

CIA

# BANK OF AMERICA HAD HUGHES STOCK

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Relative's Court Case Leads  
to Disclosure on Summa  
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SAN FRANCISCO, May 5—

When Howard R. Hughes died just a month ago, the Bank of America had possession of the stock certificates that controlled the Summa Corporation, which holds title to most of Mr. Hughes's estimated \$1.5 billion estate.

This was disclosed today in examination of a suit filed yesterday by Summa in Chancery Court in Wilmington, Del. Summa is a Delaware Corporation.

The suit asked that William Lummis, a Houston lawyer who is a cousin of the late Mr. Hughes, be appointed ancillary administrator of the Hughes estate. Mr. Lummis was appointed in an order signed today.

Mr. Lummis is a member of the Gano family, from which Mr. Hughes's mother came. The Gano family has seemed to ally itself with the administrators of Summa Corporation, who are seeking to hold Mr. Hughes's financial holdings together while they search for a will that they believe will pass Mr. Hughes's fortune to the

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Howard Hughes Medical Institute.

A spokesman for Summa was asked today why a news release issued by the company yesterday did not note that the Bank of America had been named a defendant in the Wilmington proceedings. He was not told of that fact, he said.

There was no explanation from Summa why the Bank of America had possession of the Summa shares. A spokesman for the bank said there would be no immediate comment. But sources familiar with Mr. Hughes's affairs in the last decade gave two possible explanations.

One version was that in 1966-67, when Mr. Hughes was buying the casinos that made him Nevada's biggest gambling operator, he needed more capital and negotiated a \$100 million loan.

The other version was that Mr. Hughes needed an appeal bond of \$70 million when he appealed a multimillion dollar judgment against him won by Trans World Airlines. He gave the bank physical possession of his Summa stock while it had the bond posted, according to this explanation.

Both explanations agree that Mr. Hughes at his death no longer had any obligation to the bank, but had merely neglected to have the shares restored to his own control.

The suit in Delaware in effect asked the Chancery Court to select the true heir of Mr. Hughes's estate, and it seemed to some legal observers to be a means taken by Summa executives and the Gano family to counter the attempt of Bruce Altman, Los Angeles county charge of the estate.

Mr. Altman was among the long list of defendants named. In addition to many members of the Gano family, the list included public officials who collect inheritance taxes here, and Noah Dietrich, named as executor in a purported Hughes will that turned up mysteriously last week in Salt Lake City. He avoided comment on the purported will.

### Different Probate Laws

The various states have significantly different laws governing probate matters, and Summa's lawyers have elected to try to achieve their ends in Delaware, rather than in California, Texas or Nevada, where state courts have matters pending involving the Hughes estate.

The only will anyone has produced is the one found in Salt Lake City, which now is held in the Clark County clerk's office in Las Vegas, Nev., it was found on a desk in a vacant office in the headquarters of the Church of Jesus Christ of Latterday Saints. This document is viewed with suspi-

cion by man who have followed Mr. Hughes's affairs, including most of his principal former employees.

Today District Judge Keith Hayes in Las Vegas, who has scheduled a hearing on the will's authenticity May 21, allowed a handwriting expert from Los Angeles to examine it.

The handwriting examiner, Jack Harris, said he was retained by a Los Angeles lawyer who represents three sisters—Barbara Cameron, Elspeth dePould and Agnes Roberts.

Mrs. Cameron filed an affidavit with the Las Vegas court saying she and her sisters are granddaughters of Robert Hughes, the late novelist, who was Howard Hughes's uncle. They claim half the estate, the petition says, under a provision of Texas law entitling paternal and maternal relatives to share equally as groups.

Also in Las Vegas, a Tennessee lawyer appeared today to denounce the purported will as "not valid and positively a forgery." Alex Meacham of Nashville said he represented three paternal cousins of Mr. Hughes—Jeff Melton Hughes, Elizabeth Hughes McDugald and Felix Turner Hughes.

Mr. Meacham, of Smyrna, Tenn., asked for a delay beyond the May 21 hearing and vowed to "prove the will is not valid."

### Document Is Shielded

Judge Hayes issued instructions that the purported will be shielded in a plastic envelope that would protect it in visual examinations. He also granted the request of District Attorney George Holt that it be photographed in black and white, in color, and infrared and ultraviolet lights. He barred chemical tests at this time.

In Salt Lake City the Mormon church closed its investigation of how the purported will came to be found on a desk in a room that had been vacant all that afternoon of Tuesday, April 27.

The church spokesman, Jerry Cahill, said the investigators produced a composite drawing of a woman that one of the lobby receptionists thought she saw that afternoon with an envelope. "But the drawing hasn't rung any bells as far as people here are concerned," Mr. Cahill said.

In the first 30 days after Mr. Hughes died, the court fight over his great wealth has begun. Generally, the combatants fall into the five following groups:

The executives who ran his companies, who do not expect to inherit anything, but hope to see the properties go to the Howard Hughes Medical Institute that they say Mr. Hughes wanted to support. Top Summa executives control the institute.

No continuation