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Vol. 7 Page 2298

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

TO THE COUNTY CLERK OF KLAMATH COUNTY

SMALL ESTATE OF

DENNIS LEE RANDOLPH, Deceased.) SMALL ESTATE NO. 81- 8 SE
(Probate Department)
AFFIDAVIT OF CLAIMING SUCCESSOR
TESTATE ESTATE

STATE OF OREGON)
County of Klamath) ss.

I, ANNA MAE RANDOLPH, being first duly sworn, depose and say that:
I am the surviving spouse, the named devisee and the "CLAIMING SUCCESSOR"
of the above named decedent. This affidavit is made pursuant to
ORS 114.515.

1. Decedent died in Klamath Falls, Klamath County, Oregon, on
January 10, 1981; a certified copy of the decedent's certificate of
death is attached hereto and by this reference made a part hereof;

2. The decedent died testate; the decedent's Last Will and
Testament dated 18th day of October, 1977 and executed in Klamath
Falls, Klamath County, Oregon, and the Affidavit of Witnesses to Will
Executed Contemporaneously Therewith, is attached hereto and by this
reference made a part hereof;

3. An application or petition for the appointment of a personal
representative has not been granted in Oregon;

4. A description of all of the decedent's property in Oregon,
including its location, the true cash value of the real property and
the fair market value of the personal property is as follows:

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1 REAL PROPERTY: Located at 2447 Reclamation, Klamath Falls,
2 Klamath County, Oregon, more particularly described as follows:
3 "LOT 726, BLOCK 129 MILLS ADDITION to the City of Klamath Falls"
4 with the documents for the purchase of the above described real
5 property being held in escrow with Klamath First Federal Savings
6 and Loan Association, Klamath Falls, Oregon, Escrow #99-2039.
7 The said escrow contains the following: 1.) Contract of Sale,
8 dated February 28, 1970, between JESSE B. MANGUM and MARGARET M.
9 MANGUM, husband and wife, as Sellers, and DENNIS L. RANDOLPH
10 and DOLEN RANDOLPH, husband and wife, as Buyers. The principal
11 balance due on the said escrow as of January 15, 1981, was in the
12 sum of \$7,497.80 with interest thereon at 8 percent per annum; and
13 2.) Unrecorded Warranty Deed dated February 28, 1970.
14 True cash value of above real property, tax code #3923-068-000-000-
15 000, using the assessor's value which is 84.2% of the true cash
16 value, less the principal balance due, was \$18,559.20 as of the
17 date of the decedent's death.

18 PERSONAL PROPERTY: Located at 2447 Reclamation, Klamath Falls,
19 Klamath County, Oregon, is as follows: Household furniture, cloth-
20 ing, and other miscellaneous personal items, valued at \$750.00.

21 5. Dolen Randolph referred to as wife and buyer in paragraph
22 four (4) above died on February 24, 1976 in Klamath Falls, Klamath County,
23 Oregon. A copy of her certificate of death was recorded in the Klamath
24 County Clerk's office on March 9, 1976, Deed Records, M76, Page 307.

25 6. To affiant's best knowledge the following are debts of decedent
26 remaining unpaid at the time of the filing of this affidavit: 1. Pacific

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NO. 81- 8 SE

(RANDOLPH)

BEDDOE & WHITLOCK
Attorneys at Law
296 Main Street
Klamath Falls, Oregon 97601
Telephone (503) 882-4624

1 Power & Light Company, Weatherization Program, regarding the insula-
2 tion cost repayment agreement dated the 28th day of February, 1979,
3 between PP&L Company and the decedent, Dennis L. Randolph, for which
4 the decedent as homeowner would ultimately be responsible for the sum
5 of \$612.50 regarding insulation and weatherization installed in the
6 residence located at 2447 Reclamation, Klamath Falls, Klamath County,
7 Oregon, more particularly described as Lot 726 Block 129 MILLS ADDITION;
8 and 2. Ward's Klamath Funeral Home, Inc., 1945 Main Street, Klamath
9 Falls, OR, with a balance due on the funeral expenses of \$1,000.00.
10 7. Decedent's heirs and relationships to the decedent and the
11 last address of each as known to the affiant are:

- 12 1. Mary Ann Dory, Daughter
13 37 Cameo Dr., #1
Chico, CA. 95926
- 14 2. Dorothy Jean Alley, Daughter
15 455 Rio Lindo, Apt.#63
Chico, CA 95926

16 A copy of this affidavit which includes a copy of the last will and
17 testatment of the decedent has been mailed to the above listed heirs
18 at the address shown above on the date of the filing of this affidavit.

19 8. The decedent died testate; decedent's Last Will and Testament
20 executed the 18 day of October, 1977, and the Affidavit of the two
21 attesting witnesses is attached hereto and by this reference made a
22 part hereof.

23 9. Decedent's devisees named in paragraph "FOURTH" and "SIXTH"
24 of the decedent's Last Will and Testament attached hereto and their
25 relationship to the decedent and their last address of each as known
26 to the affiant are:

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1. Anna Mae Randolph, Spouse and Claiming Successor
2447 Reclamation (Soc.Sec.#524-28-0431)
Klamath Falls, OR 97601

2. Eric Elliott Peterson, Stepson
Box 1716
Pagosa Springs, CO 81147

3. Ruth Marie Peterson, Stepdaughter
2924 Sumac #2
Fort Collins, CO 80526

A copy of this affidavit which includes a copy of the last will and testament of the decedent has been delivered personally or mailed to the above listed devisees at the address shown above on the date of the filing of this affidavit.

10. The interest in decedent's property described in this affidavit to which ANNA MAE RANDOLPH is entitled is "ALL" as set forth in paragraph "FOURTH" of the decedent's last will and testament referred to above in paragraph eight (8).

11. A copy of this affidavit has been mailed to the Public Welfare Division, Estate Administration Section and to the Department of Revenue, Salem, Oregon.

12. A copy of this affidavit which includes a copy of the last will and testament, certified by the Clerk of Klamath County, has been recorded in the Deed Records of Klamath County on the date the original affidavit which included the original last will and testament and the affidavit of attesting witnesses was filed for probate as a small estate.

13. A Clerk certified copy of this affidavit has been mailed to Klamath First Federal Saving and Loan Association, 540 Main Street, Klamath Falls, OR 97601, to be made a part of Escrow #99-2039 more particularly described under paragraph four (4) page two (2) of this

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1 affidavit.

2 14. Pursuant to ORS 114.555, if a personal representative is not
3 appointed within four (4) months after the filing of this Affidavit
4 the interest of the decedent in all of the property described herein
5 is transferred to the person shown by this Affidavit to be entitled
6 thereto and any other claims against the property described in this
7 Affidavit are barred except as provided in ORS 114.545.

8 DATED this 11th day of February, 1981.

9
10 Anna Mae Randolph
11 ANNA MAE RANDOLPH, CLAIMING SUCCESSOR

12 SUBSCRIBED AND SWORN to before me this 11th day of February, 1981.

13
14 (SEAL)

15 William M. Sherper
16 NOTARY PUBLIC FOR OREGON
17 MY commission expires: 3/26/83

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CERTIFICATE OF DEATH

SEE BACK

DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.)
JAN 13 1981

REGISTRAR
22b [Signature] *Chandra Francis*

PART I
(a) IMMEDIATE CAUSE
(b) DUE TO, OR AS A CONSEQUENCE OF:
(c) DUE TO, OR AS A CONSEQUENCE OF:

PART II
OTHER SIGNIFICANT CONDITIONS—Conditions contributing to death but not related to cause given in PART I (a)

ACCIDENT (Specify Yes or No)
26a [Specify Yes or No]

DATE OF INJURY (Mo., Day, Yr.)
26b

HOUR OF INJURY
26c

PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify)
26f

LOCATION
26g

STREET OR R.F.D. NO.
26h

CITY OR TOWN
26i

STATE
26j

RESERVED FOR REGISTRAR'S USE

STATE OF OREGON
County of Klamath
This

This certifies that the foregoing is a correct and complete transcript of a record of death on file with the Klamath County Department of Health Services.

(SEAL)

MARIAN ACKERMAN, Registrar

(SEAL)

MARIAN ACKERMAN, Registrar Vital Statistics

By Claudia Francis, Deputy Registrar
Date JAN 13 1981
D IF ALTERED

VOID IF JAN ALTERED

NOT VALID WITHOUT RAISED SEAL OF THE KLAMATH CO. DEPT. OF HEALTH SERVICES

81-85E

MS-2 Rev-1-80

1-1-74

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AFFIDAVIT OF WITNESSES TO WILL EXECUTED CONTEMPORANEOUSLY THEREWITH

STATE OF OREGON, County of Klamath ss.I, Richard C. Whitlockand I Jo Ann A. Simonson

being first duly sworn, each for himself and not one for the other, depose and say that:

I reside in Klamath FallsKlamathCounty, State of OregonI know Dennis Lee Randolph

called the testator). (hereinafter

The instrument attached to this affidavit is the last will and testament of the said testator; the said will was signed by said testator on the day it bears date immediately prior to the execution of this affidavit in the presence of the undersigned affiants at which time the said testator published and declared said instrument to be his last will and testament and requested affiants to act as witnesses thereto, whereupon the other witness and I, each having seen said testator sign said will, signed our names to said will as such witnesses at testator's direction. I hereby identify the signatures on the attached will as those of the said testator, the other attesting witness and myself.

At the time of executing his said will the said testator was over the age of eighteen years and was of sound and disposing mind and was not acting under any restraint, undue influence or fraudulent representations, to the best of my knowledge and belief.

In construing this affidavit and where the context and the circumstances so require, the masculine includes the feminine, the singular includes the plural, the word "testator" means "testatrix" and the terms "will" and "last will" include a codicil.

Jo Ann A. Simonson
Richard C. Whitlock

Subscribed and sworn to before me this 18 day of October, 19 77.

(SEAL)

May Ann GirardNotary Public for OregonMy commission expires 11-20-77

#81-85E

LAST WILL AND TESTAMENT

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OF

DENNIS LEE RANDOLPH

I, DENNIS LEE RANDOLPH, of Klamath County, Oregon, being of legal age and of sound and disposing mind and memory, and not acting under the fraud, duress or undue influence of any person whomsoever, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all wills or codicils by me at any time heretofore made.

FIRST

I direct that all my debts and funeral expenses be paid as soon after my death as may be reasonably convenient, and I do hereby authorize and empower my Personal Representative, in case of any claim made against my estate, to settle and discharge the same in her absolute discretion.

SECOND

I direct that all estate, inheritance, transfer, legacy and succession taxes or death duties which may be assessed or imposed with respect to my estate or any part thereof, wheresoever situated, whether or not passing under my Will, including the taxable value of all policies of insurance on my life, and of all transfers, powers, rights or interests includable in my estate for the purposes of such taxes and duties, be paid out of my residuary estate and such payments shall be made as an expense of administration and without apportionment.

THIRD

I declare that at the time of executing this Will I am the husband of ANNA MAE RANDOLPH. I further declare that I have

PAGE ONE
LAST WILL AND TESTAMENT OF
DENNIS LEE RANDOLPH

Dennis Randolph

two children by my prior marriage to DOLENE RANDOLPH, now deceased, to-wit: MARY A. DORY of Carson City, Nevada, and DOROTHY JEAN ALLEY of Chico, California, and that by the terms of this Will, I intend to leave them nothing.

FOURTH

All of the rest, residue and remainder of my estate, real, personal or mixed, and wheresoever situated, I give, devise and bequeath to my wife, ANNA MAE RANDOLPH, absolutely and without limitation.

FIFTH

In the event my wife, ANNA MAE RANDOLPH, and I should die simultaneously or within five months of one another, then and in that event, I shall be conclusively presumed to have survived my wife.

SIXTH

In the event my wife, ANNA MAE RANDOLPH, shall predecease me or shall die within five months from my death as set forth in Paragraph Fifth above, it is my will and I hereby direct that all of the rest, residue and remainder of my estate, real, personal or mixed and wheresoever situated, be distributed equally to my present wife's children, to-wit: Eric Elliott Peterson of Loveland, Colorado, and Ruth Marie Peterson of Fort Collins, Colorado, share and share alike, absolutely and without limitation, said children to take by representation.

SEVENTH

I hereby nominate, constitute and appoint my wife, ANNA MAE RANDOLPH, to be the Personal Representative of this, my Last Will and Testament, and to serve as such without bond.

In the event that my wife, ANNA MAE RANDOLPH, should be unable or unwilling to serve as Personal Representative, then and

PAGE TWO
LAST WILL AND TESTAMENT OF
DENNIS LEE RANDOLPH

Dennis Randolph

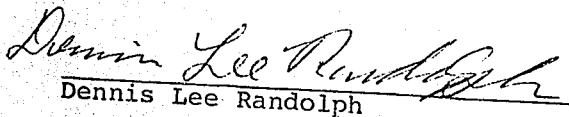
2307

in that event I nominate, constitute and appoint ERIC ELLIOTT PETERSON to serve as such Personal Representative and to serve as such without bond.

EIGHTH

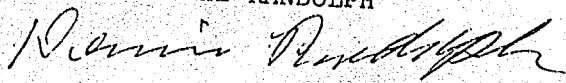
I hereby empower my said Personal Representative to lease, sell, encumber, exchange or otherwise deal with or dispose of all of my property, or any part thereof, in such manner or upon such terms as may seem advisable. Any sale or other disposition made by my Personal Representative may be without petition, citation, hearing, order, notice, bond or other intervention of any Court, and may be a public or private sale, as to my said Personal Representative may seem advisable.

IN WITNESS WHEREOF, I have affixed by signature at Klamath Falls, Oregon, this 18 day of October, 1977.


Dennis Lee Randolph

The foregoing instrument, consisting of four typewritten pages, including the final page, was on the day it bears date, the 18 day of October, 1977, signed, sealed, published and declared by the testator, Dennis Lee Randolph, as and for his Last Will and Testament, in the 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 and we do hereby certify that the said testator, at said time, was of sound and disposing mind and memory, cognizant of the natural objects

PAGE THREE
LAST WILL AND TESTAMENT OF
DENNIS LEE RANDOLPH



of his bounty and not acting under the fraud, menace, duress
or undue influence of any person whomsoever.

Jo Ann A. Simonson, Residing at Klamath Falls, Oregon

Richard C. Whitlock, Residing at Klamath Falls, Oregon

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LAST WILL AND TESTAMENT OF
DENNIS LEE RANDOLPH

Dennis Randolph

STATE OF OREGON; COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the

11th day of February A.D., 1981 at 4:44 o'clock P M., and duly recorded in

Vol M81 of Deeds on page 2298.

Fee \$42.00

EVELYN BIEHN

COUNTY CLERK

By Bartholomew Petch Deputy