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Detroit, June 11 (AP)- The brother of Jack Ruby, convicted slayer of Lee Harvey Oswald, has petitioned probate court here to be appointed guardian of Ruby's estimated \$25,000 personal estate in Wayne (Detroit) County.

Probate Judge Thomas Murphy scheduled a hearing for July 19 on the petition filed by Earl Ruby of suburban Southfield.

The petition says Jack Ruby, who awaits a sanity hearing in Dallas, Tex., for the slaying of President Kennedy's alleged assassin, is "mentally incapable to have the care, custody and management of his estate " in Wayne County.

Judge Murphy quoted Earl Ruby's attorney, Alan Adelson, as saying as much as \$26,000 in royalties, presumably on stories dealing with the killing, have been paid to Jack.

Adelson declined to elaborate on the petition. Earl Ruby declined to say whether his brother owns any real estate in the county.

The petition provides for notification of the hearing to Jack's two other brothers, Samuel of Dallas, and Hyman Rubenstein of Chicago, and his four sisters, Eva Grant of Dallas, and Eileen Kaminsky, Ann Volpert and Marian Carroll, all of Chicago.

Jack Ruby was sentenced to death March 14, 1964, on conviction of murder in Oswald's death. The sanity hearing has been delayed by a legal battle over which attorneys should represent Ruby.

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