

Clarion Journal

A Suburban Journals Publication

COLUMBIA • RED BUD • HECKER • VALMEYER • WATERLOO AND SURROUNDING COMMUNITIES

R 21

SUNDAY, MARCH 14, 2004

FIFTY CENTS

Court case seeks ruling on Zimmer's competence

Claims retired attorney was 'erratic' on trust matter

By Joe Leicht
Staff writer

Edgar O. Zimmer had been venerated as a near legend in Monroe County legal circles.

MONROE COUNTY Now—in a case that could bear on the fate of the proposed Monroe County YMCA—the physical and mental state of the retired attorney and former state's attorney has become subject of a civil action.

Wednesday, Belleville attorney Edward J. Blake filed a petition asking Monroe Circuit Court to dismiss a petition filed by Zimmer's attorney Floyd Crowder last month to rule on a slate of trustees to handle the estate of Zimmer's late brother William Zimmer.

Perhaps more important, Blake, working on behalf of Edward Jones Trust Co., has asked the court to name a guardian to protect the interests of the apparently infirm Zimmer.

Zimmer turned 100 years old earlier this year and now resides at Columbia Convalescent Center, where he uses a wheelchair because of his apparently frail condition.

In a Clarion interview last month Zimmer appeared cogent—even witty—when asked about his 100th birthday.

Blake, however, contends there are questions about Zimmer's handling of his estate a court should answer.

Edward Jones Trust Co., under an agreement filed in June 1998, was named co-trustee of the William Zimmer estate along with his brother Edgar. William Zimmer left about \$1 million to be used for public recreation.

William Zimmer died before he named three to five "Waterloo Community Leaders" to oversee the disbursement of the funds.

Edgar Zimmer and Edward Jones Trust Co. have named different slates of "leaders," which was the subject of a Feb. 11 petition for declaratory judgment.

Zimmer's list of proposed trustees includes former Monroe County Board Chairman Bob Rippelmeyer, former Waterloo mayor and alderman Verlyn "Red" Smith, now-retired banker Robert Hoffmann, former Waterloo Chamber of Commerce president and insurance professional Chip Bieber and former Waterloo School Board president Thomas Welsch.

The investment company's list, which the trust document appears to state can be appointed by the current Waterloo mayor, includes attorney Jay Huetsch, Greg Kipping and city budget director Shawn Kennedy.

In his petition, Blake contends Zimmer's list should not be honored and that his "actions in this matter have been contradictory and somewhat erratic."

Blake further alleged Zimmer's physical and mental

state "may give rise to issues and concerns relating to his potential vulnerability to suggestions, requests, or inducements as well as motives for solicitations of representation" and "impact his ability to adequately consider and make objective, impartial decisions."

Blake entered into evidence separate letters signed by Edgar Zimmer that at various times in the past two years indicated he wanted Belleville attorney Grey Chatham, law partner of current city legal consultant Brian Babka, and Crowder to handle the estate.

Another letter Blake alluded to indicated Zimmer did not want Crowder's law firm involved.

Still another letter signed by Zimmer said, "my brother would never have given any mayor of Waterloo the power to appoint the original members of the Waterloo Community Leaders Committee."

Zimmer also apparently sent a letter to Jeff Wolfe, another attorney representing Edward Jones Trust Co., asking the company to "abandon its adversary(sic) and obstructionist position with respect to cooperating with (him) in carrying out his brother's intentions."

Blake has requested a jury hear the case. Neither the proposed "leaders committee" nor the one appointed by Kipping publicly has stated any position on the use of the Zimmer estate.