

NAME AND ADDRESS OF ATTORNEY: HUBER, BURFORD, MORAN & QUIRK 141 E. Mill Ave. Porterville, CA 93257		TELEPHONE NO. (209) 784-5064	FOR COURT USE ONLY	
ATTORNEY FOR: Executor		FILED TULARE COUNTY		
Insert name of court, branch court, if any, and Post Office and Street Address: TULARE COUNTY SUPERIOR COURT Mooney Blvd. and State Hwy. 198 Visalia, California 93277		MAY 3 1979		
ESTATE OF EMMET V. SCHRANK		JAY C. BAYLESS, CLERK BY <i>Judy R. [Signature]</i> DEPUTY		
<input checked="" type="checkbox"/> PROBATE OF WILL AND FOR LETTERS TESTAMENTARY <input type="checkbox"/> PROBATE OF WILL AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED <input type="checkbox"/> LETTERS OF ADMINISTRATION <input type="checkbox"/> SPECIAL LETTERS OF ADMINISTRATION <input checked="" type="checkbox"/> AUTHORIZATION TO ADMINISTER UNDER THE INDEPENDENT ADMINISTRATION OF ESTATES ACT (Prob C 591 et seq.) (Complete Item 6 below)		DECEDENT <i>11/26</i> CASE NUMBER: <i>26496</i> HEARING DATE: <i>May 23, 1979</i> DEPT.: <i>3</i> TIME: <i>8:30 a.m.</i>		

1. Attorney requests publication in (Name of newspaper):

(Type or print name)

(Signature of attorney)

2. Petitioner (Name of each. See footnote* before completing): requests

- a. ☒ The decedent's will and codicils if any be admitted to probate.
- b. ☒ (Name): Helen Menne
 be appointed (1) ☒ executor (3) ☐ administrator
 (2) ☐ administrator with will annexed (4) ☐ special administrator;
 and letters issue upon qualification.
- c. ☒ Authority to administer under The Independent Administration of Estates Act.
- d. ☒ Bond not be required. ☐ Bond be fixed at \$ to be furnished by an authorized surety company or as otherwise provided by law.

FACTS CONCERNING PETITION

3. a. Jurisdictional facts concerning the decedent

(1) Decedent died on (Date): 6-18-78

i. ☒ a resident of the above named County of the State of California.ii. ☐ a nonresident of California and left an estate in the above named County.

b. Character and estimated value of the property of the estate

(1) Real property \$ 10,000

(2) Personal property \$

(3) Annual income from real and personal property \$

(4) Total of (2) and (3) \$

c. Bond

(1) ☒ Will waives bond.(2) ☐ Receipts for deposits to reduce bond will be filed.(3) ☐ Petitioner is sole ☐ heir.
☐ beneficiary.

d. Testacy or intestacy

(1) ☒ Presented herewith are decedent's will dated: 1-27-77 and ☐ codicils dated:

. copies of which are attached.

(2) ☐ Decedent died intestate.

(Continued on Reverse Side)

* The declaration must be signed in California (CCP 2015.5). Affidavit required when signed outside California. No attachment permitted less than on a full page (California Rule of Court 201(b)). All petitioners must sign the petition. Only one need sign the declaration.

180 AUG 26 AM 11 34

e. Appointment of personal representative

- (1) Appointment of executor, or administrator with will annexed
- ☒ Petitioner is named as executor in the will.
 - ☐ No executor is named in the will.
 - ☐ Petitioner is a nominee (See attachment 3e)
 - ☐ Other named executors will not act because of ☐ death ☐ declination ☐ other reasons as set forth in attachment 3e(iv).

(2) Appointment of administrator

- ☐ Petitioner is a nominee (See attachment 3e(2)).
- ☐ Petitioner is related to the decedent as:

- (3) ☐ Appointment of special administrator requested (See attachment 3e(3) for grounds and requested powers).

- f. Petitioner is a ☒ resident of California. ☐ nonresident of California.

FACTS CONCERNING HEIRS

(Complete only if no spouse or issue survived the decedent.) (Prob C 228, 229)

c. The decedent

- (1) ☒ had no predeceased spouse.
- (2) ☐ had a predeceased spouse whose heirs are named in the list of heirs.

(Complete only if no parent or issue survived the decedent.)

d. The decedent is survived by

- (1) ☒ a brother or sister or issue of a predeceased brother or sister and none has been omitted from the list of heirs.
- (2) ☐ no brother or sister or issue of a predeceased brother or sister.

5. The names, addresses, relationships and ages of heirs, devisees and legatees so far as known to petitioner are:
(List additional names, addresses, relationships, and ages of heirs, devisees, and legatees in attachment 5.)

Name and Address:
Leona Stone
P. O. Box 156
San Dimas, CA 91773

<u>Relationship</u>	<u>Age</u>
sister	adult

Helen Menne
P. O. Box 176
Ducor, CA 93218

sister	adult
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ADDITIONAL FACTS CONCERNING THE INDEPENDENT ADMINISTRATION OF ESTATE

6. a. ☒ Decedent's will does not preclude independent administration of this estate under Prob C 591 et seq.
- b. ☐ Decedent died intestate.

Dated: May 2, 1979

(Type or print name)

Helen Menne

Helen L. Menne
(Signature of Petitioner)

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration is executed on (Date): May 2, 1979 at (Place): Porterville, California.

Helen Menne

(Type or print name)

Helen L. Menne
(Signature of petitioner)

Last Will and Testament

OF

EMMET V. SCHRANK

I, EMMET V. SCHRANK, a resident of Tulare County, California, declare this to be my Will and hereby revoke all my prior Wills and Codicils.

FIRST

I declare that I have never been married and that I have no children. I have one deceased sister, ELTA TOWNE, and three deceased brothers, RAYMOND SCHRANK, JOSEPH F. SCHRANK And ALFRED SCHRANK. I have one surviving brother, FLAVION J. SCHRANK, and two surviving sisters, HELEN MENNE and LEONA STONE. I have no deceased children.

SECOND

It is my intention to dispose of all real and personal property which I have the right to dispose of by Will. However, I hereby elect not to exercise any power of appointment exercisable by a Will which I now have or which may hereafter be conferred upon me; no provision in this Will shall be construed as an exercise in whole or in part of any such power.

THIRD

I give the following properties to the following persons:

1. The sum of One Hundred Dollars (\$100.00) to my brother, FLAVION J. SCHRANK. If he should predecease me, this legacy shall lapse.
2. The sum of One Hundred Dollars (\$100.00) to my sister, LEONA STONE. If she should predecease me, this legacy shall lapse.

FOURTH

16141

I give all of the residue of my estate to my sister, HELEN MENNE, provided that she survives me by at least one hundred eighty days (180). If she does not survive me by one hundred eighty days (180) then I give all of the residue of my estate to my brother-in-law, FRANK MENNE.

FIFTH

1. I nominate my sister, HELEN MENNE as the Executrix of this Will. If she is unable or unwilling to act or to continue to act as Executrix, then I nominate my brother-in-law, FRANK MENNE, as the Executor of this Will with the same powers, rights, discretions, obligations, and immunities.

2. No bond shall be required of any Executrix or Executor nominated in this Will.

3. I authorize my Executrix or Executor to sell at either public or private sale, with or without notice, any property belonging to my estate, subject only to any confirmation required by law.

SIXTH

If any beneficiary under this Will in any manner, directly or indirectly, contests, or attacks this Will or any of its provisions, any share or interest in my estate given to that contesting beneficiary is revoked and shall be disposed of in the same manner provided herein as if that contesting beneficiary had predeceased me without issue.

SEVENTH

1. I have not entered into either a contract to make Wills or a contract not to revoke Wills.

2. If any part of this Will is held to be void, invalid, or inoperative, I direct that such voidness, invalidity, or inoperativeness shall not effect any other part of this Will, and that the remainder of this Will shall be carried into effect as though such part had not been contained herein.

16142

3. As used in this Will, the masculine, feminine, or neuter gender, and the singular or plural number shall each be deemed to include the others whenever the context so indicates.

The foregoing Will is subscribed by me on the 27 day of January, 1977 at Porterville, California.

Emmet V. Schrank
EMMET V. SCHRANK

The testator, EMMET V. SCHRANK, on the date last above written, declared to us that the above instrument consisting of three (3) pages, including this page, is his Will and requested us to act as witnesses to it. Each of us at his request now signs as a witness in the presence of the testator and in the presence of each other. Each of us observed the signing by the testator and the signing by each other. Each of us knows that each signature appearing hereon is a true signature of the person who signed.

We declare under penalty of perjury that the foregoing is true and correct.

Executed on the 27 day of January, 1977 at Porterville California.

Walter E. Johnson

Residing at 661 Wood Z Lane
Porterville, Calif.

Long Shigeki Clark

Residing at 9317 Columbia Blvd
Bakersfield, CA

Lerie Johnson

Residing at 3107 Reiley Hill St
Porterville, CA

16143

HUBLER, BURFORD, MORAN & QUIRK
ATTORNEYS AT LAW
141 EAST MILL AVENUE
PORTERVILLE, CALIFORNIA 93257

(SPACE BELOW FOR FILING STAMP ONLY)

FILED
TULARE COUNTY

JAN 19 1980

Attorneys for Petitioner

JAY C. BAYLESS, CLERK
Handwritten signature DEPUTY
JAN 18 1980

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF TULARE

In the Matter of the Estate)
) of)
EMMET V. SCHRANK,)
) Deceased.)

No. 26271- *20496*
JUDGMENT FOR FINAL DISTRIBUTION AND
ALLOWING EXTRAORDINARY FEES

HELEN MENNE, Executor of the Will of Emmet V. Schrank, deceased, having heretofore filed a Waiver of Accounting and Petition for Final Distribution and Allowance of Extraordinary Fees and the matter having on this day come on regularly for hearing, the Court finds:

Due notice of hearing of the petition has been regularly given as required by law; all of the allegations of the petition are true; Emmet V. Schrank died testate on June 18, 1978, in the County of Tulare, State of California, being at the time of his death a resident thereof; on May 23, 1979, HELEN MENNE was appointed Executor of decedent's Will, she qualified as Executor and ever since has been and now is the Executor of decedent's Will; notice to creditors has been duly given as required by law, the time for filing or presenting claims has expired, and the estate is now in a condition to be closed; all inheritance taxes and personal property taxes due and payable by the estate have paid; all of the assets of the estate were the separate property of the decedent; and

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344

1 distribution should be ordered as hereafter specified.

2 IT IS ORDERED AND ADJUDGED that:

3 1. The administration of the estate be brought to a close without
4 the necessity of an accounting.

5 2. All of the acts and transactions of the Executor relating to the
6 matter set forth in the account and report are ratified, confirmed, and
7 approved.

8 3. The Executor is authorized and directed to pay to her attorneys
9 Hubler, Burford, Moran & Quirk, the sum of \$400.00 on account of their statutory
10 fee, \$92.56 on account of expenses advanced and \$240.00 on account of their
11 extraordinary services.

12 4. California inheritance taxes due and payable by the estate have
13 been paid.

14 5. The estate in the possession of the Executor remaining on hand
15 for distribution consisting of the real property situated in the County of
16 Placer, State of California, and described in Exhibit "A" attached hereto and
17 incorporated by reference, together with any other property of the estate not
18 now known or discovered which may belong to the estate, or in which the decedent
19 or the estate may have an interest, be distributed to HELEN MENNE, the surviving
20 sister of decedent.

21 DATED: Jan 18, 1980, 1979.

22
23
24 Edward Kim

25 JUDGE
26
27
28

HUBLER, BURFORD, MORAN & QUIRK
ATTORNEYS AT LAW
141 EAST MILL AVENUE
PORTERVILLE, CALIFORNIA 99257

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EXHIBIT "A"

3.92 acres in Dutch Flats, County of Placer, California, described as follows:

A portion of the North half of Section 3, Township 15 North, Range 10 East, MDB&M, described as follows:

BEGINNING at a point from which the quarter corner on the North line of said Section 3 bears the following two courses and distances: North $16^{\circ} 12' 30''$ West, 1645.81 feet and North $1^{\circ} 08'$ East 995.52 feet and running thence from said point of beginning South $75^{\circ} 32'$ West 234.82 feet to a point on the Westerly line of the land described in the deed to Leon T. Folsom, et ux., recorded November 25, 1958 in Book 778 of Official Records, at Page 275; thence along the exterior boundaries of said last named land the following four consecutive courses and distances: South $8^{\circ} 05'$ East 162.38 feet; thence South $66^{\circ} 53'$ East, 240.43 feet; thence South $66^{\circ} 10'$ East 132.87 feet; thence South $66^{\circ} 31'$ East 284.12 feet to the Westerly line of the Southern Pacific Railroad Company right-of-way; thence along said Westerly right-of-way line North $16^{\circ} 11'$ East 312.92 feet; thence North $79^{\circ} 15' 30''$ West 374.36 feet; thence North $87^{\circ} 54'$ West 68.50 feet; thence North $47^{\circ} 27'$ West 71.00 feet; thence North $2^{\circ} 49'$ East 59.73 feet to the point of beginning.

TOGETHER WITH an easement and right to use for purposes of ingress and egress a portion of that certain easement described in deed from Byron E. Emerick to Leon T. and Melva L. Folsom dated November 13, 1958 and recorded in Book 778, Page 275 and 276 Official Records of Placer County, California from the Northerly line of the above described parcel to the Northerly limit of the easement.

RESERVING an easement and right to use for purposes of ingress and egress from the above described parcel all those portions of easement described in deed referred to above lying within the above described parcel.

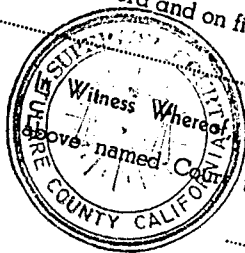
State of California, }
County of Tulare. } ss

I, Jay C. Bayless

County Clerk of the County of Tulare, State of California, and ex-officio Clerk of the Superior Court in and for said County, hereby certify the within and foregoing to be a full true, and correct copy of the original.

16146
Estate of Emmet V. Schrank, No. 26496
Petition for Probate of Will,
Proof of Subscribing Witness, Order for Probate, Last Will and Testament
and Judgment for Final Distribution and Allowing Extraordinary Fees

as the same now remains of record and on file in my office in the therein entitled above-mentioned case



I have hereunto set my hand and affixed the seal of the
this 29th day of July, 19 80

By Jay C. Bayless Clerk.
Deputy Clerk.

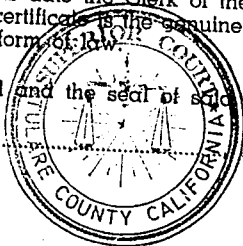
STATE OF CALIFORNIA, } ss.
County of Tulare

16147

I, N. O. Bradley

County of Tulare, State of California, do hereby certify that Jay C. Bayless, whose name appears to the within and foregoing certificate, is and was at the time said certificate was made and signed and since March 1, 1970, has been to this date the Clerk of the Superior Court of Tulare County, State of California, and that the signature to the certificate is the genuine signature of the said Jay C. Bayless as such Clerk and that said certificate is in due form of law.

Witness my hand and the seal of said Superior Court this 29th day of July 19 80

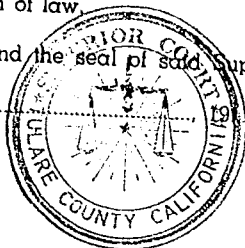


N. O. Bradley
Judge of the Superior Court.

STATE OF CALIFORNIA, } ss.
County of Tulare

I, Jay C. Bayless, Clerk of the Superior Court of Tulare County, State of California, do hereby certify that N. O. Bradley, whose name appears to the above and foregoing certificate, is and was at the time such certificate was made and signed, duly elected, qualified and acting Judge of said Court, and that the signature to the said certificate is the genuine signature of said N. O. Bradley as such Judge of said Superior Court and that such certificate is in due form of law.

Witness my hand and the seal of said Superior Court this 29th day of July 19 80



Jay C. Bayless
Clerk of the Superior Court

c.90

Return - James E. McElhiney
P.O. Box 5750
Klamath Falls, Oreg. 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 26th day of August A.D., 19 80 at 11:34 o'clock A M., and duly recorded in Vol. M80 of Miscellaneous on Page 16138.

FEE \$35.00

WM. D. MILNE, County Clerk
By Bernetha Hellock Deputy