

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF MULTNOMAH

3 Department of Probate

4 In the Matter of the Estate )  
 5 of ) No. 138471  
 6 LOVIE M. TUPPER, ) INVENTORY  
 7 Deceased. )

8 I hereby certify that the following is a complete  
 9 inventory of all the property of the estate that has come into  
 10 my possession or knowledge, with my estimate of the respective  
 11 true cash values of the property as of the date of death of the  
 12 decedent.

13 I. REAL PROPERTY

14 A. Multnomah County:

- 15 1. 607 N.E. Fremont, Portland, Oregon  
 16 (rental property), West 1/2 Lots 7  
 17 & 8, Block 20, LINCOLN PARK, City  
 of Portland, Multnomah County, Oregon  
 (Assessment for 1982-83 property taxes) \$22,500.00
- 18 2. 709 N.E. Stanton Street, (rental property)  
 19 Lot 11, Block 115, IRVINGTON, CITY OF  
 PORTLAND, Multnomah County, Oregon  
 (Assessment for 1982-83 property taxes) \$52,000.00
- 20 3. 3027 N.E. 9th, Portland, Oregon (residence  
 21 property) Encumbered by Oregon Department  
 22 of Veteran Affairs, Loan #L42398; (Assess-  
 23 ment for 1982-83 property taxes) \$69,800.00

24 B. Klamath County:

- 25 1. Klamath County tax account #112915 (40  
 26 acres unimproved) (Assessment for 1982-83  
 property taxes) \$ 1,000.00

Page 1- INVENTORY

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- 1 2. Klamath County tax account #112924  
2 (60 acres unimproved) (Assessment  
3 for 1982-83 property taxes) \$ 1,500.00
- 4 3. Klamath County tax account #112933  
5 (160 acres unimproved) (Assessment  
6 for 1982-83 property taxes) \$ 4,000.00
- 7 4. Klamath County tax account #112979  
8 (60 acres unimproved) (Assessment  
9 for 1982-83 property taxes) \$ 1,500.00
- 10 5. Klamath County tax account #201873  
11 (undetermined acres) (Assessment  
12 for 1982-83 property taxes) \$ 3,500.00
- 13 6. Klamath County tax account #289896  
14 (20 acres unimproved, better timber)  
15 (Assessment for 1982-83 property taxes) \$13,710.00
- 16 7. Klamath County tax account #289887  
17 (60 acres unimproved, better timber)  
18 (Assessment for 1982-83 property taxes) \$21,150.00
- 19 8. Klamath County tax account #293060  
20 (40 acres, unimproved, better timber)  
21 (Assessment for 1982-83 property taxes) \$14,100.00
- 22 9. Klamath County tax account #352424  
23 (36.45 acres unimproved, better timber)  
24 (Assessment for 1982-83 property taxes) \$14,020.00
- 25 10. Klamath County tax account #353860  
26 (155 acres unimproved) (Assessment for  
1982-83 property taxes) \$10,930.00
- II. AUTOMOBILES - AMC Eagle 4 wheel drive, station wagon,  
Oregon license GMQ613, 1980, white VIN ADC385C226096 (current  
NADA Blue Book Valuation) \$ 5,500.00
- III. Furnishings, personal items, and other personal  
property (estimates) \$ 3,500.00
- IV. Checking Account (Estate) First Interstate,  
Lloyd's Center Branch, No. 123 122 0010 42 \$  
/////

V. Contingent and Unliquidated Claims:

A. Klamath Tribe (Membership Roll No. 339B) share, through Bureau of Indian Affairs, through above roll number of deceased husband, Bruce Tupper; pending completion of application and BIA administrative procedures; amount to be determined according to filial relationships; estimate: \$7,000 - \$12,000.00

B. Claims for rent accruals against Vietta Lowe and James Perez, tenants at items IA3 and IA1, respectively; contingent and unliquidated: Amounts unascertained.

C. Unliquidated claims for possible additional pasture rent due from Carl Flynn & Sons, Lakeview, Oregon; attributable to portions of real property parcels listed under Item IB above; relatively small amounts, if in existence.

DATED: June 20, 1983.

DELLA MAE HARPER  
Personal Representative

LAST WILL AND TESTAMENT

14576

OF

LOVIE M. TUPPER

I, LOVIE M. TUPPER, being of sound mind and will, and wishing to provide for the testamentary disposition of my assets, do hereby declare this to my last Will and Testament, and do hereby revoke all other Wills and Codicils that I may have made.

I.

I declare that I am not married, my most recent husband, BRUCE TUPPER, having died in 1978. I have children, whose names are as follows: JAMES PEREZ, LOVIE L. PEREZ, PAUL L. LINDSEY, VIETTA L. (LINDSEY) LOWE, BRAD L. LINDSEY, MARK L. LINDSEY, TEREZ L. LINDSEY, and ANGELO E. TUPPER.

II.

Only two of my said children are minors, and I therefore wish to make them the beneficiaries of my will, to provide for their present and future needs. Also, many of the assets in my estate have been derived directly or indirectly from my late husband, BRUCE TUPPER, who especially loved and cared for these two minor children, one of whom was his own son. Therefore, I devise all my property, both real and personal, and wherever situated, and in which I may have an interest at the time of my death, including any property over which I may have a power of appointment, and subject to the trust provisions of this Will, as follows:

A. To ANGELO ELTON TUPPER, born January 21, 1968 and TEREZ LAMAR LINDSEY, born August 25, 1965, as tenants in common, with cross rights of survivorship, I devise all my ownership, right and interest in the real property situated at 3027 N.E. 9th, Portland, Multnomah County, Oregon.

B. To ANGELO ELTON TUPPER, I devise all of my ownership, right and interest in the following real property, situated in Klamath County, Oregon:

The E 1/2 of the S.E. 1/4 of the S.E. 1/4 of Section 10, of Township 37, Range 12 east of the Willamette Meridian; and

The W 1/2 of the S.W. 1/4 of the S.W. 1/4 of Section 11 of Township 37, Range 12 east of the Willamette Meridian; and

The S.E. 1/4 of the N.E. 1/4, and the E 1/2 of the S.W. 1/4 of the N.E. 1/4 of Section 14 of Township 37, east of the Willamette Meridian; and

The N.W. 1/4 of the S.W. 1/4, and the W 1/2 of the N.E. 1/4 of the S.W. 1/4 of Section 13 of Township 37, east of the Willamette Meridian.

C. To TEREZ LAMAR LINDSEY, I devise all of my ownership, right and interest in the following real property, situated in Klamath County, Oregon:

The Southwest one quarter of Section 5, of Township 37, Range 12 east of the Willamette Meridian.

D. To ANGELO ELTON TUPPER and TEREZ L. LINDSEY, in even and equal shares, all of the rest and residue of my estate, and the assets in it.

III.

14578

A. In the event TEREZ LAMAR LINDSEY is not 25 years of age at the date of my death, then his share of my estate shall be held in trust for him by STEVEN PAYGR, Attorney at Law, until said devisee becomes twenty five years of age.

B. In the event ANGELO ELTON TUPPER is not 25 years of age at the date of my death, then his share of my estate shall be held in trust for him by STEVEN PAYGR, Attorney at Law, until said devisee becomes twenty-five years of age.

C. Said trustee shall hold these estate shares in trust separately for the maintenance, care, and benefit of the respective beneficiaries, and shall have discretion to the fullest extent of the law in trust administration, except that the assets, and shares thereof, specifically devised shall not be sold or otherwise disposed of, except in extreme necessity, with the real property and interests devised therein, at 3027 N.E. 9th, Portland, Multnomah County, Oregon to be the last to be disposed of, if at all.

IV.

~~I appoint DELLA MAE HARPER~~, of Tucson, Arizona, as Personal Representative of my estate. I appoint my attorney, STEVEN PAYGR, as my alternate Personal Representative, to serve as Personal Representative, in the event DELLA MAE HARPER should be unable to so serve by reason of death or otherwise. ~~My Personal Representative shall serve without giving bond or bonds.~~

## V.

I direct my Personal Representative to pay from my estate, or from whatever source she reasonably determines necessary, in the manner described hereinafter, all my just debts, including but not limited to those resulting from medical expenses, funeral and final interment, estate administration expenses, and all inheritance, estate, transfer and succession to taxes which may become payable by reason of my death. I authorize my Personal Representative to contest or compromise any claims resulting from indebtedness for such expenses and taxes.

## VI.

It is my wish and desire that DELLA MAE TUPPER be guardian of either or both ANGELO ELTON TUPPER and TEREZ LAMAR LINDSEY in the case of minority of either or both at the date of my death.

## VII.

The expenses of administration, estate, inheritance and other taxes, and all other claims against the estate, to the extent actually paid, shall be apportioned to and paid from the estate assets in the following order:

A. First, from profits from and then from sale of the residuary devises, divided in apportioned prorata against the shares of the residuary devisees;

B. Second, to the extent such residuary assets are not sufficient to pay such expenses, taxes and claims, then from the income, rents and profits which may have

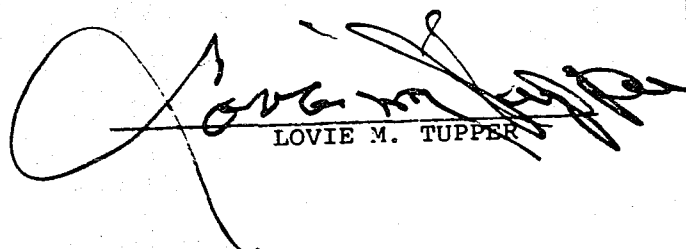


accrued to the estate from specific devisees, including any received from sale of timber from the real property of the estate situated in Klamath County, Oregon, and which the Personal Representative may have caused to occur as reasonable and necessary for payment of such expenses, taxes and claims. By this direction, the Personal Representative is specifically authorized to so sell such timber, and to rent said real property of the estate, as may be so reasonably necessary for such payments.

C. Third, to the extent that these sources of estate revenue set forth in Subparagraph A and B are not sufficient to pay such expenses, taxes and claims, ~~then first from sale of the Klamath County real property specifically devised under this Will,~~ then from the sale of the Multnomah County real property specifically devised.

Any encumbrances upon or against any of the real property specifically devised under this Will shall be discharged first out of the other assets of the estate, in manner and order provided for in this Article.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of Sep, 1982.

  
LOVIE M. TUPPER



14581

The foregoing instrument, consisting of six typewritten pages including this page, was signed, declared and published by LOVIE M. TUPPER as her Last Will and Testament in the presence of us, who, at her request and in her presence and in the presence of each other, hereunto subscribe our names as witnesses.

Joan M. Smith

Residing at 4618 NE 39th

Portland OR 97211

Ruth L. Kuehn

Residing at 708 SE 19th

Portland OR 97214

14582

AFFIDAVIT OF ATTESTING  
WITNESSES TO WILL

STATE OF OREGON       )  
                              ) ss.  
County of Multnomah )

We, the undersigned, being sworn, each for myself,  
say:

On the date of the attached Will of LOVIE M. TUPPER,  
in my presence, said LOVIE M. TUPPER signed the same and declared  
it to be her Will, whereupon, at her request and in her presence,  
I attested the Will by signing my name thereto.

To the best of my knowledge and belief, the testatrix  
was, at that time, over the age of 18 years and of sound mind.

Ruth C Kuehn

Jean M Smith

SUBSCRIBED AND SWORN to before me this 28th day of

September, 1982.

Steven Poyner  
Notary Public for Oregon  
My Commission Expires: 2/19/85

Return:  
MTC  
Attn Rose

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 10th day  
of September A.D., 19 85 at 3:08 o'clock P M., and duly recorded in Vol. M85  
of \_\_\_\_\_ on Page 14573  
\_\_\_\_\_ Misc.

FEE \$41.00

Evelyn Biehn  
By \_\_\_\_\_

County Clerk

Pat Smith