

March 3, 1917.

Mr. J. M. Danziger,  
Security Bldg.,  
Los Angeles, Cal.

My dear Mr. Danziger:

This will introduce Mr. Ray L. Makin my attorney who is foreclosing the mortgage on the Hyer house for my sister. Years ago my wife and I went on the original Hyer note and mortgage. Mr. Hyer bought it subject to this mortgage, and I never gave it another thought until I got a notice from the San Diego Savings Bank that they were going to foreclose against my wife and I owing to the fact that the Statutes of Limitations were about to run. I made an investigation and found out there were three mortgages - your third mortgage being for \$2500.00. The bank controlled the first and second mortgages and forced me to make arrangements to satisfy these mortgages as I had no desire to be made party defendant under foreclosure proceedings.

Mr. Hyer tells me that the \$2500. mortgage given Mr. Canfield in reality is all paid off excepting \$700.00, but I do not know how true this is.

My sister, Mary E. Fletcher, was kind enough to take up these mortgages in order that the bank would not file foreclosure suit against me.

I know my sister does not want the house and lots, and she will sell you the first and second mortgages for what she has in them - something like \$2000. including back taxes, back interest and all. My sister would like, in the worst way,



Mr. Danziger

-2-

to have you buy her out. She owns the first and second mortgages and had to file suit for her own protection as otherwise the mortgages would have all outlawed by reason of the Statutes of Limitations. The fact is, the suit was filed within two days of the limit. My sister does not want to put any more money into the proposition neither does she want to foreclose against the Canfield Estate, on my account, and I hope you can see your way clear to buy up the first and second mortgages. She will only ask for the return of the actual cash she has in it - which she can show by actual vouchers - and six per cent interest.

If you cannot see your way clear to buy, and want to make some proposition whereby when the property is disposed of she can make some kind of an adjustment with you and agree on the amount coming to you, she will be glad to make arrangements accordingly. In the mean time, to protect my sister's interests, the foreclosure proceedings must go ahead.

Yours very truly,

EF:B

May 8, 1917.

Ray L. Makin,  
Office.

Herewith attached please find copy of description of the road right-of-way as required through the Case estate, which description will apply to the Elwood Crandall in the Superior Court proceedings; also a map *describing* same.

Yours truly,



#267

COPY

San Francisco, Cal.,

May 29th-1917.

Mr. L. N. Turrentine,  
Escondido, Cal.

Dear Sir:

Your letters, also ones from Mr. Ellis and Mr. Makin, I took to my attorney-and his reply-I quote in full:

"In regard to the matter of obtaining a right of way from Elwood Crandall, a minor, I beg to say that I have examined the law in regard to it, and believe the only legal way in which a right of way could be obtained, would be by applying to the Court and obtaining an order for the sale of the right of way, and then having the sale confirmed to the County of San Diego, or by condemnation proceedings brot by the County of San Diego.

The exact cost of guardianship sale, I cannot say: there would have to be an inventory and appraisement made of the property to be sold; if the Judge insisted upon appointing three appraisers, this would cost \$15.00; and an additional \$1.25 notary fees; then there would be an advertising charge of an order to show cause and notice of sale, which would cost in the neighborhood of \$31.50; then there would be an additional notary fees and recording fees. I could safely estimate the cost at about \$75.00. It would take about two months to get the sale through. It might be that condemnation proceedings would be cheaper and quicker.

In regard to the Deed, that has been submitted for your signature, I would not sign it its present form. The description is ambiguous and might be construed to carry more than the mere right of way."

Personally to me, it seems like they are asking a whole lot to ask me to give right of way, offering no compensation - then levying such an exorbitant assessment against the property- to build the road. I am not making my living by giving something for nothing, and I feel we should be compensated in a reasonable measure. I fail to see that the road will increase the value of the property,so much, that I should fall easy, and sign away my rights, nor the rights of Elwood Crandall- whose guardian, I am.

Consequently I shall sign no deed till I understand the question more fully.

The fact that Troll and Hobart have already signed deeds, does not influence me, in the least.

We are not in any position to pay any such assessment, etc., and I dont think it right.

Respectfully,  
Mrs. Julia E. Sharpe,  
1745 Waller Street.

#267

COPY

L. N. Turrentine  
ATTORNEY AT LAW  
ESCONDIDO, CAL.

June 2, 1917

Ray L. Makin,  
Attorney at Law,  
San Diego, Calif.

Dear Sir:

I hand you herewith copy of Letter, this date received from Julia E. Sharpe, and please advise what you wish done in this matter.

Very truly yours,  
L. N. Turrentine.

T:C

Enclos.



June 4, 1917

Mr. Makin:

Attached herewith I return the letters of Julia E. Sharpe, 1745 Waller St., San Francisco and L.N. Turrentine relative to the Case Estate right of way. I suggest that you take this matter up with Mr. Fletcher and have him advise you how to proceed. I don't think you will have a great deal of trouble in this matter. You will have to consult with Mr. Crouch in order to get the ~~extra~~ exact status of the assessment. You are aware that we already have a two-fifths interest in this right of way. Attached find copy of my letter to S. T. Case which is explanatory.

T. P. Ellis.

TPE:K



**Ed Fletcher Papers**

**1870-1955**

**MSS.81**

**Box: 17 Folder: 4**

**General Correspondence - Makin, Ray L.**



**Copyright:** UC Regents

**Use:** This work is available from the UC San Diego Libraries. This digital copy of the work is intended to support research, teaching, and private study.

**Constraints:** This work is protected by the U.S. Copyright Law (Title 17, U.S.C.). Use of this work beyond that allowed by "fair use" requires written permission of the UC Regents. Permission may be obtained from the UC San Diego Libraries department having custody of the work (<http://libraries.ucsd.edu/collections/mscl/>). Responsibility for obtaining permissions and any use and distribution of this work rests exclusively with the user and not the UC San Diego Libraries.