

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

Department of Probate

NOV 22 1968

ROBERT SCHUMACHER, County Clerk
Robert Schumacher

24
In the Matter of the Estate)

of)

SAMUEL D. EARHART,)

Deceased.)

NO. 15108

PETITION FOR PROBATE OF WILL
AND APPOINTMENT OF EXECUTRIX

COMES NOW KATHRYNE R. EARHART and respectfully represents to the
Court as follows:

I

That the above named decedent, SAMUEL D. EARHART, died in the City
of Vancouver, Clark County, Washington, on the 30th day of October, 1966, being
at the time of his death an actual and bona fide resident and inhabitant of
the City of Milwaukie, Clackamas County, Oregon, leaving personal property
in said county of a probable value in excess of \$15,000.

II

That the said SAMUEL D. EARHART on the 14th day of September, 1959,
executed a certain instrument in writing which your petitioner believes and
therefore represents to the Court to be his Last Will and Testament and which
your petitioner files herewith as the Last Will and Testament of said decedent.

III

That at the time of the execution of said Last Will and Testament
the said SAMUEL D. EARHART was over the age of 21 years, to wit: of the age
of 68 years or thereabouts, and at said time was of sound and disposing mind
and memory and not acting under the influence of duress, menace, fraud, or
undue influence of any person whomsoever, and was in every way competent and
qualified to execute said Last Will and Testament.

IV

That said Last Will and Testament was signed by the said testator
and declared by him to be his Last Will and Testament in the presence of two

1 witnesses, to wit: ESTON HUMPHREY and R. M. SORENSON, who at the request of
 2 the testator and in his presence and in the presence of each other also sub-
 3 scribed their names to said Last Will and Testament as attesting witnesses
 4 thereto.

V

5
 6 That the names of the heirs and next of kin of said decedent,
 7 together with their ages and places of residence, are as follows, to wit:

8 Kathryn R. Earhart, widow of said decedent, 65 years of age, residing
 at Milwaukie, Oregon;

9 June Earhart Herbert, daughter of said decedent, 38 years of age, resid-
 10 ing at Portland, Oregon;

11 Austin Dean Earhart, son of said decedent, 36 years of age, residing at
 12 Milwaukie, Oregon.

VI

13
 14 That the devisees and legatees named in said Last Will and Testament
 15 are the above named heirs and next of kin and The United States National Bank
 16 of Portland (now the United States National Bank of Oregon), trustee for the
 17 above named heirs and next of kin.

VII

18
 19 That your petitioner is named in said Last Will and Testament as
 20 the executrix thereof, to serve as such without bond; that your petitioner
 21 is in every way competent and qualified to act as executrix of said estate and
 22 is willing to do so.

23 WHEREFORE, your petitioner, KATHRYNE R. EARHART, prays for an order
 24 of this Court declaring the said instrument filed herewith to be the Last
 25 Will and Testament of SAMUEL D. EARHART, deceased, admitting said instrument
 26 to probate as such Last Will and Testament, and further prays that she be
 27 appointed executrix of said Last Will and Testament and of said estate, to
 28 serve as such without bond, and that the Court appoint appraisers for said
 29 estate.

WHITE & SOUTHWELL
 ATTORNEYS AT LAW
 200 N. 10TH AVE.
 PORTLAND 1, OREGON

30
 31 *Kathryn R. Earhart*
 Petitioner
 32

1 STATE OF OREGON)
 2 County of Multnomah) ss.

3 KATHRYNE R. EARHART, being first duly sworn, deposes and says:

4 That I am the petitioner named in the foregoing petition; that I
 5 have read the same and know the contents thereof; and that the statements
 6 therein contained are true as I verily believe.

7 Kathryne R. Earhart

8 Subscribed and sworn to before me this 15th day of November,

9 1966.

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 11 Agnes Williams
 12 Notary Public for Oregon
 13 My commission expires 11/3/69.

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Kathryne R. Earhart, Petitioner
 4005 S. E. Wake Court
 Milwaukie, Oregon

White & Southwell
 Attorneys for Petitioner
 2130 S. W. Fifth Avenue
 Portland, Oregon 97201
 226-6491

5564 JEFFERSON COUNTY

NOV 23 1966

15103

ROBERT SCHUBACHNER, County Clerk
By: [Signature] Deputy

THIS IS THE LAST WILL AND TESTAMENT of me, SAMUEL D. EARHART, of Jackson County, Oregon.

FIRST: I direct that my just debts and funeral expenses be promptly paid. I direct my executrix or executor, as the case may be, to treat as an obligation of my estate and to pay, without any apportionment thereof, all estate, inheritance or other death taxes or duties imposed and made payable by reason of my death by the laws of the United States, or of any state, territory or country. If any other person shall pay any such tax my executrix or executor shall reimburse such person.

SECOND: I give my jewelry unto my son, Austin Dean Earhart, and give all of my other personal effects and any interest in the household furniture and equipment, automobiles and club memberships, unto my wife, Kathryn R. Earhart.

THIRD: All of the rest, residue and remainder of my estate of whatsoever nature and wheresoever situate, hereinafter referred to as my residuary estate, I give, bequeath and devise unto The United States National Bank of Portland (Oregon), in Trust, upon the terms and conditions and for the uses and purposes hereinafter set out.

(a) My Trustee shall pay to or apply for the benefit of my wife, Kathryn R. Earhart, for so long as she shall live, the net income of the trust estate. My Trustee shall pay to my said wife or otherwise apply for her care, support and maintenance, such sums from principal as it shall deem necessary or advisable in addition to any other payments hereinabove provided to be made to her or for her benefit.

(b) Upon the death of my wife, or upon my death should she have predeceased me, the then remainder of the trust estate shall be divided into two equal shares, one of which shall be known as the June Earhart Herbert Trust, and the other of which shall be known as the Austin Dean Earhart Trust.

(1) My Trustee shall pay to or for the use and benefit of my daughter, June Earhart Herbert, the net income of the June Earhart Herbert Trust in quarter-annual installments for the term of her natural life. On her death, or on the death of my wife in case my said daughter shall have predeceased my wife the Trustee shall pay and assign the trust estate then remaining unto the then living issue of my said daughter, per stirpes, thereby terminating said trust; provided, however, that should any living child of my said daughter then be under the age of 28 years the Trustee shall hold the fund in continued trust until such time as there is no living child of my said daughter under the age of 28 years, at which time it shall pay and assign the trust estate unto the living issue of my said daughter, per stirpes, thereby terminating said trust.

(2) My Trustee shall pay to or for the use and benefit of my son, Austin Dean Earhart, the net income of the Austin Dean Earhart Trust in quarter-annual installments for the term of his natural life. On his death, or on the death of my wife in case my said son shall have predeceased my wife, the Trustee shall pay and assign the trust estate then remaining unto the then living issue of my

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ATTORNEYS AT LAW
KLAMATH FALLS, ORE.

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1 said son, per stirpes, thereby terminating said trust; provided, however, that
 2 should any living child of my said son then be under the age of 28 years the
 3 Trustee shall hold the fund in continued trust until such time as there is no
 4 living child of my said son under the age of 28 years, at which time it shall
 5 pay and assign the trust estate unto the living issue of my said son, per
 6 stirpes, thereby terminating said trust.

7 (c) Income accrued or held undistributed upon the termination of any estate
 8 or interest under this trust shall go to the beneficiaries entitled to the next
 9 eventual interest in the proportion in which they take such interest.

10 (d) During the periods of each trust continued pursuant to the preceding
 11 paragraph, my Trustee shall pay to or apply for the benefit of the children of
 12 such deceased child of mine and the issue of any deceased such grandchild of
 13 mine, or any of them, such sums from income and principal as it shall deem
 14 necessary and advisable for the care, support, maintenance and education of such
 15 children and other issue, or any of them. Each disbursement pursuant to this
 16 paragraph shall be a charge against the whole of such trust and not against any
 17 distributive share thereof. Provided, however, that it is my intention that
 18 the duration of these trusts shall not be longer than lives in being of the
 19 beneficiaries hereinabove named or otherwise provided for living at the time
 20 of my death plus twenty-one years, and at the expiration of said period of time,
 21 these trusts shall terminate notwithstanding that some of the issue above
 22 mentioned may not at that time have attained the age of majority, in which event
 23 the trustee shall distribute the share of the trust estate such minor issue shall
 24 then be entitled to to his or her legal representatives.

25 FOURTH: With respect to each trust herein created:

26 (a) In making payments committed to its discretion to or for the benefit of
 27 any beneficiary my Trustee shall take into consideration any other income or
 28 support received or property possessed by such beneficiary and known to my
 29 Trustee, but the extent to which such other income, support or property must
 30 first be used or liquidated by such beneficiary shall be in the absolute discre-
 31 tion of my Trustee.

32 (b) The interest of beneficiaries in principal or income shall not be subject
 33 to claims of their creditors or others, nor to legal process, and may not be
 34 voluntarily or involuntarily anticipated, alienated or encumbered.

35 FIFTH: With respect to each trust herein created the Trustee shall have
 36 power:

37 (a) To manage, sell for cash or upon terms, convey, exchange, encumber, divide,
 38 subdivide, improve and maintain the trust estate or any part thereof; to create
 39 restrictions, easements and other servitudes; to grant options; to carry insur-
 40 ance in such amount and against such hazards as my Trustee may deem advisable; to
 41 lease, license and create such other rights, privileges and interests as my
 42 Trustee may deem advisable for terms within or extending beyond the duration of
 43 the trust.

44 (b) Upon any division or distribution of the trust estate to partition,
 45 allot and distribute the trust estate in undivided interests or in kind at val-
 46 uations determined by my Trustee, or partly in kind and partly in cash, and to
 47 sell such property as my Trustee may deem appropriate.

48 (c) To pay assessments and other sums deemed necessary by my Trustee for
 49 the protection of the trust estate; to participate in voting trusts, pooling
 50 agreements, foreclosures, reorganizations, consolidations, mergers and liquid-
 51 ations, and in connection therewith to deposit securities with and transfer title
 52 to any protective or other committee or fiduciary; to give proxies, general and
 53 special; to exercise or sell stock subscription or conversion rights; to accept
 54 and retain as an investment any securities or other property whether or not

1 authorized by law for the investment of trust funds, received through the
exercise of any of the foregoing powers.

2 (d) To advance funds for the benefit of the trust estate or for the payment of
3 any distributive share or interest, any such advance with interest at current
4 rates to be a first lien upon the trust estate; to borrow money for such purpose
as my Trustee shall deem to be for the interest of the trust estate upon such
terms and conditions as my Trustee may deem proper.

5 (e) To realize, by suit or otherwise, upon any promissory note or other chose
6 in action, and in settlement thereof to compromise, discount, adjust, extend or
7 abandon same; to commence and prosecute to such determination as it shall deem
proper; such suit or action or other proceeding as it shall consider appropriate
8 to protect, preserve or recover the trust estate or any part thereof; to defend
against any suit or other proceeding brought against it.

9 (f) To invest and reinvest the trust estate in such bonds, mortgages, deben-
10 tures, preferred and common stocks and other property, real or personal, includ-
ing any common trust fund administered by my Trustee, as it shall deem prudent;
11 and to retain as an investment any property in any way received or acquired by
it for so long as it shall consider such retention of probable benefit to the
trust estate and the beneficiaries thereof.

12 (g) To receive indemnity to its satisfaction before taking any step which may
13 subject it to loss.

14 (h) To resign its trusteeship hereunder at any time. In the event of such
15 resignation my Trustee or any person interested in the trust may take such
steps as may be necessary to secure the appointment of a new trustee in the
manner provided by law.

16 (i) To employ such attorneys and agents as it may consider necessary.

17 (j) To do all things it might do in the absence of the foregoing specific
18 powers.

19 SIXTH: If my said wife and I shall die under such circumstances that I
20 cannot be established by proof which of us shall have survived the other, it
21 shall be presumed for all the purposes of this will and the trusts herein pro-
22 vided, that my said wife predeceased me.

23 SEVENTH: I hereby appoint my wife, Kathryn R. Earhart, as executrix of this
24 will, to serve without bond. Should she predecease me or be unwilling or unable
25 to act, I appoint The United States National Bank of Portland (Oregon) my sole
26 executor.

27 I hereby empower my said executrix or executor, as the case may be, to lease,
28 encumber, sell, exchange or otherwise deal with or dispose of all my property,
29 real or personal, or any part thereof, in such manner, at such times, and upon
30 such terms as she or it shall deem to be to the interest of my estate, to the
31 same extent as my trustee is herein authorized to act with respect to said prop-
32 erty, such sale or other disposition to be made at public or private sale in the

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1 discretion of my executrix or executor without any reference to the order of
2 disposition of real and personal property and without petition, citation, hear-
3 ing, order, notice of sale or any other action. I further authorize my execu-
4 trix or executor to hold, manage and operate any property and any business be-
5 longing to my estate at the risk of my estate and not at the risk of my execu-
6 trix or executor, the profits and losses therefrom to inure or be chargeable to
7 my estate as a whole.

8 IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of September,
9 1959.

Samuel D. Earhart

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11 The foregoing instrument was, on the date thereof, signed, published and
12 declared by the said Samuel D. Earhart as and for his Last Will and Testament,
13 in the presence of us, who, at his request and in his presence and in the
14 presence of each other, have hereunto subscribed our names as witnesses thereto.

15 *Stanley H. Hays* RESIDING AT *Box 117, Klamath Falls, Ore.*

16 *Ron Hannon* RESIDING AT *the R. Hannon Bldg. Klamath Falls, Ore.*
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GANDON & GANDON
ATTORNEYS AT LAW
KLAMATH FALLS, ORE.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

CLACKAMAS COUNTY
FILED

Department of Probate

NOV 23 1966

ROBERT SCHUMACHER, County Clerk
By *[Signature]* Deputy

In the Matter of the Estate

of

SAMUEL D. EARHART,

Deceased.

NO.

15103

ORDER ADMITTING WILL TO PROBATE
AND APPOINTING EXECUTRIX

This matter coming on for hearing upon the petition of KATHRYNE R. EARHART for an order of this Court admitting to probate a certain instrument in writing filed in the above entitled Court purporting to be the last will and testament of SAMUEL D. EARHART, deceased, and appointing said petitioner as executrix of said estate, to serve without bond; and

It appearing to the Court that the said SAMUEL D. EARHART died in Vancouver, Washington, on the 30th day of October, 1966, being at the time of his death an actual and bona fide resident and inhabitant of the County of Clackamas, State of Oregon, and leaving personal property therein, and that said instrument was duly and regularly executed as and for the last will and testament of said deceased and is entitled to probate, and that KATHRYNE R. EARHART is named in said last will and testament as executrix of said estate, to serve without bond, and the Court being fully advised in the premises, it is hereby

ORDERED that that certain instrument in writing purporting to be the last will and testament of SAMUEL D. EARHART, deceased, dated the 14th day of September, 1959, be and the same is hereby admitted to probate as and for the last will and testament of SAMUEL D. EARHART, deceased; and it is further

ORDERED that KATHRYNE R. EARHART be and she is hereby appointed

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1 executrix of said estate, to serve as such without bond.

2 DATED this 3rd day of November, 1966.

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Kathryne R. Earhart, Executrix
4005 S. E. Wake Court
Milwaukie, Oregon

White & Southwell
Attorneys for Executrix
2130 S. W. Fifth Avenue
Portland, Oregon 97201
226-6491

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

CLACKAMAS COUNTY
FILED

JUN 17 1968

Department of Probate

In the Matter of the Estate)

of)

SAMUEL D. EARHART,)

Deceased.)

No. 15103

ROBERT SCHUMACHER, Court Clerk

By *Robert Schumacher* DeputyORDER APPROVING FINAL ACCOUNT
AND SUPPLEMENTAL FINAL ACCOUNT

THIS MATTER coming on for hearing upon the petition of KATHRYNE R. EARHART, the executrix of the estate of Samuel D. Earhart, deceased, for an order approving her final account and supplemental final account, 2:00 p.m. Monday, the 10th day of June, 1968, and the courtroom of this Court having been set as the time and place for hearing objections to said final account and for settling the same; and

It appearing to the Court that due notice of said final account and of the time and place for hearing objections thereto and settling the same was given by publication thereof once each week for four consecutive and successive weeks in advance of the time set for said hearing in the Enterprise-Courier, a newspaper of general circulation, printed and published in Clackamas County, Oregon, as required by law, and that a copy of said notice, together with proper proof of the publication have been filed with the Clerk of this Court, and that no objections have been made to said final account; and

It appearing to the Court that all income taxes, inheritance taxes, and property taxes which have become payable have been paid, and that certificates of release from the Oregon State Treasury Department and the Oregon State Tax Commission have been filed with the Clerk of this Court; and

It further appearing to the Court that said final account and supplemental final account are in all respects regular and should be approved; and the Court being now fully advised in the premises, it is, therefore,

hereby

ORDERED that the final account and supplemental final account of

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AND SUPPLEMENTAL FINAL ACCOUNTWHITE & SOUTHWELL
ATTORNEYS AT LAW
2400 S. W. FOURTH AVENUE
PORTLAND, OREGON 97201

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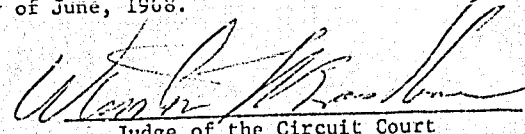
1 Kathryn R. Earhart, executrix of the above entitled estate, be and the
2 same hereby are in all respects approved. It is further

3 ORDERED that the sum of \$4,015.84 be and it hereby is fixed as
4 the executrix's fee, of which \$2,677.22 was previously paid as an advance-
5 ment on said fee pursuant to order of this Court, and the executrix is
6 authorized to pay to herself the balance of said sum as payment in full for
7 services rendered in this estate. It is further

8 ORDERED that the sum of \$5,165.84 be and it hereby is fixed as
9 the attorneys' fee of White & Southwell, attorneys for said executrix, of
10 which \$3,243.90 was previously paid as an advancement on said fee pursuant
11 to order of this Court, and the executrix is authorized and directed to
12 pay to said attorneys the balance of said sum as payment in full for services
13 rendered in this estate. It is further

14 ORDERED that said executrix pay the remaining expenses of admin-
15 istration and thereupon distribute to the devisees and legatees of the de-
16 cedent all the remaining assets of this estate, a more specific order of
17 distribution being on this day entered, and that the executrix be there-
18 upon discharged.

19 DATED this 17th day of June, 1968.

20 
21 Judge of the Circuit Court

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WHITE & SOUTHWELL
ATTORNEYS AT LAW
2400 S.W. Fourth Avenue
Portland, Oregon 97201

Kathryne R. Earhart, Executrix
13505 S.E. River Road
Milwaukie, Oregon 97222

White & Southwell
Attorneys for Executrix
2400 S.W. Fourth Avenue
Portland, Oregon 97201
226-6491

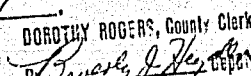
STATE OF OREGON, } ss
County of Klamath }

Filed for record at request of

White and Southwell
on this 21 day of June A. D. 1968

at 12:35 o'clock PM and duly
recorded in Vol. 21-68 of Deeds

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DOROTHY ROGERS, County Clerk


Fee 16.50

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AND SUPPLEMENTAL FINAL ACCOUNT

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