

54717

Vol. 185 Page 17280

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

In the Matter of the Estate )  
of EVERETT S. SHELLEY, )  
Deceased. )

No. 85-38 SE

SMALL ESTATE AFFIDAVIT

STATE OF ~~WASHINGTON~~ <sup>OREGON</sup> )  
County of Klamath ) SS

I, Lela M. Herendeen, being first duly sworn, make this Affidavit pursuant to the provisions of ORS 114.505 et seq. and depose and say as follows:

1.

All of the property of the Decedent and its fair market value is as follows:

- (A) Fee title to Lot 24, Block 30, Hot Springs Addition to the City of Klamath Falls, Klamath County, Oregon, according to the duly recorded plat thereof on file in the office of the County Clerk in and for said County and State.

Fair Market Value: \$20,000.00

- (B) Miscellaneous furnishing located on the above described real property.

Fair Market Value: \$3,000.00

2.

Reasonable efforts have been made to ascertain creditors of the Estate.

The debts of the Decedent remaining unpaid are as follows:

Wards Klamath Funeral Home, Inc.  
1945 Main Street  
Klamath Falls, Oregon 97601

Amount of said debt: \$1,950.00

CK 33.00  
Ret:  
WM. M. GANONG  
ATTORNEY AT LAW  
1151 PINE STREET  
KLAMATH FALLS, OR.  
97601  
(503) 882-7228

3.

The date of death of Decedent was July 22, 1985, and a certified copy of the death certificate is attached to this Affidavit.

4.

An application or petition for the appointment of a Personal Representative has not been granted in Oregon.

5.

The Heirs of the Decedent and the last address of each Heir as known to the Affiant are as follows:

Lela M. Herendeen, Step-daughter  
P.O. Box 320  
Brinnon, WA 98320

Fred E. Shelley, Son  
2472 Camino Capiton  
Santa Fe, NM 87505

Edward A. Radcliffe, Step-son  
24632 Via Tequilla  
El Tora, CA 92630

All of said persons are of legal age. A copy of this Affidavit and a copy of the Decedent's Will have been mailed to each said Heir at said last known address.

6.

The Decedent died testate and the Will is attached to this Affidavit.

7.

That the Devisees named in said Will and the last known address of each known to the Affiant are the same as the heirs set forth above.

A copy of this Affidavit, including a copy of the death certificate, and the Will has been delivered to each Devisee or mailed to the Devisee at said Devisee's last address known to the Affiant above stated.

8.

The people entitled to all of the interest of the Decedent in the property described above and their respective interests are:

- (a) Edward A. Radcliffe is entitled to the sum of \$100.00; and
- (b) Lela M. Herendeen and Fred E. Shelley are entitled to equal one-half share of the remainder of the property listed above.

9.

A copy of this Affidavit has been mailed to the Adult and Family Services Division, Estate Administration Section, Salem, Oregon 97310 and to the Department of Revenue, Salem, Oregon 97310.

10.

A copy of the Affidavit and a copy of the Will have been filed with the County Clerk in each County where the Decedent's real property is located.

*Lela M. Herendeen*  
Lela M. Herendeen

Subscribed and sworn to before me this 13<sup>th</sup> day of September, 1985.

(SEAL)

WM. M. GANONG  
NOTARY PUBLIC—OREGON  
MY COMMISSION EXPIRES 11-2-86

*Wm. M. Ganong*  
Notary Public for Oregon

STATE OF OREGON  
OREGON STATE HEALTH DIVISION  
DEPARTMENT OF HUMAN RESOURCES  
Vital Records Unit

17283

Local File Number

CERTIFICATE OF DEATH

State File Number

TYPE  
OR PRINT  
IN  
PERMANENT  
BLACK  
INK  
FOR  
INSTRUCTIONS  
SEE  
HANDBOOK

DECEDENT

IF DEATH  
OCCURRED IN  
HOSPITAL  
SEE HANDBOOK  
REGARDING  
COMPLETION OF  
RESIDENCE ITEMS

POSITION

CERTIFIER

CONDITIONS  
IF ANY  
WHICH GAVE  
RISE TO  
IMMEDIATE  
CAUSE  
STATING THE  
UNDERLYING  
CAUSE LAST

CAUSE OF  
DEATH

DECEASED—NAME 1 <b>EVERETT SNOW SHELLEY</b>		DATE OF DEATH (month day year) 7 <b>July 22, 1985</b>	
RACE (Specify) 2 <b>White</b>	SEX 4 <b>Male</b>	AGE—Last birthday (years) 5a <b>87</b>	DATE OF BIRTH (month day year) 6 <b>March 29, 1898</b>
CITY, TOWN OR LOCATION OF DEATH 1a <b>Klamath Falls</b>	HOSPITAL OR OTHER INSTITUTION—NAME (If not in either, give street and number) 7b <b>Merle West Medical Center</b>	IF HOSP OR INST indicate DOA OP/Emet. Am. Inpatient (Specify) 7c <b>Inpatient</b>	
STATE OF BIRTH (If not in U.S.A. name country) 8 <b>Missouri</b>	CITIZEN OF WHAT COUNTRY 9 <b>U.S.A.</b>	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) 10 <b>Widowed</b>	SPOUSE (IF MARRIED, WIDOWED) 11 <b>Vivian</b>
SOCIAL SECURITY NUMBER 12 <b>700 / 12 / 6814</b>	USUAL OCCUPATION (give kind of work done during most of working life, even if retired) 14a <b>Engineer - Retired</b>	KIND OF BUSINESS OR INDUSTRY 14b <b>Southern Pacific Railroad</b>	
RESIDENCE—STATE 13a <b>Oregon</b>	COUNTY 15a <b>Klamath</b>	CITY, TOWN, OR LOCATION 15c <b>Klamath Falls</b>	STREET AND NUMBER OR R.F.D., ZIP 15d <b>1869 Manzanita Street 97601</b>
FATHER—NAME 16a <b>Everett Shelley</b>	MOTHER—first middle last 17 <b>Melisa Snow</b>	INFORMANT—NAME and relationship to deceased 18 <b>Lela Herendeen / Daughter</b>	
BURIAL, CREMATION, REMOVAL, MAUS. (Specify) 19a <b>Burial</b>	CEMETERY OR CREMATORY—NAME 19b <b>Klamath Memorial Park</b>	LOCATION 19c <b>Klamath Falls, Ore.</b>	
FUNERAL SERVICE LICENSEE OR OTHER ACTING AS SUCH 20a <b>David Seeley, MD</b>			
NAME AND ADDRESS OF FACILITY 20b <b>WARD'S - 1945 Main - Klamath Falls, Oregon 97601</b>			
To the best of my knowledge, death occurred on the time, date and place and due to the cause(s) stated 21a <b>David Seeley, MD</b>		DATE SIGNED (MO. DAY, YR) 21b <b>7/23/85</b>	HOUR OF DEATH 21c <b>12:45 P.M.</b>
NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) 21e			
DATE RECEIVED BY REGISTRAR (MO. DAY, YR) 22a <b>JUL 24 1985</b>		REGISTRAR 22b <b>Richard E. Ackerman</b>	
PART I IMMEDIATE CAUSE (a) <b>CARDIAC arrest</b> DUE TO OR AS A CONSEQUENCE OF (b) <b>Coronary Heart Disease</b> DUE TO OR AS A CONSEQUENCE OF (c) <b>Peptic ulcer disease / D.D.</b>			
PART II OTHER SIGNIFICANT CONDITIONS—Conditions contributing to death but not related to cause given in PART I (a)			
ACCIDENT (Specify Yes or No) 23a <b>NO</b>	DATE OF INJURY (MO. DAY, YR) 26a	HOUR OF INJURY 26c	DESCRIBE HOW INJURY OCCURRED 26d
INJURY AT WORK (Specify Yes or No) 23b	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			

ORIGINAL-VITAL STATISTICS COPY

452 REV 12/83

STATE OF OREGON  
County of Klamath

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.

MARIAN ACKERMAN, Registrar Vital Statistics

By **Richard E. Ackerman** Deputy Registrar

Date **July 25, 1985**  
VOID IF ALTERED

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

1 I, EVERETT S. SHELLEY, of Klamath County, Oregon, do hereby make and declare  
2 this to be my Last Will and Testament hereby revoking all other and former Wills  
3 and Codicils by me heretofore made.

## 1 4 1.

5 My birthdate is March 29, 1898, and my Social Security No. is 700-12-6814.  
6 I am married and my wife's name is Vivian M. Shelley. I have a son, Fred E.  
7 Shelley. My wife has two children by a prior marriage, Lela M. Herendeen and  
8 Edward A. Radcliffe. All of said persons are of legal age.

## 9 2.

10 I appoint my step-daughter, Lela M. Herendeen, to be Executrix of this Will.  
11 If she is unable to assume or complete her duties, I appoint my son, Fred E.  
12 Shelley, to be such Executor. Said persons are sometimes referred to herein as  
13 my Personal Representative. I hereby authorize each of said persons to serve  
14 without bond.

## 15 3.

16 If at the date of my death I am a joint depositor or joint tenant in any  
17 savings certificates or savings accounts, it is my intention and bequest that  
18 my surviving joint depositors or joint tenants in said certificates and accounts  
19 shall receive said certificates and accounts as their sole and separate property.

## 20 4.

21 I bequeath unto my son, Fred E. Shelley, if he survives me, my diamond ring,  
22 which I inherited from my brother; my watch; and all of my fire arms, sporting  
23 equipment and camping equipment. If my said wife predeceases me, I also bequeath  
24 unto my said son, if he survives me, any automobiles, pickups, trailers and  
25 other automotive equipment I may own at the date of my death. If my said son  
26 predeceases me, this bequest shall lapse and pass with the residue of my Estate.  
27 If any item above bequeathed shall be disposed of prior to my death, the bequest  
28 of said item so disposed of shall adeem and be of no effect. I direct my Per-  
29 sonal Representative to pay from the residue of my Estate the cost of shipping  
30 or otherwise delivering each item herein bequeathed to the Legatee of same.

## 31 5.

32 I bequeath and devise all of the residue and remainder of my Estate, including

Last Will and Testament \_\_\_\_\_ Page 1.

E. S. S.

17285

1 any lapsed bequests, unto my wife, Vivian M. Shelley, if she survives me. If  
2 my said wife predeceases me:

3 (1) I bequeath the sum of \$100.00 unto my step-son, Edward A. Radcliffe,  
4 if he survives me. If he predeceases me, I bequeath said sum of \$100.00 unto  
5 his issue who survive me, per stirpes. I intentionally make no other provision  
6 for said Edward A. Radcliffe or his issue.

7 (2) I bequeath and devise all of the residue and remainder of my Estate,  
8 including any lapsed bequests, in equal, one-half shares, unto my son, Fred E.  
9 Shelley, and my step-daughter, Lela M. Herendeen, if both of them survive me.  
10 If one of said Devisees predecease me, I bequeath and devise all of said residue  
11 and remainder of my Estate unto the survivor of said Devisees. If both of said  
12 Devisees predecease me, then I bequeath and devise all of said residue and re-  
13 mainder of my Estate, per stirpes, unto the issue of said Fred E. Shelley and  
14 Lela M. Herendeen, who survive me. I intentionally make no other provision for  
15 the issue of said Fred E. Shelley and Lela M. Herendeen.

16 6.  
17 I direct my Personal Representative to treat as an obligation of my Estate  
18 and to pay from the residue of my Estate, without any apportionment thereof, all  
19 estate, inheritance and other death taxes or duties imposed or made payable by  
20 reason of my death.

21 7.  
22 I direct that in construing this Will and in the administration and distri-  
23 bution of my Estate, that an adopted child shall be given the same status it  
24 would have if it were the natural child of its adoptive parent and that the  
25 validity of the proceedings and the order, judgment or decree whereby said  
26 child was adopted shall not be considered or questioned.

27 8.  
28 I specifically state that I have not made this Will in consideration of the  
29 execution of a Will by my said wife and that either of us may change or revoke  
30 our Will at any time.

31 9.  
32 The persons whom I have named herein as my Personal Representative shall

17286

1 have the following powers and authority in addition to those provided by law:  
 2 To hold, manage, care for and protect my Estate and the income thereof; to  
 3 operate and manage any and all business belonging to my Estate and any interest  
 4 therein to the extent of such interest, and to continue to operate the same all  
 5 at the risk of my Estate, the profits and losses therefrom to inure to or be  
 6 chargeable to my Estate; To sell, exchange, partition, convey and lease the  
 7 Estate or any part thereof; provided, however, that said Personal Representative  
 8 shall have no duty or responsibility to sell, change, invest or re-invest any  
 9 of the assets of my Estate except to the extent that the sale of assets is  
 10 necessary to pay taxes, claims or expenses of administration, and shall not be  
 11 held responsible or liable for any loss or depreciation in the value of any  
 12 property in my Estate; To deposit funds of the Estate in checking and savings  
 13 accounts in banks and savings and loan associations authorized and empowered to  
 14 do business within the State of Oregon or in any State in which this Will is  
 15 probated; To borrow money and to encumber or hypothecate by mortgage, trust  
 16 deed, pledge, security agreement or otherwise all or any part of the Estate as  
 17 security therefor; to lend said Personal Representative's own funds to the Estate  
 18 for the protection thereof or for any other purpose. Said Personal Representa-  
 19 tive may elect to claim any items which are deductible alternatively for income  
 20 tax or estate tax purposes as said Personal Representative deems best, and such  
 21 exercise of discretion shall not be subject to question or challenge by any  
 22 Devisee or Legatee. Said Personal Representative may exercise any and all of  
 23 such powers or authority without regard to any prescribed statutory procedure  
 24 and without petition, order, citation, hearing, license, notice of sale, autho-  
 25 rity or confirmation of any Court.

26 IN WITNESS WHEREOF, I have set my hand this 17 day of July, 1975.

27 Everett S. Shelley  
 28 Everett S. Shelley

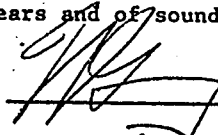
29 The foregoing instrument was, on the date thereof, signed, published and  
 30 declared by the said Everett S. Shelley as and for his Last Will and Testament,  
 31 in the presence of us, who, at his request and in his presence and in the presence  
 32 of each other, have hereunto subscribed our names as witnesses thereto.

32 William J. [Signature] RESIDING AT Klamath Falls, Ore.  
[Signature] RESIDING AT Klamath Falls, Ore.


1 STATE OF OREGON )  
2 County of Klamath ) SS

17287

3 We, the undersigned, each being duly and severally sworn, each for myself  
4 says: That I reside in the County of Klamath, State of Oregon; that I knew  
5 Everett S. Shelley on the date of the foregoing Will and that on said date and  
6 in our presence said Everett S. Shelley signed said Will and declared it to be  
7 his Last Will and Testament, whereupon at his request and in his presence and  
8 in the presence of each other, we attested said Will by signing our names thereto;  
9 that the signature of said Everett S. Shelley hereinabove set forth is the signa-  
10 ture which was signed in our presence and is the true signature of said Testator  
11 and that each of our signatures above set forth is the signature which each  
12 of us signed in the presence of said Testator and in the presence of each other  
13 and is the true signature of the person who signed the same. That the Testator  
14 was, at that time, of the age of 77 years and of sound mind.

15   
16 William J. Thorne  
17

18 Subscribed and Sworn to by each of the Affiants above named this 17<sup>th</sup> day  
19 of July, 1975. Before me:

20   
21 Claver M. Falvey  
22 Notary Public for Oregon

22 (SEAL)

23 My Commission Expires: Feb. 5, 1977  
24  
25  
26  
27

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 24<sup>th</sup> day  
of October A.D., 19 85 at 8:43 o'clock A M., and duly recorded in Vol. M85  
of \_\_\_\_\_ Deeds on Page 17280

FEE \$33.00

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

County Clerk  
