

IN THE CIRCUIT COURT OF CLEBURNE COUNTY, ARKANSAS  
PROBATE DIVISION

IN THE MATTER OF THE ESTATE OF MIKE  
MEYERS A/K/A MIKE MEYER DISFARMER, DECEASED

NO. 12PR-59-963

PETITION TO REOPEN ESTATE AND FOR APPOINTMENT  
OF SPECIAL ADMINISTRATOR

COMES NOW Fred Stewart, whose address is 4901 Atwood Road, Little Rock, Arkansas 72206 ("**Petitioner**"), whose interest in the estate is that of heir, pursuant to Ark. Code Ann. §§ 28-53-119 and 28-48-103, and moves the Court to reopen the Estate of Mike Meyers a/k/a Mike Meyer Disfarmer (the "**Estate**"), and to appoint a special administrator, as follows:

1. Mike Meyers a/k/a Mike Meyer Disfarmer (the "**Decedent**") died intestate on or about September 28, 1959.

2. Petitioner is an heir of the Decedent and interested in the Estate. He brings this Petition pursuant to Ark. Code Ann. §§ 28-53-119 and 28-48-103.

3. U.S. Hensley was appointed Administrator of the Estate by Order dated October 8, 1959. After the death of U.S. Hensley, Buel W. Hensley was appointed to serve as successor Administrator of the Estate by Order dated September 12, 1961.

4. Buel W. Hensley was discharged as the Administrator of the Estate and the Estate was closed by Order dated December 19, 1961.

5. The Petition dated March 31, 1960, filed by U.S. Hensley indicates that the only asset of the Estate was \$18,146.80 on deposit in Arkansas National Bank. Similarly, the Accounting by Personal Representative or Guardian dated September 20, 1961 signed by Buel W Hensley represents that \$18,146.80 cash on deposit in Arkansas National Bank was the only asset of the Estate. No other assets were administered in the first administration of the Estate.

6. There is a limited need to reopen the Estate pursuant to Ark. Code Ann. § 28-53-119 based on the discovery of property of the Estate that was not administered.

7. Specifically, Decedent was a professional photographer who maintained a portrait studio in Heber Springs, Arkansas until his death in 1959. Decedent's photographs of everyday people have been regarded as art and Decedent's gravesite is on the National Register of Historic Places. Recently, Petitioner and other heirs of the Decedent have discovered that valuable property belonging to Decedent, consisting of thousands of negative plates of photographs shot by the Decedent (the "Negatives"), was not administered during the original probate of this Estate. It is Petitioner's information and belief that the Negatives are extremely valuable. Those Negatives were not inventoried by the previous administrators, administered and distributed to the Decedent's heirs. Instead, it appears that the Negatives were wrongfully taken from the Decedent's residence by unrelated third parties who then used them for their own gain and benefit. See, e.g., [www.disfarmer.com](http://www.disfarmer.com).

8. As the author of the photographs (the "Photographs"), Decedent also was the sole owner of the copyrights in them at the time of his death. "In the absence of a will, the intestate succession law of the decedent's domicile will determine the disposition of statutory copyright whether original or renewal term, (as well as common law copyright) vested in the decedent at his death." 3 Nimmer on Copyright § 10.06. Courts have recognized the application of the state law of intestate succession under the 1909 Copyright Act. *Forster Music Publishing Co. v. Jerry Vogel Music Co.*, 62 U.S.P.Q. 142 (S.D.N.Y. 1944), *aff'd*, 147 F.2d 614 (2d Cir. 1945); *Maddux v. Grey*, 43 F.2d 441 (S.D. Cal. 1930). See also 17 U.S.C. § 201(d)(1) under the 1976 Copyright Act ("The ownership of a copyright may . . . pass as personal property by the applicable laws of intestate succession."). All copyright owners, including heirs who receive copyright rights through intestate succession, are entitled to exercise rights of

ownership, including the exclusive rights of reproduction, public display, preparation of derivative works and distribution. 17 U.S.C. § 106.

9. Although almost 60 years have passed since the estate was closed, the Decedent's copyright rights remain effective and will continue to be enforceable until 70 years after the author's death, which will occur in 2029. 17 U.S.C. §§ 302(a) and 303.

9. Ark. Code Ann. § 28-53-119 provides:

(a)(1) If, after an estate has been settled and the personal representative discharged, other property of the estate is discovered, or if it appears that any necessary act remains unperformed on the part of the personal representative, or for any other proper cause, the court, upon the petition of any person interested in the estate and without notice or upon such notice as it may direct, may order that the estate be reopened.

(2) It may reappoint the personal representative or appoint another personal representative to administer such property or perform such act as may be deemed necessary.

10. Because other property of the Estate has been discovered, namely the Negatives and the copyrights in the Photographs, the Court should reopen the Estate so the property can be administered and distributed to the heirs of the Decedent.

11. As noted above, Ark. Code Ann. § 28-53-119(a)(2) provides that when the Court reopens an estate it may reappoint the personal representative or appoint another personal representative to administer the property.

12. In addition, Ark. Code Ann. § 28-48-103 authorizes the Court to appoint a special administrator to perform particular acts as directed by the Court. Petitioner respectfully requests that he be appointed special administrator for the purpose of administering the Estate's rights in the Decedent's copyrights, including by asserting the Estate's rights under federal copyright law and distributing the rights to the heirs of the Decedent, all subject to the supervision and approval of the Court.

13. It is in the best interests of the Estate and the heirs that the Estate be reopened and a special administrator appointed to identify, preserve, protect and distribute the Decedent's copyright rights in the photographs and negatives.

14. At the time of his death, the surviving heirs of the Decedent, and their respective ages, and relationships to the Decedent, were:

<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>
Charles W. Meyers	70	brother
Anna M. Klinger	73	sister
Anna Goodrich	78	sister
Heirs of Andrew Meyer, deceased		brother
Heirs of Barbara Neukam, deceased		sister
Heirs of Mary Ursula Fricker, deceased		sister

15. Those siblings of the Decedent that were living at the time the Estate was opened are all now deceased. Petitioner is an heir of Mary Ursula Fricker, the Decedent's sister. The other living heirs of the Decedent known or believed to be known to Petitioner are identified in **Exhibit "A"** attached hereto and incorporated herein by reference.

16. The Petitioner is a proper person and is fully qualified by law to serve as Special Administrator of the Estate and to serve without bond. The Petitioner is over the age of 18, of sound mind, and not a convicted and unpardoned felon under the laws of the United States or of any state or territory of the United States. The Petitioner is qualified to administer the Estate of the Decedent and to accept Letters of Administration.

**THEREFORE**, the Petitioner requests that the Court make an order to reopen the Estate for the purpose of identifying, securing, protecting and distributing the Decedent's copyright rights in the photographs and negatives; and that the Petitioner be appointed as the Special Administrator of the Estate for such purposes.

**Respectfully submitted,**



**Fred Stewart, Petitioner**

**THIS INSTRUMENT PREPARED BY:**

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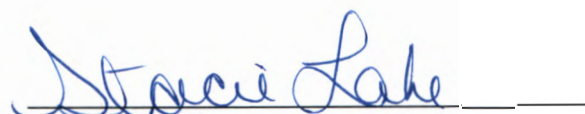
**VERIFICATION**

**STATE OF ARKANSAS** )  
 ) **ss.**  
**COUNTY OF** Pulaski )

I hereby state that the within and foregoing *Petition to Reopen Estate and for Appointment of Special Administrator* is true and correct to the best of my knowledge and information.

  
\_\_\_\_\_  
**Fred Stewart**

**SUBSCRIBED AND SWORN** to before me, a Notary Public, on this 22 day of January, 2021.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

11-15-2029



## EXHIBIT "A"

### Heirs of Charles W. Meyers

Dillingham, Alicia  
Dillingham, Ian  
MacKinnon, Kate  
Glotfelty, Jenny  
Embry, Jeanne

### Heirs of Anna M. Klinger

Harvey, Sheryl  
Moran, Lori  
Hoffman, Lucille  
Harvey, Charles  
Harvey, Marion Bollinger  
Cabral, Dovel  
Hasman, Donna  
Parrett, Roger  
Adams, Darryl  
Adams, Stacy Lee  
Arnett, Patricia  
Howell, Carolyn  
Horn, Monk Rosemary  
Weare, Mary Ann  
Kirkemier, Lester Albert  
Martin, Michelle  
Janet Minor Holland  
Jenkins, Nancy  
Thweatt, Susan  
Kirkemeir, , Frank  
Adams, Billy Lee  
Adams, Brian William  
Hall, Kathy  
Kirkemier, Rodger  
Price, Glenn  
Lockridge, Kathy  
Ebbinghouse, Judith  
Minor, Raymond  
Guenther, Mildred  
Minor, Todd  
Minor, Barry  
Stidham, Brandon  
McCoy, Lisa  
Newkirk, Ruth  
Todd, Margaret

Price, John  
Minor, Jim  
Lundy, Terry  
Oliver, Brenda  
Minor, William  
Zimmer, Don  
Hall, Beverly  
Minor, Jr, Jim

**Heirs of Anna Goodrich**

Helm, Barbara  
Reichard, Janice  
Reidel, Carolyn

**Heirs of Andrew Meyer**

Holderman, Sandy  
Bednar, Glenda  
Mathis, Kerry Leigh (Thomason)  
Harriss, Terri  
Jordan, Demra  
Sanders, Grace Lorraine  
Stephens, Sondra  
Thomason, Beverly  
Fellner, Samuel  
Jackson, Mary Lillian  
Reiswig, Aimee  
Soule, Rhonda  
Jones, Sherry  
Saunders, Linda Sue  
Tolbert, Casey  
McCollum, Nancy Ann (Thomason)  
Meyer, Michael

**Heirs of Barbara Neukam**

Horton, Barbara  
Miller, Shelley  
Moritz, Rosemary  
Moritz, Verna Zarlingo  
Barnes, Benjamin  
Barnes, Crystal  
Barnes, Killian Mikal  
Pison, Nora  
Jones, Tammi  
Bonnie Bratton



Neukam, John Louis  
Cannon, Donna  
Neukam, Richard  
Fischer, Teresa

**Heirs of Mary Ursula Fricker**

Fricker, James Edward  
Fricker, Roy David  
Fricker, Mary Anderson  
Stewart, Ellen  
Uhiren, Linda Kay  
Fricker, Earl  
Funk, Debra  
Funk, Sandy  
Booth, Nancy Carol  
Strain, Shelley  
Booth, Bradley