of eighty-five, on June 18, 1975, at the Florence Nightingale Nursing Home in Manhattan. Their death certificates said that Isidore, Carrie, Martha, and Frances were Mary and David Ackerman's children. The certificates stated that Carrie and Martha Ackerman were single but Isidore was "separated." Isidore's death certificate also said that he had died in the Harlem Valley State Hospital, and that he had suffered from schizophrenia, hebephrenic type—an extremely serious form of schizophrenia, which usually develops in childhood. People with hebephrenia rarely marry, which made it unlikely that Isidore could have been separated from a wife. Goldfader wrote to Harlem Valley and learned that Isidore Ackerman had been continuously confined to mental institutions—first Manhattan State Hospital, later Harlem Valley—from April 1, 1903, when he was in his early twenties. Goldfader's letter to Harlem Valley also inquired whether Isidore was survived by any children; the answer came back, "In reviewing his record there is no reference to children whatsoever."

Ed Goldfader had discovered one other Ackerman child when he consulted the police census for Manhattan, done in 1890. When Frances Ackerman married Thomas Devlin, in 1900, she gave as her residence 210 East Seventh Street. Goldfader had found David and Mary Ackerman living at 212 East Seventh Street in 1890 with five children, who were listed in order of their birth: Frances, Rose, Isidore, Carrie, and Martha.

David Ackerman had not been buried with his wife, nor had Rose been buried with her mother—a circumstance which suggested to Goldfader that both had died before 1936, when the Ackermans acquired the plot at Mount Hebron. A search of death certificates showed that David Ackerman, listed in the 1900 United States census as a tailor, had died on September 15, 1925, at the age of eighty, and had been buried in Washington Cemetery, in Brooklyn. Goldfader decided to pay a visit to Washington Cemetery. He suspected that he would find Rose Ackerman's grave near her father's, and he did. Not far from David Ackerman's tombstone was a stone that



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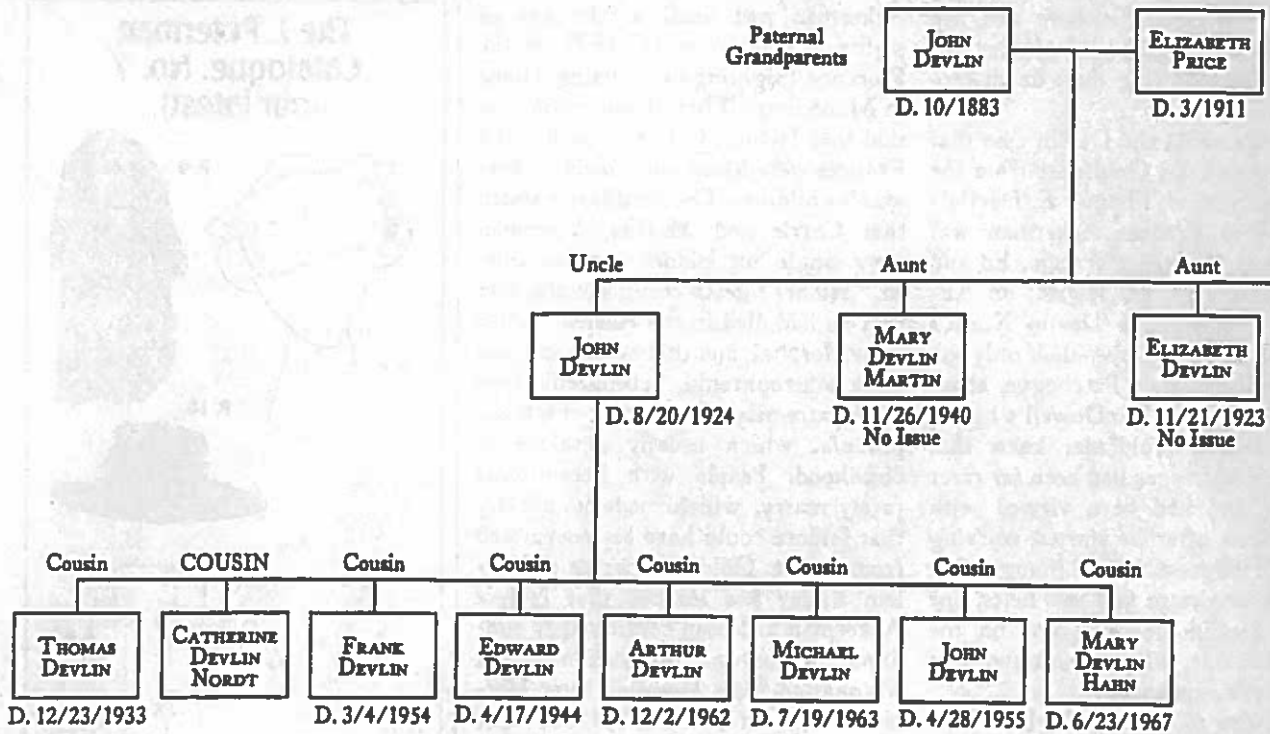
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read "In memory of our beloved daughter and sister ROSE ACKERMAN b. July 7, 1878, died December 26, 1908. Rest in peace." When Goldfader got Rose Ackerman's death certificate, it said that she was single.

After a search of birth records and adoption proceedings, to determine whether Martha, Carrie, and Isidore ever had or adopted children, and a separate search of marriage records, to demonstrate further that Isidore had never been married and thus could not have been "separated," Goldfader concluded that Katie Devlin Nordt was Edward Devlin's rightful heir, and he drew up his final genealogical chart on the Devlin and Ackerman families (*Diagram C*).

SINCE Mary and Albert had no lawyer, the Markham Company retained one to represent Katie Nordt—Ira Meislik, a boyhood friend of David Mickelson's. Meislik suggested that she sign a form giving her son and daughter, jointly, her power of attorney. Mary McDowell took the form to Oak Hollow on August 27, 1986. Her mother's signature was an "X," witnessed by a member of the staff of Oak Hollow, but a few minutes later, when Mary McDowell handed her mother an envelope she happened to have with her and asked her to sign it, she had no trouble writing "Catherine Devlin Nordt." Catherine Nordt's mental

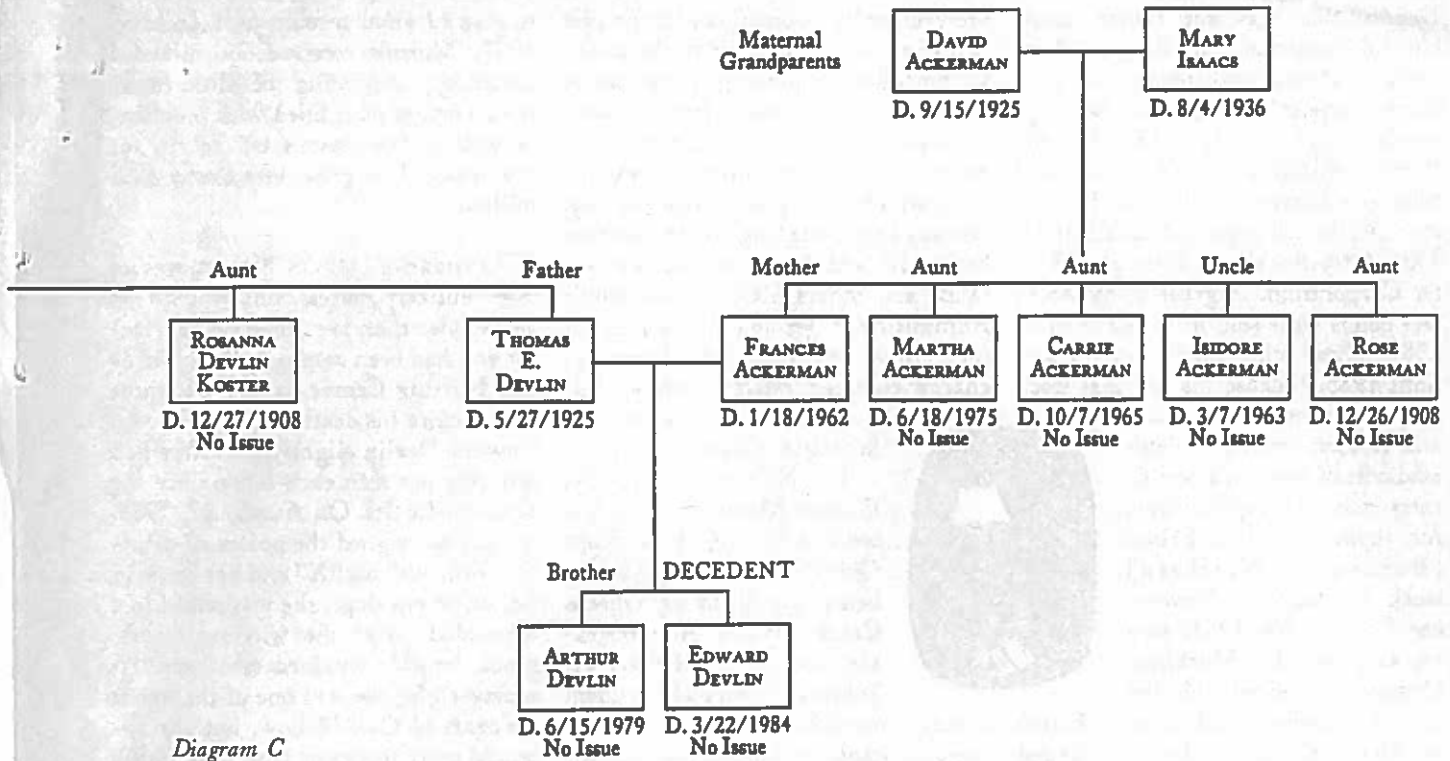
condition had improved in August, and she had eaten with enthusiasm a piece of a cake that Albert and Vera brought her on her birthday. In early September, Mary McDowell and Albert Nordt, as their mother's "attorneys in fact," signed an agreement with the Markham Company to share any recovered assets with it. (Markham would pay all expenses, including Meislik's legal fees, even if no assets were recovered. Markham would get fifty per cent of the first hundred thousand dollars recovered, forty-five per cent of the next four hundred thousand, and thirty-five per cent of any assets exceeding five hundred thousand. Goldfader, in addition to his salary from Markham, would get as a commission approximately twenty per cent of Markham's share.) When Goldfader told Mary McDowell and Albert Nordt that Edward Devlin was their mother's benefactor, they displayed little emotion. Mrs. McDowell did find it odd, however, that Devlin, the only lawyer in the family—among her other Devlin relatives had been steamfitters, apartment-house superintendents, and ladies'-room attendants—had left no will.

MARY McDOWELL was not the first person to be surprised that Edward Devlin had died intestate. Between Devlin's death, in the spring of 1984, and Mary and Albert's learning

that their mother was his apparent heir, dozens of other people had been, too.

One was Robert Werst. He was the vice-president of George Werst, Inc., the funeral home Ruth Paradise Fiorello called on March 22, 1984, after she received word of Edward Devlin's death. Bob Werst had handled Arthur Devlin's funeral, in 1979, and Mrs. Fiorello knew that Edward Devlin had been the lawyer for the firm that Bob Werst's great-grandfather George Werst had founded and his heirs had continued to run. Bob Werst came right over and had Ruth Fiorello fill out a Queens County Public Administrator's "Report of Death." He took that to George Memmen's office the next day. Memmen's office had to give its consent for any burial arrangement, because there was no one on hand as close as a niece or nephew, and the Public Administrator would be responsible for seeing that the funeral bills were paid.

The office of the Queens Public Administrator is next door to the courtroom of the Queens Surrogate. Edward Devlin was a general practitioner, but he had two specialties—criminal law and estate law. He was a familiar figure in Surrogate's Court. Louis D. Laurino, who had been the Surrogate since 1971, knew him well; Devlin was an executor of numerous estates and had frequently been appointed by the court to be a conservator for those



considered legally incompetent. He was often in Laurino's courtroom probating and contesting wills. The court clerks and the staff of the Public Administrator's office were also acquainted with him. He was the last person they would have imagined would die intestate, and the only lawyer in Queens, to the best of their memory, whose estate had become a Public Administrator's case.

In early April, Michael Feigenbaum, the counsel to the Public Administrator, Feigenbaum's assistant, and two members of the Public Administrator's staff went to Devlin's house, at 58-40 69th Avenue, a two-story attached brick dwelling. At the time of Edward Devlin's death, he and the Fiorellos lived on the second floor. The ground floor, a railroad-flat-like series of rooms, served as his office. The office was in disarray. The four men spent two days going through file cabinets and desk drawers, some of the time with the assistance of Ruth Fiorello. They left files that Ruth Fiorello told them dated back forty or fifty years, and sorted out those she said were current, taking them to Feigenbaum's office in Jamaica. They also scooped up bankbooks, income-tax returns, safe-deposit-box keys, and paper bags stuffed with uncashed checks and postal money orders, and drove off with them to the Public Administrator's office.

Edward Devlin's frugality was well known in Ridgewood. In the nineteen-

forties and fifties, he and Arthur had driven black Chryslers and Cadillacs whose engines backfired, disturbing the tranquillity of the neighborhood. The rattletaps were replaced as they expired, and their replacements were also allowed to run down, noisily, until the nineteen-seventies, when Edward Devlin was no longer able to drive. In his final years, Devlin had let the house fall into disrepair, too. A pair of new lights that had been put up on either side of the front door after Arthur was mugged one evening while he was coming home from buying a newspaper illuminated the door's lack of paint. The snow was never shovelled, and the back-yard garden had become a tangle of overgrown rosebushes. Devlin, who had once been a dapper dresser, got smaller and thinner as he aged, seemed to cease caring how he looked, and wore threadbare overcoats several sizes too big for him, which almost touched the ground.

At Surrogate's Court it was assumed that Devlin had had a modest practice and that his estate would be modest. From the material taken from the house and from mail diverted to the Public Administrator after the petition for letters of administration was granted, there was evidence, in the form of bank statements, stockbrokers' and bond brokers' statements, and stock-dividend checks, that Devlin had been far more affluent than anyone had realized.

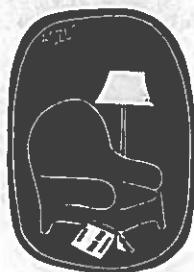
When the men from the Public Administrator's office went to Manufacturers Hanover, a bank in Ridgewood just five blocks from Devlin's home, they learned that he had three accounts together totalling \$58,000; a safe-deposit box; and a money-market account with a balance of \$522,000. On the morning of April 1, 1984, a member of the Public Administrator's staff, a New York State tax auditor, and an assistant manager of the bank opened the box. Inside were \$2,000 in Macy's gift certificates, \$55,000 in cash, one bond, and a few gold coins. At Ridgewood Savings Bank, two blocks from Devlin's house, the Public Administrator's men found a bank account and two safe-deposit boxes. Inside the first box were \$45,000 in bearer bonds, \$45,000 in United States currency, a few gold coins, and a modest amount of ladies' gold jewelry. The second box contained another \$45,000 in bearer bonds and \$99,000 in cash. Devlin also had some sixteen thousand dollars split between two other banks. The Public Administrator is not permitted to take risks with the assets of estates it administers. If the decedent owns a house, as Edward Devlin did, it must be sold promptly, to minimize maintenance costs and to avoid any liability problems. Seven months after Devlin's death, his house was sold at public auction. Stocks must also be sold in a timely fashion. In the case of Edward

Devlin, that was not always possible. Ed Goldfader's intuition had been correct: Devlin had owned stock in many corporations besides Burlington Northern. On April 18, 1984, the Public Administrator's office sold thirty-six shares of American Express that Devlin had held, and, on April 24, 1984, forty-five shares of the Jim Walter Corporation. A great many stocks and bonds were sold in the summer of 1984. Many other stocks weren't sold until 1985, because the original stock certificates couldn't be found and it took time to submit affidavits of lost stock certificates and get replacements for them. Devlin's Frisco (Burlington Northern) stock was sold on November 25 and 26, 1985, two weeks after the Markham Company received the list of the hundred and ninety Frisco stockholders who hadn't exchanged their Frisco shares for Burlington Northern shares. Had Burlington Northern then followed up and instructed Markham to take Devlin's name off the list, the quest that was to lead to Katie Nordt would never have begun.

It took much more time and effort to marshal the assets of the Devlin estate than it did to marshal those of many other estates. Feigenbaum and other lawyers in his law firm and two paralegals he had hired had to sort through and organize Devlin's files and settle a dozen legal matters that Devlin had left uncompleted; the fees Devlin was owed came to more than sixty-six thousand dollars. A secretary was employed to help liquidate an insurance company that Devlin owned. As Devlin's stocks, bonds, house, and possessions were sold, the money they fetched was put into interest-bearing accounts at about twenty banks.

Other professionals were hired by the Public Administrator, among them an accountant. Devlin's income taxes were in arrears for 1981, 1982, and 1983. An income-tax return would also have to be prepared for 1984, and federal and New York State estate taxes paid. In mid-1986, the accountant was still filing tax extensions. The Public Administrator's office appeared to be in no particular hurry to settle the Devlin estate and did not seem unduly concerned with finding an heir. In the State of New York, unclaimed estates

are eventually—sometimes the process takes years—turned over to the state's Comptroller, who becomes responsible for paying any possible future claimants. In the meantime, the Public Administrator's office collects a commission, which is turned over to the city, and any applicable fees, which the office keeps. In addition, lawyers, accountants, and others hired by the Public Administrator get individual fees for their time and expenses. They can charge complex estates such as Edward Devlin's whatever the Surrogate allows.



In November, 1984, George Memmen, who had worked for the New York City Fire Department before being appointed as Queens County Public Administrator, had hired Herbert K. Johnson, a Fire Department acquaintance who had retired and become an arson investigator, to look for Edward Devlin's next of kin. Mr. Johnson had been given access to the Public Administrator's files and had interviewed two of Devlin's neighbors, officers of various banks where Devlin had accounts, Dr. Menger, Bob Werst, and Eleanor Devlin. Mr. Johnson reported what Eleanor Devlin had told him: "That she does believe there should be some relatives, possibly cousins on the decedent's father's side as the Devlin family was a large one. That she has no specific knowledge of any next-of-kin, however she will contact me if she can locate any relatives in the future." The report concluded, "Based on the above the following are alleged distributees: NONE." On November 20, 1984, Mr. Johnson had been paid three hundred dollars for his kinship investigation. Michael Feigenbaum had misspoken when he told Goldfader in the spring of 1986 that the Public Administrator's search stage hadn't yet begun. It had ended.

In October, 1986, Ira Meislik, the attorney Markham had hired, met with Rocco M. Longo, who had replaced Feigenbaum as counsel to the Queens County Public Administrator some months earlier. Meislik brought with him some of the genealogical work that Goldfader had done, and informed Longo that it was his intention to claim Edward Devlin's estate for Catherine Devlin Nordt. Longo told Meislik that the estate was sizable and the Public Administrator would require more time

to give a formal account of it. In May, 1987, Meislik received an informal inventory, consisting of little more than a ledger page filled with numbers, as well as the estate's tax return for that year. The gross estate was \$1.8 million.

CATHERINE DEVLIN NORDT was an unlikely heiress. She was fifteen years older than her potential benefactor and had been confined to Oak Hollow Nursing Center since 1981, three years before his death. She had known Edward Devlin slightly, but they had probably not seen each other since the nineteen-forties. On August 27, 1986, the day she signed the power-of-attorney form with an "X" and her name in full on an envelope, she was seated in a wheelchair near the window of her room, which contained two beds. At ninety-eight, she was one of the oldest residents of Oak Hollow, but she appeared more fortunate than most of the nursing home's other residents, including her roommate, who was connected to tubes and rarely stirred. Catherine Devlin Nordt didn't have cancer or Alzheimer's and hadn't suffered a debilitating stroke; she simply suffered from the frailties of her extraordinary age. She was dressed that day in a pastel seersucker housedress, a pair of lavender knee socks, low-heeled shoes, and a white cardigan. (The day was hot, but she always felt chilly, even without the air-conditioner on.) There was rouge on her cheeks, a bright-pink yarn ribbon in her white hair, which had been newly permed, and a double strand of pink beads around her neck. Her nails were polished pale pink. Her legs were spindly and her feet tiny, her nose was sharp and her chin pointed (she no longer wore her dentures), and she appeared to weigh about eighty pounds. Her hearing and her eyesight (she wore pink-rimmed glasses) weren't what they used to be, but she welcomed visitors. Her son Albert and daughter-in-law Vera visited most weekends, her daughter Mary visited most Wednesdays, and three grandchildren—two sons and a daughter of Albert and Vera—and some of her great-grandchildren came to see her occasionally, as did a few other Devlin, Nordt, and McDowell relatives.

After Catherine Devlin Nordt signed the power of attorney, she looked at the "X" and fretted that it was crooked (the nursing-home em-

ployee who witnessed it said it was fine) and reached her hand out for a plastic glass filled with cold root beer that Mary McDowell had brought from her home. While she was drinking it, her daughter asked her what she would do if she came into a million dollars. "First, I wouldn't get that offer," Catherine Nordt said. "Then I'd have to think about it an awful lot. I'd have to investigate where the money came from. I'd see what we needed. Clothes I don't need. Not jewelry. I'm not interested in that. That's my least problem. I don't want to wear these beads—they get hung on me. I don't want no part of no house. I'm an old buck, but if you keep a clean mind and a clean body age don't mean nothing. I ain't got it bad now. I wouldn't get the money, so I'm not worrying about it. I don't know why I came here, but from where I am I can buy a chicken."

Catherine Devlin was born to John Devlin and Catherine Donnelly Devlin on August 9, 1888, in a tenement on the Lower East Side. By the time Katie was fourteen, she had five younger brothers and a younger sister; she would have had more siblings if her mother hadn't lost several children as infants and hadn't also suffered a number of miscarriages. John Devlin, the father of the family, who was a boiler-maker, didn't earn much money, and life in the Devlin household was harsh. There wasn't enough food or affection to go around. There were too few beds and too much commotion. At ninety-eight, Little Katie still recalled the best year of her childhood as a year she spent with one of her mother's more prosperous relatives, for whom she worked as a live-in maid in exchange for room and board and clothes. At the age of thirteen, Katie dropped out of school. (Her mother wrote down on her application for working papers that she was fifteen.) She got a job folding and packing sheets and pillowcases for Clafin's, a linen manufacturer; later, she boxed chocolates for Huyler's Cocoa, Chocolates & Bonbons, and then she returned to Clafin's. In her teens, she met Adolph Edward Nordt, who lived on the same block as the Devlins. On Sunday, December 22, 1907, Catherine Devlin, nineteen, and Adolph Nordt, twenty, were married in the rectory of St. Brigid's Church, on Avenue B, where Katie had been baptized. They couldn't be married at the altar, because Adolph was a Protestant; he

converted to Catholicism shortly after the wedding. Sitting in a wheelchair more than three-quarters of a century later, Katie Nordt remembered what she had worn at her wedding ("a new white blouse and a new black jersey skirt") and what the few friends and relatives who gathered at her parents' apartment after the ceremony had been served ("corned-beef sandwiches and coffee"). On Monday morning, Adolph Nordt returned to his job at the Eagle Pencil Company, and Katie Nordt to hers at Clafin's. After their marriage, the Nordts rented the first of what was to be a series of two- or three-room tenement flats on the Lower East Side, where they shared a bathroom in the hall with the many other tenants on their floor. Katie soon stopped work. The Nordts' first son was born in 1908 and died as an infant. A second son, Frank, was born in 1910. Albert was born in 1911, Mary in 1914. By then, Adolph Nordt had a job "uptown"—as an elevator operator in a building at Fifth Avenue and Twenty-eighth Street. He worked overtime and weekends.

Adolph Nordt earned between seven and twelve dollars a week during the Nordts' first ten years of marriage. "It wasn't big pay, but our rent was six to ten dollars a month," Katie Nordt said in 1986. "You couldn't go out and spend your money on just anything—I was married four or five years before I saw a movie—but on Sundays you could buy a chicken. You felt it was a holiday, and you made a fine dinner. I tried to help my younger brothers when they came over by giving them bread spread with condensed milk to eat. I made my maternity clothes by buying two housedresses and sewing them together. I bought material and made kitchen curtains. We didn't have it hard. It was how a woman ran a home, and if she cleaned and sewed that counted."

In 1916, the Nordts moved from the Lower East Side to Brooklyn, where apartments were less costly and were properly maintained. They rented a five-room gaslit railroad flat in a six-family house and, this time, shared a hall toilet with just one other family. There were an icebox, a bathtub, and a coal stove in the kitchen; Katie Nordt took special pride in polishing the

stove. The stove was used for cooking and for drying clothes, and it provided the only heat in the apartment—an arrangement that Mary McDowell recalls as an advantage. "My father made sure we always had a Christmas tree," she says. "The tree kept its needles, because the other rooms were cold, so we were able to enjoy it until March." Shortly after the move, Adolph Nordt got a job at a higher salary, with the New York Telephone Company.

Katie and Adolph Nordt were determined to give their children a better life than they had had when they were growing up, and both Albert Nordt and Mary McDowell remember their childhood fondly. "Grandma Nordt had worked for a family as a cook," Albert Nordt says. "She taught Papa how to cook, and he taught Mama. We had good food to eat and good clothes to wear."

"Papa made sure we had treats," Mary McDowell says. "He used to take a cut-glass bowl to a candy store around the corner and bring it back filled with a quart of ice cream." The cut-glass bowl also served another purpose. The Nordts had a crystal set—an early radio—with earphones. They would put the earphones in the cut-glass bowl, and it magnified the sound, so that everyone sitting at the kitchen table could hear.

The Nordts knew only one great sadness during the years they lived in Brooklyn. On a spring afternoon in 1920, ten-year-old Frank Nordt, who was out roller-skating, was hit by a truck and killed. Shortly after Frank's death, Katie Nordt, whose health had been excellent, began to suffer from asthma. The doctors attributed her asthma attacks to the shock of losing her son—a loss she never got over.

Not long after John Devlin, Katie Nordt's father, died, in 1924, she and her family moved into a house in Glendale with her mother and two of her brothers. Adolph Nordt and Katie's mother—Catherine Donnelly Devlin, Big Katie—shared the down payment and the monthly mortgage payments. Two years later, there was a family quarrel, and Big Katie and her sons moved into an apartment. Adolph Nordt paid back his mother-in-law's share of the down payment and had to



make the monthly mortgage payments alone.

Friends of Albert's and Mary's were welcome at the Nordts', and the family and the friends often gathered around a large dining-room table to play games like Hearts. Albert completed the eighth grade in 1925. He started high school but didn't care for studying, dropped out before the end of his freshman year, and went to work in 1926. Mary completed two years of high school. She, too, preferred work to studying, and got her first job in 1930. Albert eventually became a sales manager for a firm that imported drugs and chemicals. Mary became a receptionist and switchboard operator for the same company in 1934, and kept the job for forty-five years. In June, 1936, Albert was married, and he and Vera moved into their own apartment. Mary was married three months later; she and her husband also moved into their own apartment. In 1939, Adolph and Katie Nordt lost their house. In the nineteen-twenties and thirties, people were permitted to pay just the interest on their mortgages, and pay nothing on the principal. In fifteen years, they had therefore built up no equity in the house in Glendale. When the holders of a second mortgage called it in, the Nordts moved to a five-room walkup apartment in Ridgewood, about three blocks from Edward Devlin's house.

Albert and Vera's first son was born in 1941, their second son in 1943. Katie and Adolph Nordt were always willing to babysit when their son and daughter-in-law went out on Saturday night, and the boys looked forward to visiting their grandparents. "My mother-in-law was wonderful," Vera Nordt says. "She didn't care what the boys did to her apartment. She let them put a sheet over a card table and play in their 'tent.' There was a half-bay window in the living room, and the boys liked to look at the traffic going up and down the street. In the late forties, long before television was common, Mary bought her parents a seven-inch Hallicrafter TV set with a magnifier. The boys loved to watch TV there. If we were supposed to return at one o'clock on Sunday and called to say we'd be late, that was fine with everyone."

In 1949, when Adolph Nordt was earning \$68.90 a week as a telephone-company building foreman, he developed serious heart trouble. At first, he

worked shorter hours; then he took a leave of absence. In 1951, he had to retire. Mary persuaded her parents to move from Ridgewood to a modern elevator building in Sunnyside, Queens, where she and Jack McDowell were then living, so that she could stop in to see them every evening on her way home from work. Jack's sister, Evelyn Mowdy, lived two floors above the Nordts. Every week, Evelyn Mowdy and Katie Nordt, then a small, plain-looking, buxom woman—she weighed about a hundred and fifty pounds from the nineteen-twenties to the nineteen-sixties—wheeled their shopping carts to a nearby supermarket and had lunch together. Evelyn Mowdy remembers Adolph Nordt as a short, trim, thrifty man. "Adolph gave orders like 'Don't put on the TV too much, electricity costs money,' but Katie was willful and paid no attention," Evelyn says. "She loved to watch wrestling—no one could convince her that Gorgeous George was a fake. She frequently went to a neighborhood knickknack store. When she bought a figurine for two-ninety-five, she told me to tell Adolph it had cost a dollar in case he asked."

Adolph Nordt died in 1955. Between 1951 and 1955, the Nordts had lived on his pension and Social Security and had been able to make ends meet, even with Katie's porcelain extravagances. Her income declined after his death. She paid her rent with Adolph's modest Social Security checks; Mary McDowell paid her utility bills and some of her grocery bills. Katie Nordt kept cheerful and busy: she watched TV, read novels and *The Reader's Digest*, sewed, and enjoyed visits from her relatives. Every year, Vera Nordt's mother went to the Miss America contest, in Atlantic City. In 1957, she invited Katie Nordt to join her. The two women shared a room at the Hotel Dennis. Katie Nordt loved the beauty contest and the boardwalk, and for thirty years kept her memories of the only night she ever spent in a hotel.

In 1959, Mary and Jack McDowell

took a larger apartment in Sunnyside, and Katie Nordt went to live with them. Then, in 1962, they bought a two-story house in Jamaica, and she accompanied them there. Every year, when Mary had a vacation and went to Vermont to visit a friend, her mother joined her. In her late seventies, Katie Nordt became difficult. If Mary and Jack stayed home, she asked them why they didn't go out. If they invited her out, she declined the invitation. When they went out, she would be pouting when they came home. In the mid-nineteen-sixties, Katie Nordt moved into a studio apartment and kept it for six years. Then she returned to Mary's house in Jamaica. In 1978, when Katie Nordt was eighty-nine, the McDowells moved to East Patchogue, and gave her the largest bedroom in the house. Just after Mary McDowell retired, in 1979, at the age of sixty-five, Katie Nordt, while visiting one of her grandsons and his three children, fell on some stairs she had been advised against climbing. She fractured her pelvis. Until then, except for her asthma, she had been in remarkable health. After she fell, she was never well or happy. Once, when the McDowells were going to Boston to visit relatives of Jack's and made arrangements for a friend to stay with her, she accused Mary of abandoning her dying mother, threw her radio against a wall, and made a scene before they left; she had a grand time with the friend while they were away. From 1979 on, nurses' aides, provided by a Catholic agency and paid for by Medicare, came in three times a week for a few hours to help care for her. She treated the nurses' aides like visitors, insisted that Mary serve them tea while she chatted with them, and had Mary bathe her and change her clothes before they came. She dozed during the day and summoned Mary at night; she displayed resentment if Mary left the house to go shopping. The nun in charge of the aides told Mary that her mother was too domineering and the time had come for her to go to a nursing home. The sister explained that Katie, because her life savings were only twelve hundred dollars, qualified for Medicaid. All she would have to pay the nursing home was her monthly Social Security check, and the nursing home would give her twenty-five dollars a month for her personal expenses. In early 1981, Mary McDowell, who was exasperated by



her mother's attitude and was worn out, began to look for a nursing home. At nine o'clock in the morning on February 25, 1981, she got a call from Oak Hollow, which a neighbor had recommended highly. They had a bed for her mother, the caller said, and if Mary wanted it she would have to be there with her mother by two o'clock that afternoon. Katie Nordt had not been told that she would be going into a nursing home for good but instead had been informed that she was going to a hospital for a temporary stay, and she was enraged when she got to Oak Hollow. "If you've had anything to do with this, you'll never sleep again," she told her daughter. She did not have her own telephone at Oak Hollow, but she had the nurses call Mary often to say that she wanted Mary to take her home. As her health declined—she broke her hip and later suffered a mild stroke—and her mind began to wander, she became better adjusted to the nursing home. Mary McDowell, however, was afflicted with insomnia from the day her mother entered Oak Hollow.

ON September 10, 1987, seven men of the court came to Oak Hollow to ask Catherine Devlin Nordt about her family, but she was too confused that day to give any valid testimony. She remembered her parents' names but believed that her mother was alive. She remembered the names of her sister and brothers but thought that most of them were alive. She said that she believed she was living with her in-laws, that she had been with them for ten or twenty minutes, and that she was about sixty-seven years old. The deposition lasted half an hour.

A kinship hearing—to formally determine if Catherine Devlin Nordt was an heir, and if she was the only heir—was scheduled for January 28, 1988, but was cancelled at the last minute and rescheduled for May 9, 1988. At one-thirty on the afternoon of March 30, 1988, Catherine Devlin Nordt died, in her room at Oak Hollow. She had had few lucid moments during the last six months of her life, but when Mary McDowell's husband, Jack, died, on March 3, 1988, she said to her daughter, "Oh, my poor child. Who will take care of you? You can't be alone. I'll come home with you." She had suffered from lung congestion the week before her death. Mary and Albert had called

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a priest to anoint her on March 27th. When she saw the priest, she folded her hands and started to recite the Lord's Prayer. Three days later, she died in the arms of one of her nurses.

The kinship hearing was convened in a room in Surrogate's Court at two o'clock on May 9th. Eleanor Devlin, Richard Devlin, and Mary McDowell gave their testimony about the Devlin family. Then Ira Meislik, representing Katie Nordt's heirs, presented Edward Goldfader as his next witness, identifying him as an expert in genealogical research. (Although Feigenbaum had known of Goldfader's connection with the Markham Company and his financial interest in the case, Longo did not, and no one in the room thought to ask whether Goldfader had such an interest.) Goldfader proceeded to lay out his evidence that Katie Nordt had been Edward Devlin's sole heir; his testimony took up the rest of the day and the morning and most of the afternoon of June 2nd, when the hearing resumed.

Albert Nordt was the only other witness that afternoon. He had been irritated at not having been called to testify on May 9th, as Eleanor Devlin, Mary McDowell, and Richard Devlin had been. He had waited on a bench outside the hearing room while they were questioned. Then, on June 2nd, he had to wait again, and because he had nothing to add to the earlier testimony he was asked few questions. After the hearing ended, Goldfader wondered how it had gone. He was heartened to learn that after the hearing was adjourned one of the lawyers present had said of Albert Nordt, "There goes a curmudgeon," to which Edward Siragusa, the Special Referee, who had presided over the hearing, had replied, "There goes a rich curmudgeon."

**I**n early August, Michael Mariani, who had been appointed by Laurino as guardian ad litem to protect the interests of Edward Devlin's unknown heirs (if there were any), filed his report on the kinship hearings. He stated that Catherine Nordt had been Edward Devlin's sole heir. Siragusa submitted a similar report, which noted, "Letters of Administration

were issued to Mary E. McDowell and Albert M. Nordt on May 6, 1988, and therefore the net proceeds shall be distributed to her Administrators accordingly."

The Public Administrator released his final accounting of Edward Devlin's estate shortly thereafter. The gross amount of the estate, which was nearly \$2 million, had been reduced to a net amount of barely \$1 million. The largest sums deducted from the gross were approximately \$742,000 for income and estate taxes, \$58,000 in statutory commissions to the Public Administrator's office, and \$118,000 in fees to the Public Administrator's counsels—first Feigenbaum and then Longo. The accountant hired by the Public Administrator had prepared Devlin's 1981, 1982, and 1983 federal and state income taxes, and also his 1984 taxes. Feigenbaum had worked out an arrangement with the tax auditors whereby \$150,000 of the inordinate amount of cash found in Devlin's safe-deposit boxes would be treated as 1984 income. No one would ever know for sure whether some of the cash, which included old hundred-dollar bills, resulted from undeclared income or Depression-era thrift. Devlin's cancelled checks attested to his modest way of life. He paid Ruth Fiorello's salary, drew two hundred dollars every so often for personal expenses, paid his

utility bills, spent small sums on groceries, and, each December, sent checks—most of them for five dollars, a handful for ten or twenty-five dollars—to an array of charitable organizations.

In September and October, 1988, checks totalling nearly a million dollars, made out to Mary McDowell and Albert Nordt "as adm. of the Estate of Catherine Devlin Nordt," were sent to Ira Meislik. He deposited them in a Cash Management Account for the estate at Merrill Lynch.

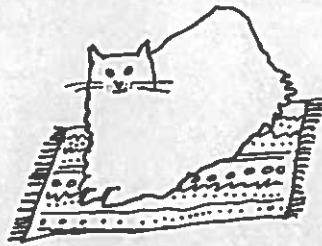
On the morning of Friday, October 14, 1988, Meislik drove out to Mary McDowell's home in East Patchogue, as did Vera and Albert Nordt. Meislik had brought a book of checks on behalf of the estate. Albert Nordt and Mary McDowell each drew an initial \$75,000. Meislik's law firm received \$20,000 for the work he

had done and would do in the future to administer the estate. Goldfader and the Markham Company together received \$291,000, roughly three-quarters of what their contract promised.

Meislik was still waiting to hear how much money the estate owed Medicaid. According to law, if a person or the estate of a person deemed eligible for Medicaid subsequently comes into money Medicaid must be reimbursed for the money expended on his or her behalf. The Medicaid bill, for \$174,332.14, arrived a few weeks later and was paid to the Suffolk County Department of Social Services. The Medicaid payment didn't affect Goldfader and Markham's share, because their share came from the net amount of Edward Devlin's estate, not Katie Nordt's.

Mary and Albert were not upset that, after subsequent payments were made from the estate, the combination of Markham's and Goldfader's fees would amount to roughly \$400,000. From the outset, Albert Nordt had told Edward Goldfader that he understood that the Markham Company might get a lot of money and Catherine Devlin Nordt little or none, and Goldfader, too, had foreseen the possibility. Had the net been \$300,000, then Medicaid and Markham would have split the entire estate. Goldfader had therefore been relieved when the net was close to a million dollars.

After Meislik's departure on the fourteenth, Albert and Vera suggested that they go out to lunch with Mary, who was feeling flustered. Meislik had asked her for her mother's funeral bill, and all she had been able to find was her husband's; the phone had been ringing during the hurried check-signing; and the reality that there was some money from the Devlin estate after two years had left her in a state of shock. The last year, of waiting for accounts to be forthcoming and hearings to be held—in combination with the death of her brother-in-law, Bill McDowell, in February, 1987, and her sister-in-law Evelyn Mowdy's husband's placement in a nursing home, and the deaths of her husband and her mother in March, 1988—had left her numb. At lunch, Albert and Vera, who had already said they planned to give their children some of the money they received, said they were going to give



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each child five thousand dollars. (In addition to the two sons for whom Katie Nordt had babysat, they had had a daughter some years later.) Mary said she would give the Nordts' three children the same sums. Mary rarely drinks, but she ordered an Apricot Sour at lunch and slept well that evening. She had been sleeping soundly since her mother's death; she no longer felt guilty about her mother's spending her last years either in a bed or strapped to a wheelchair.

SEVERAL days later, Albert and Vera invited their two sons and their wives, their daughter and her husband, and Mary McDowell to have dinner at a restaurant midway between Glendale and East Patchogue. Albert had told his children nothing about the Devlin money. Albert and Vera lived modestly on their Social Security checks. (Vera had quit her part-time job the previous December.) It was not their custom to take the family out to dinner; when they dined out, one of the boys—both of whom had graduated from college and held good jobs—picked up the check. Nor did the Nordts' family gatherings usually include Mary McDowell. Consequently, there was lighthearted speculation among the young people about the reason for the approaching dinner. Had Albert and Vera won the lottery? Had they gone to Atlantic City and hit the jackpot?

After drinks, the nine members of the family ordered appetizers. Once they had finished their entrées, Vera asked the waitress to bring them coffee and tea and told her they had some business to attend to and would order dessert later.

"I suppose you've all been wondering why we asked you here," Albert said. "You're probably guessing that your mother and I are getting a divorce, or moving to Florida." He took three envelopes out of his coat pocket and handed them to his sons and his daughter, saying, "Here. This is what Grandma left you. Open up the envelopes."

When the children saw the five-thousand-dollar checks, on which Albert had written, "From the Estate of



### CAPITALISTS COURAGEOUS

Catherine Devlin Nordt," they were flabbergasted. One of them asked, "How could Grandma have left this? She didn't have any money."

Mary had brought nine small, hollow plastic pumpkins to the gathering. She had filled them with M&M's and had set one in front of each person at the table. Three contained five-thousand-dollar checks rolled up like diplomas and tied with gold cord.

"There's a long story connected to this," Albert explained as his daughter and son-in-law and one son and his wife began to cry. "Just before Grandma died, we found out that she was going to be the heiress to an estate." He went on to tell a little of the story of how Ed Goldfader had proved that Catherine Devlin Nordt was Edward Devlin's only heir. He added proudly, "And Grandma didn't die on welfare."

Albert had never told anyone that he had regarded Medicaid as a form of welfare, so his family had had no idea how much it would mean to him to have his mother's nursing-home and other medical bills paid for by her estate. Albert's children did realize that he and Vera had never had a lot of money.

"Why don't you hold on to the money?" they asked.

"Never mind," Albert replied. "We want you to share it."

Mary soon gave away more of the money she had inherited, to several other relatives. She and Albert also decided to give ten thousand dollars to Richard Devlin and two thousand dollars to Doris Balko for their assistance.

Edward Devlin's money enabled Mary to buy some things she hadn't been able to afford. Mary and Jack McDowell had lived on their Social Security checks and on the dividends from some stock Mary had bought years earlier. Their house and car had been paid for, they had a twenty-thousand-dollar C.D. and some money in a money-market fund, and their income covered their major expenses—property taxes, utility bills, car insurance, health insurance, homeowners' insurance, food, and clothes. (Like her mother, Mary sewed many of her clothes, and also her bedspreads.) When Hurricane Gloria tore through their lot, in 1985, the five-thousand-dollar charges to remove the broken trees dropped Mary's money-market fund low, and because she had had no insurance on Jack McDowell's life she had to pay for his funeral. After sharing a good part of the first payment from her mother's estate with her relatives, she ordered forty-three hundred

dollars' worth of new windows she had wanted for her house, treated herself to a \$49.95 Seiko watch from the Price Club and a \$59.95 chime clock from Fortunoff (hers had broken), replaced a pair of gold earrings she had lost, and bought herself two gold chains. Money had never been important to Mary McDowell, but it gave her unexpected security. When her property taxes were raised from \$2,100 a year to \$2,800 in 1988, she didn't have to fret about paying them. Albert and Vera bought a new car—a four-door silver-gray Buick Century—and also felt more secure. One of their sons said, "Now you won't have to worry if the landlord raises the rent fifty or a hundred dollars a month or sells the house and you have to get another apartment."

**I**N November, 1988, Surrogate Louis Laurino happened to learn that Edward Goldfader worked for the Markham Company, and that he and the Markham Company had received a percentage of the Devlin estate. Laurino, a former counsel to the Public Administrator, has a distaste for companies in the tracing business. The bias of the office of the Public Administrator against firms like Markham was reflected in its petition for letters of administration in the Devlin estate, dated April 3, 1984. The Public Administrator had deliberately stated that "decendent was the owner of and died possessed of certain PERSONAL PROPERTY, the value of which does not exceed the sum of \$15,000.00," and that the estimated value of the decendent's "REAL PROPERTY" was "None." Arthur Stein, an assistant to the Public Administrator's counsel, said in December, 1988, "We put '\$15,000' and 'None' on all our petitions. We want to keep the tracing community at bay. Heir chasers are unscrupulous individuals."

Citing his statutory power "to fix and determine compensation or review previously paid compensation," Laurino directed Mary McDowell, Albert Nordt, Ira Meislik, the Markham Company, and Edward Goldfader to appear in his courtroom at 2 P.M. on December 15, 1988. Mary was the first one to take the stand. For about an hour, first Rocco Longo, then Ira Meislik, and then Laurino asked her in detail about her arrangement with the Markham Company. Did Mary understand the contract she had signed with

Markham? Yes, she did. Had she been coerced into signing it? No. Wasn't she troubled that Markham stood to gain more from the estate of Catherine Devlin Nordt than she did? No, she was not. When Laurino and Longo asked her to recall specific details and dates of events in the two and a half years that had elapsed since she was first approached by Goldfader—for example, how much money she got and when; how much Markham had received; and how much more Markham would be getting—she became befuddled and upset, but she answered to the best of her ability until the questions stopped. While Ira Meislik was questioning Mary, Laurino asked him about how he got paid. Meislik answered that he had been paid by Markham for work involved in claiming the Edward Devlin estate for Katie Nordt, and by her estate for work administering it. He also said that he had told both Markham and Mary and Albert that if there was a dispute between them he could represent neither party. After Mary finished testifying, she was allowed to stay in the courtroom while Albert was asked similar questions for about half an hour. He, too, said he had known what he was signing. Goldfader had done his job, Albert testified, and Markham was a business that charged a fee. It seemed to Mary that Laurino was hinting that she and Albert should dispute the contract and was encouraging them to testify that they considered Markham's fee excessive. They didn't have any quarrel with the fee, because both of them believed that without Ed Goldfader they would have received nothing. When Mary had read through the accounting of Edward Devlin's estate and had a chance to look at the Public Administrator's kinship investigation, as carried out by Herbert Johnson, she had found it superficial. Mary believed that Meislik felt awkward, and was sorry for him. When Ed Goldfader was called on to testify, Laurino asked him if an attorney to

represent the Markham Company was present. Goldfader was told that he should return to court with a lawyer. The hearing would resume on January 20, 1989.

Goldfader appeared in Surrogate's Court at 9:30 A.M. on the twentieth with a Long Island lawyer who had tried numerous cases before Laurino. Longo, Goldfader's lawyer, and the Surrogate questioned Goldfader, asking him about his qualifications, his methods, how much time he and others had spent on the Devlin case, and, especially, his and Markham's fee. Laurino, in effect, accused him of concealing a financial interest in the case at the kinship hearing, implying that Goldfader's earlier testimony might therefore have been tainted. Goldfader replied, under questioning by his lawyer, that no one had asked him if he was a party of interest, although there were a number of qualified lawyers around the table. Laurino stated that lawyers working for foreign consulates in the United States who located heirs charged fifteen or twenty per cent of the amount recovered; Goldfader said that he wasn't aware of any such lawyers. Around noon, Laurino said he was going to adjourn the hearing but wanted at some later date to see evidence that Catherine Devlin Nordt had been competent to grant Mary and Albert her power of attorney. A hearing on this subject was held on March 8, 1989.

**E**D GOLDFADER was angry that Surrogate Laurino had intervened in the Devlin case, in part because he believed he had earned the money he had been paid and the money he still expected to be paid—his twenty per cent of the approximately hundred thousand dollars still due Markham according to the contract—and in part because he had no respect for Laurino and the Queens Public Administrator's office, which he had been reading about in the *Times* since May, 1986, several weeks after coming to Markham. In 1986, Robert Abrams, New York State's Attorney General, and Edward V. Regan, the state's Comptroller, began investigating what they believed to be mismanagement in the offices of the Public Administrators in the city's five boroughs. In a report that they issued a year and a half later, Abrams and Regan raised questions about the several millions of dollars in fees paid each year to the counsels to



the five Public Administrators—who in three boroughs are appointed by the Surrogates. They also questioned the legitimacy of the Public Administrators' charging large fees in addition to the commissions the offices get by law; the additional fees—twenty-five thousand dollars in Edward Devlin's case—became, they said, a sort of slush fund, not subject to public oversight. Abrams and Regan noted that the long delays in settling estates meant that fees could be collected for a longer time; and that long delays in searching for heirs, or cursory attempts to discover them, often prevented heirs from ever receiving the assets to which they were entitled. Abrams and Regan were concerned about the discrepancy between the salaries received from the city by the Public Administrators—\$54,667 in 1985—and the earnings of their counsels: in Manhattan, the law firm of the counsel to the Public Administrator received \$1.7 million in 1985.

On April 7, 1988, the first two paragraphs of a front-page story in the *Times* read:

One of New York City's more powerful judges, Surrogate Louis D. Laurino of Queens, was censured yesterday for ethical misconduct by a state agency that investigates the judiciary.

The agency, the Commission on Judicial Conduct, found that Surrogate Laurino had rented office space to three lawyers after he appointed them to lucrative posts, had pressured a lawyer to hire the surrogate's son and a nephew and had made an improper contribution of \$2000 to Donald R. Manes, the late Queens Democratic leader.

The commission had studied Laurino's business dealings with Michael Feigenbaum, whom he had appointed counsel to the Public Administrator in 1979. Until Laurino dismissed him, seven years later, Feigenbaum earned yearly fees of between \$450,000 and \$500,000. During Feigenbaum's tenure as counsel to the Public Administrator, Laurino charged him a total of \$219,000 to rent a two-story building he owned, three blocks from the courthouse. Laurino's son worked for Feigenbaum for six summers, while he was in college and law school. Feigenbaum also employed Arthur Stein, Laurino's nephew, as a paralegal aide, and Stein continues to work for Rocco Longo, Feigenbaum's successor. Laurino, only the second New York City Surrogate to be disciplined in the commission's fifteen-year history, did not appeal the censure.

The Markham Company also appeared in print in an unfavorable light. In October, 1988, the *Wall Street Journal* noted that the Federal Bureau of Investigation was looking into possibly fraudulent claims of stock ownership made by Markham when it was assigned to trace lost shareholders. The *Journal* said that some of the records the F.B.I. requested for the investigation turned out to be missing. Two executives left the firm pending the outcome of the F.B.I.'s investigation. The article didn't name the executives, but Edward Goldfader says that one was Markham's executive vice-president and the other was the owner and president, David Mickelson. Goldfader then became Markham's caretaker president.

Neither Rocco Longo nor Surrogate Louis Laurino read the article, but many of Markham's clients did; the bad publicity hurt the firm, and business dwindled. Goldfader says that he had agreed to stay on at Markham only if Mickelson vacated the premises. In May, 1989, Mickelson announced his intention of returning to the office and reinvolving himself in the day-to-day running of the firm. Goldfader immediately left Markham, and in July he formed his own tracing company, EquiSearch Services. An F.B.I. spokesman says that its investigation of Markham is ongoing.

ON August 1, 1989, Surrogate Laurino rendered his decision and issued an order with respect to Meislik's fee and Markham's fee. He criticized Meislik for having allowed Markham to pay his fee, commenting that as a result his responsibility and allegiance were owed to Markham when they should have been the heirs', but he let the fee stand. He allowed the Markham Company a total sum of \$120,000 plus expenses. Since Markham and Goldfader had already received \$291,000, they were instructed to return the balance to the estate within thirty days, at six per cent interest from the date of payment.

So far, neither the Markham Company nor Ed Goldfader has returned any money to the estate, and Markham is pursuing an appeal of Laurino's order. Mary and Albert told Rocco Longo that they were content to let Markham keep the \$171,000 overpayment, so Longo, as counsel to the Public Administrator, is obliged by Laurino's

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order to oppose the appeal on his own. (If Longo loses the appeal, however, Mary and Albert could be forced to pay Markham and Goldfader the additional \$100,000 due them by the terms of the original contract.) Mary and Albert are grateful for the money they have received—a total of more than \$200,000 each—and continue to enjoy it. Mary took a three-week tour of Egypt, Israel, and Italy and had her house repainted; Albert and Vera took a short trip to Nova Scotia and repapered and recarpeted their apartment. But, after four years, they are eager to put the whole business behind them. Mary stuffs the monthly Merrill Lynch statements into a drawer without studying them. "I'm not a youngster," Albert Nordt recently observed. "My life's been lucky without the Devlin money."

**"LUCKY"**—that was the last adjective anyone would have used to describe the life of Catherine Nordt's unlikely benefactor. Edward Devlin was born on the Lower East Side within a few blocks of Katie Nordt. He went through elementary school at P.S. 19, on East Fourteenth Street; his transcript shows that he maintained a B-plus average in "work" and a B-plus average in "conduct." Dr. Harold Menger's father, a general practitioner, later told his son that he had treated Edward and Arthur Devlin free of charge when they were boys, because the family was poor and because Frances Devlin was such a devoted mother.

The Devlins' financial situation apparently improved. In August, 1919, when Edward was sixteen, Thomas E. Devlin, who, like his brother John, was a boilermaker, and who was employed by the New York City Department of Plant and Structures, bought a house in Ridgewood for several thousand dollars. Two years later, Frances Devlin was sent to Belle Mead Farm Colony and Sanatorium, in New Jersey, which had been opened a decade earlier by a doctor who the following year became a Democratic congressman from Queens. Its 1915 brochure stated, "Arrangements can be made over the telephone. . . . Insane patients can be committed without publicity and at small expense." Frances Devlin's institutionalization, for de-

pression, was precipitated by a quarrel with her husband: she had served him a meal that hadn't suited him, and he had thrown out the food; her sons had interceded to protect her from their father. Frances Devlin returned home in February, 1923. Two months later, she was committed to Kings Park State Hospital, in Suffolk County, again suffering from depression. She spent the next nine and a half years at Kings Park, and was transferred to Pilgrim State Hospital in 1932, the year after it opened. Few records concerning Frances Devlin's early years at Kings Park survive, but a brief history taken when she was admitted notes that Arthur Devlin said his mother was always jolly, sympathetic, thoughtful, and fond of her home. He described her as a good housekeeper, who took good care of the children and always had meals ready on time. The only words he used to describe Thomas Devlin were "cranky" and "irritable." Edward and Arthur Devlin, who always sided with their mother, visited her every second Sunday at Kings Park. Thomas Devlin, up to his death, in 1925, never visited her, nor did her parents or any other members of her family. Edward and Arthur continued to visit their mother virtually every second Sunday through the nineteen-thirties, forties, and fifties, at Pilgrim; they regularly brought her gifts of candy and clothes and took her out to restaurants. During the last several years of her life, Frances Devlin suffered from a heart condition, and her sons then visited every Sunday, almost to the day she died. "Those boys loved their mother," Pilgrim's current executive director says. "Such devotion is extremely unusual. Most families in those years visited a little bit at first and then stopped visiting or never came at all."

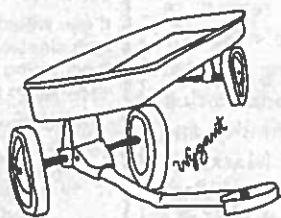
Edward Devlin entered New York University's School of Commerce, Accounts, and Finance the month his mother was put in Belle Mead. He received a Bachelor of Commercial Science degree from N.Y.U. two weeks after his father's death and, in 1929, a Bachelor of Laws degree from the N.Y.U. School of Law. In 1931, he went to work for William A. Bacher, an easygoing, well-liked man of fifty, who first specialized in handling wills

and estates, then added real-estate law to his practice, and, after the advent of Prohibition, added criminal law. Bacher's father had been an alderman and an assemblyman and Bacher himself was active in Democratic politics. Bacher had a three-room, book-lined office in Brooklyn, which he shared with a sister, Eugenia C. Volmer, who had become his secretary in 1915, and who later established her own insurance business; when Edward Devlin went to work for William Bacher, Eugenia Volmer worked as his secretary, too.

William Bacher had a drinking problem. He became progressively more lackadaisical about going to the office and about sending out bills for what work he did do, and passed along many prosperous clients to Devlin. "Ed Devlin's life seemed to me to be all work, and he sent out every bill promptly," Rudolph Bacher, William's son, said in 1987. "He seemed greedy and told me he would someday be a millionaire. I can't recall a single admirable personal quality in Ed Devlin, but he did know his law, and my father liked him a great deal. He came into my father's life at the right time."

While Devlin was still in law school, he joined the Ridgewood Democratic Club. In 1936, he got a job as an attorney for the New York State Tax Commission, where he learned how the state handled estates. He worked an eight-hour day at the Tax Commission, came into the Bacher office in the late afternoon, and worked an eight-hour evening. By 1939, the firm of William A. Bacher was also listed in the telephone book as Bacher & Devlin.

William Bacher died in September, 1941. Devlin went to the church services held for him. He didn't go to the cemetery, and hurt the family's feelings by saying he had no time. In a will drawn up in 1938 Bacher left two hundred and fifty dollars for memorial Masses, two hundred and fifty dollars to a hospital, and five hundred dollars and his law practice to his sister Eugenia Volmer, whom he also appointed executrix of his last will and testament. Bacher left his home to his beloved wife and asked that the residue of his estate be divided into two equal parts—one part to his beloved wife, one part to his eight beloved children. He died owing so many people money that there was



no residue. Mrs. Bacher had to sell her house and move to a smaller one. The Bachers were resentful because Eugenia Volmer was the only member of the family who had profited from William Bacher's estate. They didn't keep in touch with Edward Devlin, except to request that he remove William Bacher's name from the office windows and the telephone directory—requests with which Devlin did not comply.

In 1940, Ruth Paradise answered a newspaper ad placed by Bacher & Devlin for a stenographer and accepted the position. She was then nineteen, a high-school graduate proficient in typing and shorthand. She worked briefly for William Bacher and then for Eugenia Volmer, and for Edward Devlin when he came to the office in the late afternoon. Devlin left the Tax Commission in 1943, but he still put in sixteen-hour days, and so did Miss Paradise. When Eugenia Volmer died, in 1947, most of her estate went to her husband, Walter, but she left Edward Devlin her car, seventy-five pieces of sterling-silver flatware, worth three hundred dollars, and some furniture, and made him the executor of her will. The Bacher law practice and Mrs. Volmer's insurance business became his. In her will Eugenia Volmer directed Edward Devlin to buy two gold chalices, each to be presented to a poor priest upon the occasion of the reading of his First Mass. Mrs. Volmer's will and one chalice were found by the men from the Public Administrator's office in Edward Devlin's house after his death. Just before Christmas of 1985, the Public Administrator's office entrusted the chalice to the rector of a seminary on Long Island, who passed it on to a newly ordained Hispanic priest.

After Eugenia Volmer's death, only two people worked for Edward Devlin: Ruth Paradise and Arthur Devlin. Dr. Harold Menger describes Arthur Devlin as a nice, quiet, limited man. "Arthur didn't have much of an education," Dr. Menger says. "He told me he'd once worked at a racetrack, but in 1946 Eddie decided he'd be better off in his office, and made him his gofer. He sent him out to serve citations and summonses, and gave him letters to type. Arthur couldn't type, spell, or punctuate well enough to suit Eddie, who was a perfectionist. Eddie yelled at him and threw things at him, and he

always regretted it, but he did it again and again."

Like Dr. Menger, who was also shouted at, Ruth Paradise took more than her share of verbal abuse from Edward Devlin, although he considered her competent and praised her to others as "a real crackerjack." Occasionally, she defied him. She became an insurance broker, learned to drive a car, and married Joe Fiorello—all against his wishes. "He wasn't at all happy when I married Mr. Fiorello, in 1957, and Mr. Fiorello wasn't happy that I continued to work days, nights, weekends, and holidays for Mr. Devlin," she says.

In 1956, Frank D. O'Connor, the newly elected District Attorney of Queens County, appointed Edward Devlin an assistant D.A. Joseph Mafera, a district leader and head of the Ridgewood Democratic Club, had helped O'Connor beat the incumbent D.A. in a bitter Democratic-primary contest. In the time-honored way of clubhouse politics, Mafera was entitled to a job as assistant D.A. for the person of his choice. Ed Devlin was Mafera's choice. Devlin was assigned to felony court, and for the next few years he tried robbery, rape, and homicide cases, with another assistant D.A., Lawrence Gresser, as his partner. Frank O'Connor remembers that both Devlin and Gresser had extremely loud voices, and that when they were discussing a case in a room of the courthouse "you could always hear them before you could see them." At one Christmas party, Devlin and Gresser were each given a pair of earmuffs. Although Devlin had an impressive record, he is not one of the assistant D.A.s whom O'Connor remembers with great affection or admiration. "Devlin didn't have much background in criminal work," O'Connor says. "His courtroom manner was rough and objectionable. As I later learned, when I became a judge, it was possible for an assistant D.A. to have too strong a hide and too little compassion for a defendant."

O'Connor's successor, Nat Hentel, a Republican chosen by Governor Nelson Rockefeller, reappointed Devlin, and assigned him briefly to the Alice Crimmins case, which brought Devlin

the most public notice he ever received in his career. (Crimmins, a cocktail-lounge hostess, was eventually convicted of killing one of her children.) In November, 1966, Hentel was defeated in the race for D.A. by State Senator Thomas J. Mackell, a popular Queens politician. Tom Mackell would have reappointed Ed Devlin. "He was a nasty guy, but he had a terrific record as a prosecutor and he was active politically," Mackell said recently. However, Mackell had announced



during the campaign that he wouldn't allow any assistant D.A.s to practice law outside. It was known that Devlin made more money from his private law practice than he did as an assistant D.A. (his salary for 1965 was \$13,737), but no one knew how much more. He applied for his pension, went to a supermarket for a box,

emptied the contents of his desk into the box, and left the D.A.'s office on December 31, 1966.

Although Edward Devlin and Lawrence Gresser were partners for most of Devlin's eleven years as an assistant D.A., and the two men often ate lunch together near the courthouse, neither ever set foot inside the other's home. Dr. Harold Menger was one of the few people with whom Devlin socialized. One Christmas Eve in the late fifties, Edward Devlin appeared at the Mengers' home with a Christmas present: some bottles of liquor. He had just observed an annual ritual: he had taken Ruth Paradise Fiorello and Arthur Devlin out for an early dinner to Peter Luger's, a well-known steak house in Brooklyn. Ruth had then gone home to her husband and Arthur Devlin to his wife. Dr. Menger invited Devlin in. The Christmas Eve visits continued for twenty years. "Eddie always arrived between eight-thirty and nine-thirty, carrying a basket of cheer, and he always stayed until three or four in the morning," Menger recalls. "My wife wasn't too pleased. Helen Marie wanted to go to Midnight Mass. Eddie didn't go to church. He wasn't a believer, and he wasn't a hypocrite. She stayed with us until about one o'clock, prepared some sandwiches, and excused herself to go to sleep. Eddie liked to talk about his days as a young lawyer, and the conversation didn't interest

her. Eddie became my lawyer and my insurance broker in the nineteen-forties. He drew up my first will. My wife and I have three sons. I'd call Eddie shortly after the birth of each boy and tell him I wanted to amend my will. 'What time are you going to be home?' he'd ask, and he and Ruthie would be there that evening. That's why it struck me as so ironic that he didn't leave a valid will. Perhaps it's because he never cared enough for anyone except his mother to write a will—not even Ruth, until it was too late. Once, Eddie went to France on business, looking for the heirs to an estate he was handling, and brought back a bottle of perfume for my wife. Otherwise, he only gave us liquor, never personal gifts. There isn't a thing in the house that came from Eddie Devlin."

Given the nature of Edward Devlin's estate, there was little in the way of personal effects for the Public Administrator's office to sell. Devlin's most valuable personal possessions were his gold coins, which were sold for \$3,400; miscellaneous personal items, disposed of for three thousand dollars, included a \$595 slot machine and sterling flatware worth \$382—in all likelihood the silver he had inherited from Eugenia Volmer. Although the property investigator in the Public Administrator's office who helped take the inventory of the contents of Devlin's house was subsequently indicted and convicted for stealing from what he was led by investigators to believe was the apartment of a man who had died without a will, there is no evidence that he stole from the Devlin estate.

Joe Mafera died in 1967, and Edward Devlin became the Ridgewood Democratic Club's president in 1969. His gruffness and his insistence on endlessly recounting the same stories about cases he had tried as an assistant D.A. alienated many of its members; other old-timers died, and the club, which had once had several thousand members and been kept open seven days a week, was open only on Friday evenings, so that Devlin could hold court for a dozen people. In the late seventies, some young neighborhood Democrats approached Devlin. They had prospective new members, and he had a building; he and they pooled their assets. The young people found Devlin difficult, but, like Ruth Fiorello and Harold Menger, they made allowances for

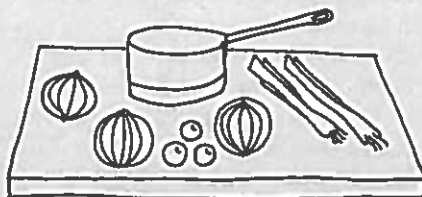
his bad temper. They knew how much politics mattered to him—the only real social life Devlin had ever had was attending political dinners—and in 1983 they persuaded Donald Manes to come to the Ridgewood Democratic Club and present Devlin with a certificate honoring him for over fifty-five years of service to the community of Ridgewood and to Queens County. Devlin's house was a few blocks from the club, and after meetings the members would go out for coffee. Devlin had feuded with the owners of the nearest good restaurant, so they went to a pizza place for coffee in order to include him. They saw him getting frazier, but he usually declined their offers of rides home. Devlin had shared his house with Arthur and Eleanor after they married, in 1938, and with Eleanor from 1979 until November, 1983. He then told her to leave, so she moved in with two of her sisters, two houses away. During the last months of his life, the Fiorellos lived with him. They were unaware of how seriously his health had declined. Early in 1984, Menger, an eye, ear, nose, and throat specialist, referred Devlin to an internist, who had him make a number of trips to a hospital in Brooklyn for blood transfusions. He would return home in the evening by bus. (He would never take cabs.) Despite the fact that he was given transfusions, his kidney trouble went undetected. Devlin's death took Menger and the Fiorellos as much by surprise as it did everyone else. Menger later told Ruth Fiorello that if he had known Devlin was close to death he would have suggested that the ambulance crew witness the will Devlin had dictated and she had typed up hours earlier.

**I**N June, 1979, when Arthur Devlin died, Eleanor asked her brother-in-law if it would be all right with him to have Arthur buried in her family plot at Holy Cross Cemetery, in Brooklyn. Edward Devlin consented. He said, however, that he wished to be buried with his mother. Five years later, Eleanor couldn't remember the name of the

cemetery in which the Ackermans were buried. Bob Werst, the funeral-director, eventually learned that the Devlin family plot was at Calvary, and it was decided to bury Edward there. A Mass of Christian burial was said for him at St. Matthias Roman Catholic Church, a block from his house, on the morning of Monday, March 26, 1984. Dr. and Mrs. Menger, the Fiorellos, several of Devlin's acquaintances from the Ridgewood Democratic Club, and Eleanor Devlin and her sisters attended the funeral. Only the Fiorellos and the Devlins went to the cemetery.

A few weeks later, while going through Edward Devlin's files, Ruth Fiorello came upon some documents pertaining to Mount Hebron, including a plan of the Ackerman plot there. It must have been drawn by Edward Devlin before Martha Ackerman's death, in 1975, because it showed the sites of the graves of Mary Ackerman, Isidore Ackerman, Frances Devlin, the proposed grave of Martha, and the proposed graves of Edward and Arthur Devlin, one on either side of their mother. Martha had been buried with her brother, sister, mother, and grandmother, but not in the grave specified in Edward's plan. It was understandable that Eleanor Devlin had forgotten about Mount Hebron. At the kinship hearing, she testified that she had not gone to either Carrie Ackerman's or Martha Ackerman's funeral. She hadn't gone to Frances Devlin's funeral, either. "I asked to, but they said it wasn't necessary," she said, referring to Edward and Arthur. Those who knew Edward Devlin in politics had no idea of his mother's religion or of the Ackermans' history of mental illness. He obviously wanted it that way. "Ridgewood is, historically, a predominantly German but also heavily Irish and Italian section," a lawyer of his acquaintance who knew his mother's religion commented. "For political advancement, it was almost fatal to be a Jew."

In May, 1984, Ruth Fiorello and Eleanor Devlin signed an affidavit regarding Edward Devlin's burial intentions, and, on May 29th, mailed it to the Queens County Public Administrator, attention of Michael Feigenbaum. Two days later, George Memmen, the Public Administrator, replied with a letter blaming Eleanor Devlin and Ruth Fiorello for having made a decision against Edward Devlin's



wishes; he said that they should therefore assume the responsibility of correcting their error. He added that Mount Hebron Cemetery required that those interred there be of "the Jewish persuasion." His letter suggested that the two women collect documentation to prove that Devlin was of the Jewish persuasion and forward it to his office for further consideration, along with the deed to the Ackerman plot and the maiden name of Mr. Devlin's mother. Ruth Fiorello sent Memmen Frances Ackerman's name, along with Devlin's drawing, and told him that she didn't have any deed—that it would have been kept in a safe-deposit box.

The records of Mount Hebron reveal that on May 30, 1984, notice was given that Edward Devlin was "not of the Jewish faith." The source of this misinformation (Jewish law considers all children of a Jewish mother to be Jewish) is not listed in Mount Hebron's records. Memmen declined to pay the cost, estimated at thirty-eight hundred dollars, of disinterring Edward Devlin and burying him alongside his mother.

When Adolph Nordt died, in 1955, he had been buried in a grave that had on its headstone simply "NORDT" and, below that, "FRANK NORDT, 1910-1920." "Wait till I go to put both our names on the stone," Catherine Nordt had told Mary in 1955. Now both Adolph and Catherine Nordt's names and dates of birth and death are carved on the stone. "I'm sure Mama is resting in peace," Mary McDowell said recently. Some of those who knew Edward Devlin do not believe the same can be said for him. Toward the end of his life, when Ruth Fiorello was preparing a meal, he sometimes offered to help. "I helped my mother in the kitchen," he would say. He never mentioned the father whom his brother had described years earlier as "cranky" and "irritable," the father whom he took after, and with whom he is buried at Calvary (near the marble monument that Mary Martin had erected and inscribed in memory of her beloved parents and her brothers and sisters) in an unmarked grave.

—SUSAN SHEEHAN

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