

The foregoing instrument, consisting of two pages besides this was at the date hereof by the said Henry E. Ankeny signed, and sealed, and published as and declared to be his last will and testament, in presence of us who at his request and in his presence and in the presence of each other, have subscribed our names as witnesses thereto.

Thos. G. Reames  
Residing at Jacksonville, Oregon.

In the matter of the estate:  
of  
Henry E. Ankeny, deceased.

Now at this time this matter came on for hearing from the petition of Cordelia L. Ankeny for the probate of the will of Henry E. Ankeny deceased and it appearing to the Court from said petition, duly verified that Henry E. Ankeny died at Portland, Oregon on the twenty second day of December, 1906, and being at the time of his death a resident of Lane County, Oregon and owning real and personal property therein and that his estate is of the probable value of fifty five thousand dollars; that said Henry E. Ankeny dies intestate leaving a last will and testament; that the names, ages and place of residence of the heirs at law of deceased are as follows, to wit:  
Cordelia L. Ankeny, widow of deceased, age 57 years, residence Eugene, Oregon;  
Cora Belle Crump, daughter of deceased, age 34 years, residence Jackson County, Oregon;  
Annie May Cantrell daughter of deceased, age 31 years, residence Klamath Falls, Oregon;  
Cordelia R. Orth, daughter of deceased, age 37 years, residence Medford, Oregon;  
Frank Ennis Ankeny, son of deceased, age 29 years, residence Klamath Falls, Oregon;  
Dolly A. Miller, daughter of deceased, age 25 years, residence Medford, Oregon;  
Gladys Ankeny, daughter of deceased, age 19 years, residence Eugene, Oregon.

And the petitioner having presented for probate the last will and testament of said deceased, this Court having heretofore issued a commission to the Honorable George W. Dunn, County Judge of Jackson County, Oregon to take the testimony of W.M. Colvig, subscribing witness of and to said will and the testimony of said witness and of C.C. Beekman having been taken by said commissioner in pursuance of said commission, on the 11th day of January, 1907, and being duly certified to this Court and now presented and filed herein;

And it appearing to the Court from the testimony of said witnesses that said document herewith presented for probate is the last will and testament of the said Henry E. Ankeny, deceased, and that the same was executed on the 14th day of August 1897, the day it bears date, before W.M. Colvig and Thomas G. Reames and that the same was on said date duly declared by said deceased to be his last will and testament; and that the said witnesses at his request and in his presence and in the presence of each other on said date, duly subscribed their names as attesting witnesses thereto; that at the time of the execution of said will the said Henry E. Ankeny was of sound mind and disposing mind and memory and not under any restraint or undue influence; that he was over the age of 21 years of age at the time of the execution of said will.

And it further appearing that by the terms of said will the said petitioner, Cordelia L. Ankeny is appointed executrix of said will and to act as such without giving bonds and Vincent Cook is likewise appointed executor without giving bonds;

It is therefore ordered, adjudged and decreed that said document so presented be and the same is hereby admitted to probate as the last will and testament of said Henry E. Ankeny, deceased and the said Cordelia L. Ankeny and Vincent Cook are hereby appointed executors of the said will and it is further ordered that letters testamentary issue to them as such executors and that T.G. Hendricks, S.H. Friendly, and L.W. Roney be and they are hereby appointed appraisers of said estate to appraise that part of said estate, in Lane County, Oregon.

G.R. Chrisman, County Judge.

State of Oregon  
County of Lane SS.

I E.U. Lee, County Clerk and Ex-officio Clerk of the County Court in and for Lane County, State of Oregon, do hereby certify that I have compared the foregoing copy of will of Henry Ankeny, and Order probating same, with the original, and that the same is a correct transcript therefrom; and of the whole of said original will and order probating same, as the same appear of record at Pages 127 and 128, Book No. 2, Lane County Will Records, now in my official care and custody.

In witness whereof, I have hereunto set my hand and affixed the seal of the County Court in and for Lane County, State of Oregon, this the 18th day of December, 1907.

E.U. Lee, County Clerk and Ex-officio  
Clerk of the County Court in and for Lane  
County, Oregon.

Filed and recorded on the 31st day of December, A.D. 1907, at 11:20 O'clock AM  
Geo. Chestain, County Clerk

By Roy G. Walker Deputy

J.P. Whitman & Co.  
United States.  
Agreement to Convey.

This Agreement, made this 15th day of November nineteen hundred and seven, between J.P. Whitman and Caroline Whitman, his wife, of Medford County, State of Oregon, of the first part, and the United States of America, and its assigns, of the second part, acting in this behalf by D.W. Murray, for the United States Reclamation Service, the same duly authorized by the Secretary of the Interior;

Witnesseth, that the party of the first part, in consideration of the payment by the party of the second part of the sum of one dollar, the receipt for which is hereby acknowledged and of the benefits to be hereafter derived from the construction of irrigation works through, upon, or in the vicinity of the land hereinafter described, agrees that the authorized agents of the United States may enter upon and survey for, locate, grade, and construct canals, ditches, telephone and electric transmission lines, and other irrigation works, as provided for in the act of Congress approved June 17, 1902, (32 Stat. 388), known as the Reclamation Act, upon and across the land of the party of the first part, described as follows, to wit: Southeast quarter of the southeast quarter of section 22, Township 39 South, Range 10 East, Willamette Meridian, Klamath County, Oregon.

and may take and use for such purposes a strip of said land 40 feet wide on each side of the center line of said canals or other lines in the direction now surveyed and marked out, or as may hereafter be surveyed and marked out and found most practicable over said land.

And the party of the first part hereby agrees that at any time during the continuance of this agreement, after it is determined that the strip of land above described will be needed for irrigation works to be constructed by the United States as aforesaid, they will at the request of the party of the second part, convey to the United States all their right title and interest in and to the same, and all rights, titles, interests, easements, and encumbrances appurtenant thereto, comprising and belonging to the whole thereof, for the uses and purposes aforesaid, by good and sufficient deed, releasing the United States from all claims for damages by reason of entry upon the land first above described, and by reason of the survey, construction, or operation of said works.

This agreement shall become effective to bind the Government only upon its approval by the Director U.S.R.S., whose approval or disapproval will be signified within 6 months from the date hereof, and shall terminate by limitation at the expiration of 5 years from the date of said approval; provided, that the time may be extended at the option of the party of the second part for a period equal to the delay caused by perfecting title in the party of the first part.

The provisions of this agreement shall survive to the benefit of and be binding upon the heirs and assigns of the party of the first part and also the assigns of the United States.

In Witness Whereof, the parties to this agreement have hereunto set their hands the day and year first above written. Done at, in words "Secretary of the Interior" spoken and written U.S.R.S. Substantiated therefor with our assent before execution.

Witnesses:  
J.P. Whitman of Medford, Oregon.  
P.L. Barnhart of Medford Oregon.

J.P. Whitman  
Caroline Whitman

W.S. Riley of Klamath Falls, Ore.  
Gurdis B. Widnes of Klamath Falls, Ore.

Party of the first part.  
D.W. Murray, for and on behalf of the  
United States, Party of the second part.

Approved this 20th day of November 1907  
A.P. Davis Acting Director

State of Oregon  
County of Jackson SS:

I, S.S. Penick, a Notary Public in and for said county, in the state aforesaid, do hereby certify that J.P. Whitman and Caroline Whitman, husband and wife, who are personally known to me to be the persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument of writing as their free and voluntary act, for the uses and purposes therein set forth.

I further certify that I did examine the said Caroline Whitman separately and apart from her husband, and explained to her the contents of the foregoing instrument, and upon that examination she declared that she did voluntarily sign, seal, and acknowledge the same without any coercion or compulsion, and does not wish to retract the same.

Given under my hand and official seal, this 22nd day of November A.D. 1907.  
S.S. Penick, Notary Public State of Oregon.

Filed and recorded on the 21 day of January, A.D. 1908, at 10 o'clock AM.  
Geo. Chestain, County Clerk

By Roy G. Walker Deputy