

1 In the Circuit Court
2 of the State of Oregon
3 for the County of Jackson
4 Probate Department

5
6 In the Matter
7 of
8 the Estate of ALICE F. SMITH,
9 deceased.

No. P-76-71

DECREE OF FINAL DISTRIBUTION

10 The co-personal representatives filed their final
11 account on April 6, 1973, and their supplemental final account
12 on August 8, 1973, and the time for filing objections having
13 passed with no objections filed, the court finds that:

14 1. All Oregon income, inheritance and personal property
15 taxes have been paid and appropriate receipts, releases and
16 clearances therefor have been filed herein.

17 2. Remaining unsatisfied claims and expenses of
18 of administration, including reasonable attorney's fees, are:

19 Balance of attorneys' fees:	\$1,933.23
20 Attorney's fee for extraordinary services rendered:	350.00
21 Costs of administration which in- clude long distance calls and costs of recording and copies:	43.77
22 Burgoyne & Thompson, Certified Public Accountants, Klamath Falls, Oregon, accounting fees:	520.30

23
24 3. The remainder of the estate assets after payment
25 of the claims and expenses set forth above is vested in the
26 following devisees under decedent's will:

27 (a) Unto Catherine Lumsden the following described
28 real property located in the city of Medford, Jackson County,
29 Oregon:

30 Beginning at a point 264.0 feet South and 164.0
31 feet West of the Northeast corner of Lot 2 in
Block 1, of BARR'S ADDITION to the City of
32 Medford, Jackson County, Oregon; thence West
164.0 feet to the East line of Park Street in

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CP 16th

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P.O. BOX 1724 MEDFORD, OREGON 97501

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1 said city; thence South along said street line
 2 44.0 feet; thence East 104.0 feet to a point
 3 South of the point of beginning; thence North
 4 44.0 feet to the point of beginning.

5 (c) Unto Annabelle Turner, one electric organ.

6 (e) Unto Wendell A. Smith, 122-1/2 shares of stock
 7 in Klamath Falls Brick & Tile Co.

8 (d) Unto William R. Smith, 122-1/2 shares of stock
 9 in Klamath Falls Brick & Tile Co.

10 (e) Unto Catherine Lumsden, 122-1/2 shares of stock
 11 in Klamath Falls Brick & Tile Co., subject to the option of
 12 William R. Smith and Wendell A. Smith, or the survivor thereof,
 13 to purchase such shares for the sum of \$10,000.00.

14 (f) Unto Annabelle Turner, 122-1/2 shares of stock
 15 in Klamath Falls Brick & Tile Co., subject to the option of
 16 William R. Smith and Wendell A. Smith, or the survivor thereof,
 17 to purchase such shares for the sum of \$10,000.00.

18 (g) Unto each of the following, Wendell A. Smith,
 19 William R. Smith, Catherine Lumsden, Annabelle Turner, and
 20 Ralph G. Lumsden, an undivided one-fifth interest in and to
 21 the following described real property, to-wit:

22 Southwest one-quarter of the Southeast
 23 one-quarter of Section 7, Township 38
 24 South, Range 9 East of the Willamette
 25 Meridian, Klamath County, Oregon,
 26 comprising approximately 21.58 acres:

2,160.00

27 Office, house and garage, pumphouse,
 28 2 acres land: Beginning at a point
 29 which is the Southeast corner of Sec-
 30 tion 19, Township 38 South, Range 9
 31 East of the Willamette Meridian, thence
 32 Westerly along the Southerly line of
 Section 19, a distance of 558 feet to
 a point; thence Northerly and parallel
 with the Easterly line of Section 19, a
 distance of 350 feet to a point; thence
 easterly and parallel with a Southerly
 line of Section 19 a distance of 558 feet
 to a point; thence Southerly along the
 Easterly line of Section 19 a distance
 of 350 feet to a point of beginning,
 containing 4.4 acres, more or less, less
 2 acres including the residence, office
 and well:

12,010.00

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 P.O. BOX 1746 - 705 WEST TENTH STREET
 MEDFORD, OREGON 97501

1	The East half of NWP of NWP, Section 17,	
2	Township 38 South, Range 9 East of the	
3	Willamette Meridian (Wocus), Klamath	\$ 1,000.00
4	County, Oregon:	
5	Lots 6 and 7, Block 34, Buena Vista	
6	Addition to the City of Klamath Falls,	192.00
7	Klamath County, Oregon:	
8	Lot North One-half (vacated Van Ness	
9	Street), portion of North Klamath	64.00
10	Falls, Oregon:	
11	One-half interest in Lot No 2, Block No.	
12	N. Lake O' The Woods Summer Homes, Winema	4,427.50
13	National Forest:	
14	Lots 1, 2, 3 and 4, Block 4, Section 7,	
15	IOOF in the Mountain View Cemetery of	
16	the City of Ashland, Jackson County,	360.00
17	Oregon:	

(h) Unto each of the following, Wendell A. Smith,
 William R. Smith, Catherine Lumsden, Annabelle Turner, and
 Ralph G. Bundeson, an undivided one-fifth interest in and to
 that certain executory contract of purchase and sale dated
 May 7, 1973 in which William R. Smith and Wendell A. Smith,
 as co-personal representatives of the will and estate of
 Alice F. Smith, deceased, were designated the "Vendor", and
 Minerva Development Corporation, an Oregon corporation, was
 designated the "Purchaser"; the subject matter of such contract
 being the following described real property:

All of Lot 60 and the Westerly portion of Lot
 59 more particularly described as follows:
 Beginning at the Southwesterly corner of
 Lot 59 of Lake Shore Gardens; thence North
 731.5 feet to the Northwesterly corner of
 said Lot 59; thence North 84° 09' East along
 the Northerly line of said Lot 59, a distance
 of 120 feet; thence South parallel to the
 Westerly line of said Lot 59 to the Southerly
 line of said Lot 59; thence Southwesterly
 along the Southerly line of said Lot 59
 to the point of beginning, containing 2
 acres, more or less, all situate in Lake
 Shore Gardens, according to the official
 plat thereof on file in the office of the
 County Clerk of Klamath County, Oregon,

such vendor's interest to include the right to the proceeds payable
 under the terms of such contract, and the right to enforce its

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1 terms and conditions.

2 (i) Unto each of the following, Wendell A. Smith,
3 William R. Smith, Catherine Lumsden, Annabelle Turner, and
4 Ralph G. Bundeson, the sum of \$4,572.38; such being a one-fifth
5 interest in and to \$22,861.93; such being the cash available
6 for distribution.

7 (j) Unto Catherine Lumsden, all of the furniture and
8 fixtures which were located in the decedent's residence at 519
9 Park Street, Medford, Oregon, at the time of her death.

10 (k) Unto each of the following, Wendell A. Smith,
11 William R. Smith, Catherine Lumsden, Annabelle Turner, and
12 Ralph G. Bundeson, an undivided one-fifth interest in and to
13 all of those items of personal property described on the Inven-
14 tory and Appraisement filed herein as Items 24 through 53.

15 4. That a final account and petition for decree of
16 distribution was filed herein on April 6, 1973, and which account
17 covered the period from September 30, 1972 to and including
18 January 3, 1973, and that thereafter a supplemental final account
19 and petition for decree of distribution was filed on August 8,
20 1973, and which account covered the period from January 4, 1973
21 to and including July 27, 1973.

22 5. Proof of mailing the notice of the time for filing
23 objections to the final account and petition for decree of dis-
24 tribution has been filed herein.

25 IT IS HEREBY ORDERED AND DECREED:

26 1. The "Final Account and Supplemental Final Account"
27 are hereby approved;

28 2. The co-personal representatives are directed to pay
29 the remaining claims and expenses of administration as set forth
30 above;

31 3. The co-personal representatives are directed to pay
32 the balance of attorney's fees and costs in the total amount of

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1 \$2,332.00 as set forth above;

2 4. The co-personal representatives are directed to make
3 distribution of the remaining estate property to the persons and
4 in the amounts set forth in Paragraph 3 above, and said property
5 is hereby vested in said persons in the amounts set forth.

6 DATED: October 22, 1973.

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8

L.L. Sawyer
CIRCUIT JUDGE

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11 FILED
12 OCT 22 4:19 PM '73
13 Harry Chipman
14 Jackson County Clerk
15 By Leona Petersen

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23 STATE OF OREGON
24 County of Jackson

25 I, Harry Chipman, County Clerk of the above named County and State and Clerk
26 of the Circuit Court of the County of Jackson and State of Oregon do hereby certify
27 that the foregoing copy has been by me compared with the original, and that it is a
28 transcript therefrom, and of the whole of such original as the same appears on file
29 or of record in my office and in my care and custody.

30 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the
31 seal of said Court, this 30 day of August A.D. 1973
32 Harry Chipman, Jackson County Clerk
By Leona Petersen Deputy

HEFFERNAN & FOWLER
ATTORNEYS AT LAW
P.O. BOX 1746 - 705 WEST TENTH STREET
MEDFORD, OREGON 97501

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STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of HEFFERNAN & FOWLER
this 31st day of OCTOBER A.D. 19 73 at 12:17 o'clock P.M., and duly recorded in
Vol. M 73 of DEEDS on Page 14573

FEE \$ 10.00

WM. D. MILNE, County Clerk
By Harold Drayton Deputy