

65189

Vol. ^m 79 Page 771.1

1 MICHAEL C. FERGUSON, ESQ.
2 FERGUSON & BERLAND
3 Attorneys at Law
4 2000 Center Street, Suite 206
5 Berkeley, California 94704
6 (415) 548-9005

7 Attorney for Fred S. Evans

8
9 DECLARATION CONCERNING TITLE TO PROPERTY

10 State of California)
11 County of Alameda)

12 COMES NOW MICHAEL C. FERGUSON who deposes and states:

13 1. I am an attorney at law duly admitted to practice law
14 before all of the Courts of the State of California;

15 2. I am the attorney for the estate of LUCY MAUD EVANS,
16 deceased;

17 3. On or about December 2, 1963, John Leslie Webber (aka
18 John L. Webber) died in the City and County of San Francisco,
19 State of California. John L. Webber died testate and his Will
20 (and estate) were probated in the Superior Court of the State of
21 California, in and for the County of San Francisco (located in
22 San Francisco, California) as action number 166938. At the time
23 of John L. Webber's death, he owned two vacant lots in the
24 City of Bonanza, County of Klamath, State of Oregon, more
25 particularly described as follows:

26 //

- 1 -

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A. Por Sec 10 T 39 R1
11 Por Vac St Bon First
Blk or Twp 6 Rge 20
Tax Assessor #: 3911-1031-06600-000

B. Lot or Sec 10
Blk or Twp 39 Range 11.0
Por NE 4 SW 4 Bonanza First
Tax Assessor #: 3911-1031-05100-000

4. Pursuant to the terms and provisions of the aforementioned John L. Webber's Last Will and Testament, John L. Webber's entire estate was distributed to Lucy Evans aka Lucy Maud Evans. A certified copy of the DECREE OF FINAL DISTRIBUTION of the estate of JOHN LESLIE WEBBER aka JOHN L. WEBBER entered February 11, 1965, and filed with the San Francisco County Superior Court on the same date, is attached hereto as Exhibit "A" and by this reference made a part hereof.

5. No probate proceedings in connection with the estate of the aforementioned John Leslie Webber were held in the State of Oregon and there is no decree of distribution relative to John Leslie Webber's estate specifically referring to the aforementioned parcels of real property in the City of Bonanza, Klamath County, State of Oregon.

6. The aforementioned Lucy Evans (aka Lucy Maud Evans) -- being the devisee of the two aforementioned City of Bonanza, County of Klamath, State of Oregon, lots theretofore owned by John Leslie Webber -- died intestate in the City of Palo Alto, County of Santa Clara, State of California, on March 7, 1978. Lucy Maud Evans' estate has been probated in the Superior Court

1 of the State of California in and for the County of Santa Clara
2 (located in San Jose, California) under action number 95407.

3 7. Pursuant to a DISCLAIMER OF INTEREST filed by Maud
4 Shirey Evans (the mother of Lucy Maud Evans) and the laws of
5 intestate succession of the State of California, the residuary
6 estate of Lucy Maud Evans (including the aforementioned lots
7 located in the City of Bonanza, County of Klamath, State of
8 Oregon theretofore devised Lucy Evans aka Lucy Maud Evans by
9 John Leslie Webber aka John L. Webber) passed to Lucy Maud Evans'
10 brother, Fred S. Evans. A certified copy of the DECREE OF FINAL
11 DISTRIBUTION of Lucy Maud Evans' estate is attached hereto as
12 Exhibit "B" and by this reference made a part hereof. Said Order
13 was entered by the Santa Clara County Superior Court on January 29,
14 1979, and filed with the Santa Clara County Clerk on that same
15 date.

16 8. No Oregon State probate proceedings were held in
17 connection with the estate of Lucy Maud Evans (aka Lucy Evans)
18 and none are contemplated.

19 9. There is no DECREE OF DISTRIBUTION entered in connection
20 with the estate of Lucy Maud Evans making specific reference to
21 the aforementioned parcels of real property located in the City of
22 Bonanza, Klamath County, State of Oregon.

23 10. In connection with the administration of the estate of
24 Lucy Maud Evans, declarant filed Oregon State Inheritance Tax
25 Declarations on behalf of both the estates of John L. Webber
26 (aka John Leslie Webber) and Lucy Evans (aka Lucy Maud Evans)

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1 relative to the aforementioned lots in the City of Bonanza,
2 Klamath County, State of Oregon. Attached hereto as Exhibits
3 "C" and "D", respectively, are the INHERITANCE TAX RECEIPTS
4 (numbers 44065 and 44118) from the Oregon Department of Revenue
5 reflecting payment of all Oregon State inheritance taxes due in
6 connection with the estates of the aforementioned Lucy Maud Evans
7 and John Leslie Webber, respectively, with regard to the afore-
8 mentioned City of Bonanza, Klamath County, State of Oregon lots.

9 11. Declarant is filing this Affidavit with the Klamath
10 County (State of Oregon) Recorder to the end of clarifying title
11 to the aforementioned two lots, title to both of which should now
12 be vested in the name of Fred S. Evans (as successor to Lucy
13 Maud Evans, who in turn was the successor of John L. Webber --
14 the current record owner of the property). Thus, at this point
15 the two parcels in the City of Bonanza, Klamath County, State of
16 Oregon described as Klamath County Tax Assessor Parcel Numbers
17 3911-1031-06600-000 and 3911-1031-05100-000 should now be vested
18 in the name of, and treated as the exclusive property of, Fred
19 S. Evans (currently of 1582 Rancho View Drive, Lafayette,
20 California 94549 -- phone: [415] 934-7959).

21 I declare under penalty of perjury that the foregoing is
22 true and correct.

23 Executed at Berkeley, California, on this 4th day of April,
24 1979.

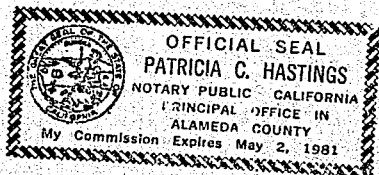

MICHAEL C. FERGUSON

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF ALAMEDA)

7715

4 On April 4th, 1979, before me, a notary public in and
5 for the State of California, personally appeared MICHAEL C.
6 FERGUSON, known to me to be the person whose name is subscribed
7 to the within instrument and acknowledged that he executed the
8 same.

9 WITNESS my hand and official seal.
10



Patricia C. Hastings
PATRICIA C. HASTINGS, Notary Public

RECEIVED AT REQUEST OF

N69468

BOOK 1882 PAGE 807

7716

AT 4:51 Past 2 P M

FEB 16 1965

City & County of San Francisco, Calif.

MARTIN MORGAN

REORDER

HELLER, EHRMAN, WHITE & McAULIFFE
Attorneys for Petitioner
14 Montgomery Street
San Francisco, 4, California.
Telephone: YUkon 1-5000.

FILED
FEB 11 1965

MARTIN MORGAN, CLERK
J. T. MITCHELL
Deputy Clerk

WE ANNEXED INSTRUMENT
A CORRECT COPY OF THE ORIGINAL
FILE IN MY OFFICE
ATTEST: CERTIFIED

FEB 11 1965
MARTIN MORGAN, COUNTY CLERK
CLERK OF THE SUPERIOR COURT OF
THE STATE OF CALIFORNIA, IN AND
FOR THE CITY AND COUNTY OF SAN
FRANCISCO

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
THE CITY AND COUNTY OF SAN FRANCISCO

In the Matter of the Estate of
JOHN LESLIE WEBBER, a/k/a
JOHN L. WEBBER,
Deceased

NO. 166938 In Probate
Department.

DECREE OF FINAL DISTRIBUTION

LUCY EVANS, the administratrix of the last will and
testament of John Leslie Webber, also known as John L. Webber,
deceased, having on the 26th day of January, 1965, rendered and
filed herein her first and final report, waiver of accounting,
and petition for appraisal thereof and for final distribution of
said estate, and said petition having come on regularly for
hearing on this day, proof having been made to the satisfaction
of the court that the clerk had given notice of the hearing of
said petition in the manner and for the time provided by law, and
no one appearing to except to or contest the same, and it
appearing to the court and the court finding:

That on or about the 2nd day of December, 1963, John
Leslie Webber, also known as John L. Webber, died in the City and

HELLER, EHRMAN, WHITE & McAULIFFE
ATTORNEYS AT LAW
14 MONTGOMERY STREET
SAN FRANCISCO 94104

03400

1 County of San Francisco, State of California, being at the time of
2 his death a resident of said City and County and State, and leaving
3 a Last Will and Testament, dated June 22nd, 1961 which was filed
4 herein on the 18th day of December, 1963, together with a petition
5 for the probate of the same and for the appointment of herself as
6 administratrix thereof; that subsequent thereto and after due and
7 regular proceedings to that end had and taken, the said last Will
8 and Testament of said decedent was, by an order duly given and
9 made on the 31st day of December, 1963, admitted to probate as the
10 last will and testament of said decedent, and by the same order
11 said petitioner was appointed administratrix thereof; that said
12 petitioner thereupon immediately qualified as such administratrix
13 and letters testamentary were duly issued to her on the 31st day
14 of December, 1963, and from said last named date said petitioner
15 has been continuously and now is the duly appointed, qualified and
16 acting administratrix of the last will and testament of said
17 decedent;

18 That notice to creditors was duly given by publication
19 as required by law; that within thirty days after the completion
20 of the publication of said notice to creditors said administratrix
21 filed herein an affidavit showing the due publication of notice to
22 creditors, containing a copy of the notice, and stating the date
23 of the first publication thereof and the name of the newspaper in
24 which the same was printed;

25 That more than six months have elapsed since the
26 appointment of said petitioner as administratrix of the last will
27 and testament of said decedent, and more than six months have
28 expired since the first publication of notice to creditors;

29 That on the 23rd day of June, 1964, said petitioner
30 duly made and returned to this court a true inventory and

1 appraisement of all the estate of said decedent which has come to
2 her knowledge or possession;

3 That on the 14th day of September, 1964, the Inheritance
4 Tax Appraiser appointed herein filed his report showing the
5 inheritance taxes due to the State of California by reason of the
6 death of said decedent; that said taxes have been paid;

7 That by the terms of the last will and testament of said
8 decedent, the entire estate was bequeathed unto Lucy Evans,
9 petitioner herein;

10 That Lucy Evans, the petitioner herein, as the sole
11 legatee and devisee under the last will and testament of said
12 decedent, has waived an accounting by the administratrix of the
13 last will and testament of said decedent, which said waiver is
14 annexed to said waiver of accounting and petition for final
15 distribution, marked Exhibit "A" on file herein;

16 That your petitioner waived her commission as
17 administratrix with the will annexed and the statutory fee of the
18 attorneys for such administratrix with the will annexed in the sum
19 of \$834.96 has been paid;

20 That all of the debts of said estate and of said
21 deceased, all expenses of administration of said estate thus far
22 incurred, and all claims, and all taxes which have attached to or
23 accrued against said estate, have been paid and discharged, and
24 said estate is now in a condition to be finally closed;

25 That no person interested in the estate of said decedent,
26 or in any of the property of said estate or otherwise or at all,
27 is now in the military service of the United States of America
28 within the meaning of the Act of Congress of the United States of
29 America approved May 14, 1940, and known and cited as the "Soldiers'
30 and Sailors' Civil Relief Act of 1940."

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that notice to creditors has been duly given.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no person interested in the estate of said decedent, or in any of the property of said estate or otherwise or at all, is now in the military service of the United States of America within the meaning of the Act of Congress of the United States of America approved May 14, 1940 and known and cited as the "Soldiers' and Sailors' Civil Relief Act of 1940".

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the residue of the estate of said John Leslie Webber, also known as John L. Webber, deceased, and any other property not now known or discovered which may belong to said estate or in which said estate may have any interest, and any property which is herein imperfectly or incorrectly described, be and the same is hereby distributed and said administratrix is hereby directed to transfer and deliver the same unto Lucy Evans.

The following is a particular description of the rest, residue and remainder of the estate hereinabove ordered distributed:

ALL cash in hand or in bank accounts

9 shs. Bank of America, N.T. & S.A.

13-1/2 shs. Western Bancorporation
(formerly Firstamerica Corporation)

13-1/2 shs. Transamerica Corporation

That certain parcel of real property located in the City and County of San Francisco, State of California, and more particularly described as follows:

Commencing at a point on the Easterly line of Thirty-fifth Avenue distant thereon 225 feet Northerly from the point of intersection of the said Easterly line of Thirty-fifth Avenue with the Northerly line of Geary Boulevard; running thence Northerly and along said Easterly line of Thirty-

fifth Avenue 50 feet; thence at a right angle Easterly 120 feet; thence at a right angle Southerly 50 feet; and thence at a right angle Westerly 120 feet to the Easterly line of Thirty-fifth Avenue and the point of commencement. Being a portion of Outside Land Block No. 215.

Furniture and Furnishings located in the residence on the real property hereinbefore described.

DONE IN OPEN COURT this 11th day of February, 1965.

RAYMOND J. ARATA

Judge of the Superior Court

THE ANNEXED INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE. ATTEST: CERTIFIED

MAR 21 1979

BARB M. OLSEN, COUNTY CLERK OF SAN FRANCISCO, AND EX-CECUTIVE CLERK OF THE SUPERIOR COURT OF THE COUNTY OF SAN FRANCISCO, CALIF.

BY P. de Luna DEPUTY



HELLER, EHRMAN, WHITE & MCAULIFFE
ATTORNEYS AT LAW
14 MONTGOMERY STREET
SAN FRANCISCO 94104

BOOK 1882 PAGE 801

LEB T. R. 1962

69468

Handwritten notes and signatures:
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7721

(ENDORSED)

FILED
JAN 29 1979**JOHN KAZUBOWSKI, Clerk**
K. SANGUINETTI Deputy

1 MICHAEL C. FERGUSON, ESQ.
 2 FERGUSON & BERLAND
 3 Attorneys at Law
 2000 Center Street, Suite 206
 Berkeley, California 94704
 (415) 548-9005

4 Attorney for Administrator
 5
 6

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 8 IN AND FOR THE COUNTY OF SANTA CLARA
 9

10 In the Matter of the)
 Estate of)

11 LUCY MAUD EVANS,)

12 Deceased.)
 13)

Action No.: 95407

ORDER SETTLING FIRST AND FINAL
 ACCOUNT AND REPORT OF ADMINISTRA-
 TION, GRANTING STATUTORY AND
 EXTRAORDINARY FEES TO ADMINISTRATOR
 AND ATTORNEY AND DECREE OF FINAL
 DISTRIBUTION

14
 15 The FIRST AND FINAL ACCOUNT AND REPORT OF ADMINISTRATION
 16 AND PETITION FOR FINAL SETTLEMENT, FOR ALLOWANCE OF STATUTORY AND
 17 EXTRAORDINARY FEES TO ADMINISTRATOR AND ATTORNEY AND FOR FINAL
 18 DISTRIBUTION ("Report and Petition") of FRED S. EVANS as the
 19 Administrator of the estate of the above-captioned decedent came
 20 on regularly for hearing before this Court on January 29, 1979.
 21 MICHAEL C. FERGUSON appeared on behalf of the petitioner. No
 22 one appeared to contest the Report and Petition.

23 On proof made to the satisfaction of the Court, the Court
 24 finds that all notices required by law have been duly given and
 25 that all of the allegations contained in said Report and Petition
 26 are true.

1 WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

2 1. Petitioner's First and Final Account is settled, con-
3 firmed and approved as rendered;

4 2. Petitioner is hereby directed to pay himself the sum of
5 \$7,792.43 on account of his statutory fee herein and an additional
6 \$500.00 (for a total of \$8,292.43) as a fee on account of the
7 extraordinary services he has rendered herein as administrator
8 of decedent's estate;

9 3. Petitioner is hereby directed to pay his attorney, Michael
10 C. Ferguson, the sum of \$7,792.43 on account of his statutory
11 fee for services rendered the administrator herein and an addition-
12 al \$1,100.00 on account of his fee for extraordinary services
13 rendered as the attorney for the petitioner herein (for a total
14 of \$8,892.43);

15 4. Petitioner is hereby directed to distribute the
16 remaining proceeds of decedent's estate, after payment of all
17 closing costs, and any property hereafter discovered for, or
18 acquired by, decedent's estate, as follows:

19 A. Decedent's Palo Alto residence commonly known as
20 1440 California Street, Palo Alto, California, and more particularly
21 described on Exhibit "A" attached hereto and by this reference
22 made a part hereof, to decedent's niece, MILLICENT JOYCE EVANS,
23 pursuant to the following two disclaimers:

24 1. That certain DECLARATION BY MAUD SHIREY EVANS
25 DISCLAIMING RIGHT TO INHERIT PROPERTY FROM THE ESTATE OF LUCY
26 MAUD EVANS dated May 18, 1978, and filed herein on May 23, 1978;

Estate of LUCY MAUD EVANS

ASSETS ON HAND AT END OF ACCOUNT PERIOD

<u>Description</u>	<u>Amount</u>
CASH	147,760.62
REAL PROPERTY	
Residence commonly known as 1440 California Street, Palo Alto, California, and more particularly described as follows:	
City of Palo Alto, County of Santa Clara:	
Lots Numbered Five (5), Six (6), and Seven (7) in Block Thirteen (13) as laid down and delineated on that certain Map entitled "College Terrace, Santa Clara County, California," which Map is of record in the office of the County Recorder of the County of Santa Clara, State of California, in Book "E" of Maps, page 121, Records of Santa Clara County.	
County Assessor's No.: 137-05-032	115,000.00
SECURITIES	
139 shares United Financial Corp. common	3,336.00
1 share Consumers Cooperative Society of Palo Alto, Inc., "A" stock	8.00
6 shares Consumers Cooperative Society of Palo Alto, Inc., "B" stock	146.47
10 - \$1000 (face amount) U.S. Series "H" Savings Bonds (purchased 1/55)	10,000.00
98 - \$100 (face amount) U.S. Series "E" Savings Bonds (purchased 8/58 - 9/66)	15,339.32

page 1

Exhibit

A

7724

Estate of LUCY MAUD EVANS

SCHEDULE "E", continued

DescriptionAmount37 - \$50 (face amount) U.S. Series "E"
Savings Bonds (purchased 7/55 - 7/58)

3,492.78

MISCELLANEOUS

1966 Buick Skylark 2-door automobile
(Calif. license No. TBL 728)

595.00

Miscellaneous furniture, furnishings,
household goods and personal effects2,300.00

TOTAL ASSETS ON HAND

\$ 297,978.19

1 and

2 7725
3 2. That certain DECLARATION BY FRED S. EVANS
4 DISCLAIMING RIGHT TO INHERIT PROPERTY FROM THE ESTATE OF LUCY MAUD
5 EVANS dated July 21, 1978, and filed herein on August 9, 1978;
6 and

7 B. The residue of decedent's estate to decedent's
8 brother, FRED S. EVANS, pursuant to that certain DECLARATION BY
9 MAUD SHIREY EVANS DISCLAIMING RIGHT TO INHERIT PROPERTY FROM THE
10 ESTATE OF LUCY MAUD EVANS dated May 18, 1978, and filed herein on
11 May 23, 1978.

12 A list of the assets on hand in decedent's estate as of the
13 end of the period covered by the aforementioned accounting is
14 attached hereto as Exhibit "A" and by this reference made a part
15 hereof.

16 Dated: _____

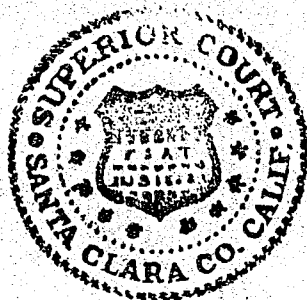
JAN 29 1979

17
18
19
20 BRUCE F. ALLEN

JUDGE OF THE SUPERIOR COURT

21
22
23 The foregoing instrument is a
24 correct copy of the original
25 on file in this office.

26 ATTEST: MAR 21 1979



- 3 -

JOHN KAZUBOWSKI,
County Clerk and ex-officio Clerk of the
Superior Court of the State of California
in and for the County of Santa Clara.
BY John Kazubowski DEPUTY

Inheritance Tax Receipt

OREGON DEPARTMENT
OF REVENUE
BOX 14110
SALEM, OR 97310

No.44065

7726

County Klamath
Probate No. Unprobated
File No. 226301

Received from the Estate of Lucy Maud Evans

the sum of one hundred thirty-three and 20/100-----Dollars
pursuant to ORS CHAPTER 118.

REFUND:

Amount remitted \$ _____
Amount due \$ _____

GROSS TAX. \$ 133.20
Discount \$ _____
Interest \$ _____
Penalty \$ _____

Refund Check

No. _____ Amount \$ _____

NET TAX \$ 133.20

DESCRIPTION OF REAL PROPERTY AS REQUIRED BY ORS 118.250(3).

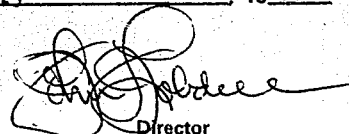
City of Bonanza, Klamath County, Oregon Tax Assessor
Parcel Nos. 3911 - 1031 - 06600-000 and 3911 - 1031 - 05100-000 -
both are improved lots.

Exhibit C

DATED at Salem, Oregon, this 3rd day of January, 19 79

jld
(IT-2)

150-103-002


Director

TAXPAYER'S COPY

Inheritance Tax Receipt

OREGON DEPARTMENT
OF REVENUE
BOX 14110
SALEM, OR 97310

No. 44118

7727

County Klamath
Probate No. Unprobated
File No. 226305

Received from the Estate of John Wesley Webber
the sum of thirty-five and 60/100
pursuant to ORS CHAPTER 118. _____ Dollars

REFUND:

Amount remitted \$ _____
Amount due \$ _____

GROSS TAX \$ 35.60
Discount \$ _____
Interest \$ _____
Penalty \$ _____

Refund Check
No. _____ Amount \$ _____

NET TAX \$ 35.60

DESCRIPTION OF REAL PROPERTY AS REQUIRED BY ORS 118.250(3).

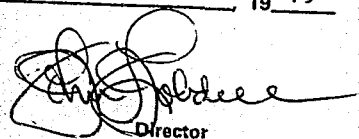
Tax Assessor's parcel # 3911-1031-06600-000, Klamath
County, State of Oregon.

Tax Assessor's parcel # 3911-1031-05100-000, Klamath
County, State of Oregon.

Exhibit D

DATED at Salem, Oregon, this 10th day of January, 19 79
je

(IT-2)
150-103-002


Director

TAXPAYER'S COPY

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 9th day of
April A.D., 19 79 at 1:13 o'clock P M., and duly recorded in Vol. M79
of Deeds on Page 7711.

FEE \$51.00

WM. D. MILNE, County Clerk
By Bernice Heloch Deputy