

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

In the Matter of the Estate of:)

CHARLES RAY SMITH)

Decedent,)

Probate Department

No. 81-31-SE

AFFIDAVIT OF CLAIMING SUCCESSOR -
TESTATE ESTATE

STATE OF ARIZONA)

) SS

COUNTY OF MOHAVE)

I, NITA JOYCE SMITH, being first duly sworn, depose

and say:

1. I am a devisee and a "claiming successor" of the
above named decedent as defined by ORS 114.505(2);

2. This Affidavit is made pursuant to ORS 114.515;

3. Decedent died on January 22, 1981 in Lake Havasu
City, Arizona, a certified copy of decedent's death certificate is
attached hereto as Exhibit A and is incorporated herein by this
reference;

4. The decedent died testate; the decedent's Last
Will and Testament dated June 23, 1958 and executed in Los Angeles,
California, is attached hereto as Exhibit B and is incorporated
herein by this reference;

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

6. A description of all of decedent's property in
Oregon including its location and fair market value is as follows:

//

1 REAL ESTATE

2 Lot 48, Block 7, Klamath Falls Forest Estates
 3 Highway 66 Unit, Plat No. 1 as recorded in
 4 Klamath County, Oregon.
 Assessor's No. 36-3711-1600-6910
 Value - \$1310.00

5 Lot 6, Block 7, Klamath Falls Forest Estates
 6 Highway 66 Unit, Plat No. 1 as recorded in the
 7 office of the County Recorder of Klamath County,
 8 Oregon.
 Assessor's No. 36-3711-1600-7000
 Value - \$1190.00

9 Lot 47, Block 7, Klamath Falls Forest Estate
 10 Highway 66 Unit, Plat No. 1, as recorded in
 11 Klamath County, Oregon.
 Assessor's No. 36-3711-1600-7100
 12 Value - \$1190.00

13 PERSONAL PROPERTY

14 None

15 7. To affiant's best knowledge there are no debts
 16 of decedent remaining unpaid;

17 8. Decedent's heirs and their relationship to the
 18 decedent and the last known address of each as known to affiant are:

19 NITA JOYCE SMITH
 20 2551 Camino Drive
 Lake Havasu City, Arizona 86403 Surviving Spouse

21 DAVID RAY SMITH
 22 1336 River Road
 Carona, California 91720 Son

23 CLIFTON JERRELL SMITH
 24 30846 Caselina Drive
 Rancho Palos Verdes, Calif. 90274 Son

25 CHARLES RANDALL SMITH
 26 #6 Briarwood Court
 Russellville, Arkansas 72801 Son

CAROLE ANN CAVANAGH
2533 E. 220 Street
Long Beach, California 90810 Daughter

DENNIS DOYLE SMITH
2517 W. 177th
Torrance, California 90504 Son

9. Decedent's devisees and the last known address of each as known to affiant are:

NITA JOYCE SMITH
2551 Camino Drive
Lake Havasu City, Arizona 86403 Surviving Spouse/Wife

10. A copy of this Affidavit and a copy of the Will have been delivered or mailed to each heir and devisee at the last known address stated above;

11. The interest in decedent's property described in this affidavit to which the devisee is entitled is as follows:

NAME

INTEREST

NITA JOYCE SMITH

100%

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

13. A copy of this Affidavit and a copy of the Will have been filed with the County Clerk of Klamath County, Oregon where decedent's interest in real property is located.

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

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1 described in this Affidavit are barred except as provided in
2 ORS 114.545.

3 DATED this 12 day of June, 1981.

4
5 Nita Joyce Smith
6 NITA JOYCE SMITH

7 SUBSCRIBED AND SWORN to before me this 12 day of June, 1981.

8
9 James Lutz
10 (SEAL) NOTARY PUBLIC FOR ARIZONA
My Commission Expires: Sept 21, 1982

STATE OF ARIZONA
DEPARTMENT OF HEALTH SERVICES - VITAL RECORDS SECTION
CERTIFICATE OF DEATH

DEATH NO. **D 102-**

DATE OF DEATH **JANUARY 22, 1981**

NAME OF DECEASED **CHARLES RAY SMITH** SEX **MALE**

RACE (e.g., white, black, American Indian, etc.) **WHITE**

WAS DECEASED EVER IN U.S. ARMED FORCES? (SPECIFY YES OR NO) **NO**

PLACE OF DEATH **MOHAVE** TOWN OR CITY **LAKE HAVASU CITY**

DATE OF BIRTH **MAY 10, 1920** AGE (YEARS, MONTHS, DAYS) **60**

STATE OF (if not in USA, name country) **TEXAS** COUNTRY **U.S.A.**

USUAL RESIDENCE **ARIZONA** CITY **MOHAVE**

STREET ADDRESS OR R.F.D. **2551 CAMINO DR.**

FATHER'S NAME **LEWIS** MOTHER'S MAIDEN NAME **MARGARET**

INFORMANT'S SIGNATURE *[Signature]* RELATIONSHIP TO DECEASED **WIFE**

BURIAL, CREMATION, REMOVAL, OTHER (Specify) **CREMATION** DATE **1/24/1981** CEMETERY OR CREMATORY - NAME **TUCKER CREMATORY KINGMAN, ARIZ**

23 **LIEZ FUNERAL HOME** NAME **21 RIVIERA BLVD. LAKE HAVASU ARIZ**

28 **TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE TIME, DATE AND PLACE AND DUE TO THE CAUSE(S) STATED.**

SIGNATURE AND TITLE *[Signature]* DATE SIGNED (Mo., Day, Year) **1-22-81**

NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type & print) **DAVID W. SCHWARTZ M.D.**

NAME AND ADDRESS OF CERTIFIER, PHYSICIAN OR MEDICAL EXAMINER (Type & print) **DAVID W. SCHWARTZ M.D. 33 PIMA DR. LAKE HAVASU CITY, ARIZONA 86403**

DATE REGISTERED **1-24-81** REG. FILE NO. **011** REGISTRAR'S SIGNATURE *[Signature]*

41 **A. IMMEDIATE CAUSE** **Pulmonary Edema**

B. DUE TO, OR AS A CONSEQUENCE OF **Advanced Lung Ca. metastatic**

C. DUE TO, OR AS A CONSEQUENCE OF **Ca. metastatic**

47 **MANNER OF DEATH** ☐ ACCIDENT ☐ PENDING INVESTIGATION ☐ SUICIDE ☐ UNDETERMINED

48 **INJURY AT WORK?** (Specify yes or no) **NO**

49 **WAS CASE REFERRED TO MEDICAL EXAMINER?** (Specify yes or no) **NO**

50 **SUPPLEMENTARY ENTRIES** **#49 corr per req of mortuary. 1-27-81, mf**

CERTIFIED COPY OF VITAL RECORD

Date Issued **FEB 5 1981**

STATE OF ARIZONA }
COUNTY OF MARICOPA }

This is a true and exact reproduction of the document officially registered and placed on file in the VITAL RECORDS SECTION, DEPARTMENT OF HEALTH SERVICES, PHOENIX, AZ.

Issued under the authority of A.R.S. 36-341. and by direction of:

James E. Sarn, M.D., M.P.H.
Director
Department of Health Services
State Registrar

[Signature]
ALFONSO BRAVO
Assistant State Registrar

This copy not valid unless prepared on safety paper displaying state seal in color and impressed with raised seal of issuing agency.

EXHIBIT A

WILL

I, CHARLES R. SMITH, a resident of Los Angeles, California, declare this to be my last Will, and revoke all former Wills and Codicils.

FIRST: I direct my Executrix to pay my just debts, last illness and funeral expenses.

SECOND: I declare that I am married and that my wife's name is Nita J. Smith. We have five now living children, Clifton Jerrell Smith, born February 27, 1943; Charles Randall Smith, born April 30, 1944; Carol Ann Smith, born April 8, 1946; Dennis Doyle Smith, born October 3, 1949; and David Ray Smith, born May 12, 1950. I have no other now living children nor any predeceased children.

THIRD: It is my intention to dispose of all property which I am entitled to dispose of by Will, other than my disposable interest, if any, in property held in joint tenancy.

FOURTH: I give, devise and bequeath all of my estate, real and personal, wherever situated, to my wife, Nita J. Smith. If she should predecease me, then I give, devise and bequeath all of my estate to my five children, Clifton Jerrell Smith, Charles Randall Smith, Carol Ann Smith, Dennis Doyle Smith, and David Ray Smith in equal shares. If any of my above mentioned children should predecease me, then their share shall go to their issue in equal amounts, and if there be no living issue of a predeceased child of mine, then said predeceased child's share shall go to augment the share or shares of the surviving children or child of mine above mentioned or the share or shares of the then living issue of any children or child of mine who shall have predeceased me.

FIFTH: Except as otherwise provided in this Will, I have intentionally and with full knowledge omitted to provide for my heirs.

SIXTH: I appoint as Executrix of this Will, my wife, Nita J. Smith, to serve without bond. If my wife should predecease me, then I appoint as Executor of my Will the Bank of America National Trust and Savings Association. If my wife shall have predeceased me and any child of mine shall be entitled to any legacy or devise under this Will, prior to attaining the age of majority, I hereby appoint Margaret Thompson as the Guardian of the person and estate of such child, to serve without bond.

The foregoing instrument is subscribed by me on the Twenty Third day of June, 1958, at Los Angeles, California.

Charles R. Smith
Charles R. Smith

The foregoing instrument, consisting of two pages, including the page signed by the Testator, was subscribed on the date which it bears, by the Testator, Charles R. Smith, and at the time of subscribing was declared by him to be his last Will. The subscription and declaration were made in our presence, we being present at the same time; and we, at his request and in his presence, and in the presence of each other, have affixed our signatures hereto as witnesses.

Theresa Russell Residing at 5114 W 141st Ave. Hawthorne
Arastoo M. Bay Residing at 1412 Ocean Gate Ave. San
Jean E. Bay Residing at 1412 Ocean Gate Ave. San