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Vol. 1485 Page 19393

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

Probate Department

In the Matter of the Estate)

No.

of)

THEODORA NUNEZ HERRERA,)

Deceased.)

ORDER ADMITTING WILL TO
PROBATE AND APPOINTING
PERSONAL REPRESENTATIVE

Upon petition of Richard Herrera for the probate of
the will of the above named decedent, the court finds the
allegations of said petition to be true.

IT IS THEREFORE ORDERED:

1. The will dated August 9, 1971 is the last will
of the decedent above named and the same is hereby admitted
to probate.

2. Richard Herrera is appointed personal
representative of the estate.

3. The personal representative is not required to
file a bond and letters shall be issued forthwith to the
personal representative in the manner provided by law.

DATED this 11 day of February, 1983.

S/ Wm. S. Mc Clemens
JUDGE

Page 1 - ORDER ADMITTING WILL TO PROBATE AND APPOINTING PERSONAL
REPRESENTATIVE

KELL, ALTERMAN & RUNSTEIN
Attorneys at Law
13th Floor Bank of California Tower
Portland, Oregon 97205
Telephone 222-3531

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1 Richard Herrera
2 Personal Representative
3 1012 S.W. 10th
4 Gresham, Oregon 97030

5 Lee Davis Kell
6 Kell, Alterman & Runstein
7 Attorneys for Personal Representative
8 1330 Bank of California Tower
9 Portland, Oregon 97205
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

Probate Department

In the Matter of the Estate)
of)
THEODORA NUNEZ HERRERA,)
Deceased.)

No.

PETITION FOR PROBATE OF
WILL AND APPOINTMENT OF
PERSONAL REPRESENTATIVE

Richard Herrera alleges:

1. The following information is given with regard to
the decedent:

Name:

Theodore Nunez Herrera

Age/Birthdate:

76/April 11, 1906

Domicile:

Multnomah County, Oregon

Post Office
Address:

3060 S.E. Stark St.
Portland, Oregon 97214

Date and place
of Death:

July 19, 1982
Portland, Oregon

Social Security
Number:

541-22-1838

2. Decedent died testate.

3. Venue is established in the County of Multnomah,
State of Oregon, in that at the time of decedent's death,
decedent's domicile was in said county.

4. Richard Herrera, whose post office address is 1021
S.W. Tenth, Gresham, Oregon 97030 is nominated as Personal
Representative under the will of decedent to serve without

Page 1 - PETITION FOR PROBATE OF WILL AND APPOINTMENT OF
PERSONAL REPRESENTATIVE

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1 bond, and is not disqualified to serve under the provisions
2 of ORS 113.095.

3 5. The names, relationships, ages, and post office
4 addresses of the heirs of decedent are as follows:

	<u>Name</u>	<u>Relationship</u>	<u>Age</u>	<u>Address</u>
6	Richard Herrera	Son	Legal	1021 S.W. 10th Gresham, Or. 97030
8	Josephine Gauthier	Daughter	Legal	1675 Corina Dr, SE Salem, Or. 97302
9	Lupe Martinez	Daughter	Legal	P.O. Box 255 Kelseyville, Ca. 95451
11	John Herrera	Son	Legal	4626 Shasta Way Klamath Falls, Or. 97601
13	Leo Herrera	Son	Legal	19300 Council Way Corona, Ca. 91720
15	Augustine Herrera	Son	Legal	1280 Woodrow San Diego, Ca. 92114
17	Clementina Strong	Daughter	Legal	2710 E. 27th Albany, Or. 97321
19	Chris Herrera	Son	Legal	P.O. Box 66 Chiloquin, Or. 97624
21	Patricia V. Butler	Daughter	Legal	Unavailable at present 97005
23	Pete Herrera	Son	Legal	686 Northlake Dr. Prestonburg, Ky. 41653
25	Samuel Herrera	Son	Legal	722 7th St. Madras, Or. 97741

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PERSONAL REPRESENTATIVE

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6. The names, relationships, ages, and post office addressed of the devisees of decedent are as follows:

Name	Relationship	Age	Address
Josephine Gauthier	Daughter	Legal	1675 Corina Dr, SE Salem, Or. 97302
Joe Duran	Friend	Legal	address unknown
Richard Herrera	Son	Legal	1021 S.W. Tenth Gresham, Or. 97030

On the basis of information which petitioner has received, it is petitioner's belief that Mr. Joe Duran, to whom decedent devised a life interest in her home, predeceased the decedent. Petitioner will provide further information to the Court as that information becomes available.

7. The following documents are attached hereto:
The Last Will and Testament of Theodora N. Herrera dated August 9, 1971;

The Affidavit of Attesting Witnesses to the Will;

8. So far as is known to petitioner, the extent and nature of the assets of the estate and the probable value of such assets are as follows: Personal property valued at \$10,000.

9. The personal representative has employed Kell, Alterman & Runstein, whose address is 1330 Bank of California Tower, Portland, Oregon 97205, as attorneys to represent the personal representative in the administration of the estate.

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WHEREFORE, petitioner prays for an order:

- a. Declaring the Will dated August 9, 1971 to be the last will of decedent and admitting the same to probate;
- b. Appointing Richard Herrera personal representative to serve without bond.

Richard Herrera
Richard Herrera
Petitioner

STATE OF OREGON

County of Multnomah

)
: ss.
)

I, RICHARD HERRERA, the petitioner herein, being first duly sworn, depose and say that I have read the foregoing petition, know the contents thereof and that the same is true as I verily believe.

Richard Herrera
Richard Herrera

Subscribed and sworn to before me this 9th day of January, 1983.

Mary Ellen Pappas
Notary Public for Oregon
My Commission Expires: 9/1/86

Richard Herrera
Personal Representative
1012 S.W. 10th
Gresham, Oregon 97030

Lee Davis Kell
Kell, Alterman & Runstein
Attorneys for Personal Representative
1330 Bank of California Tower
Portland, Oregon 97204

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1 IN THE CIRCUIT COURT OF THE STATE OF OREGON
2 FOR THE COUNTY OF KLAMATH
3

4 In the Matter of the Estate)
5 of)
6 THEODORA N. HERRERA, Deceased.)
7 _____)

NO.

AFFIDAVIT OF ATTESTING
WITNESSES TO WILL

8 STATE OF OREGON)
9 : ss.
10 County of Klamath)

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

12 On the date of the foregoing Will of THEODORA N. HERRERA of
13 which a photographic or facsimile copy is attached hereto, in
14 our presence, said THEODORA N. HERRERA signed the same with an
15 "X" as her signature, and declared it to be her Will, whereupon,
16 at her request and in her presence, we attested the Will by
17 signing our names thereto.

18 To the best of my knowledge and belief, the said THEODORA
19 N. HERRERA was, at that time, over the age of 18 years and of
20 sound mind.

21 *[Signature]*
22 *[Signature]*
23

24 SUBSCRIBED and sworn to before me this 9th day of August, 1971.
25

26 *[Signature]*
27 Notary Public for Oregon
28 My Commission expires: 6-3-73
29
30
31
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Last Will and Testament

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OF

THEODORA N. HERRERA

KNOW ALL MEN BY THESE PRESENTS, that I, THEODORA N. HERRERA, a widow, being of sound and disposing mind and memory and not acting under the duress or undue influence of any person whomsoever, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all former Wills and Codicils to Wills by me at any time made.

FIRST: I direct that my just debts and funeral expenses be promptly paid. I direct my Executor to treat an obligation of my estate and to pay, without any apportionment thereof, all estate, inheritance or other death taxes or duties imposed and made payable by reason of my death by the laws of the United States, or of any state, territory or country. If any other person shall pay any such tax, I direct my Executor to reimburse such person in the payment of same.

SECOND: I intend to devise and bequeath all property of which I may be seized or possessed at the time of my death, including property acquired before and after the execution of this Will, and any property which at the time of my decease I have the power of testamentary disposition.

THIRD: I give, devise and bequeath to my daughter, JOSEPHINE GAUTHIER of Salem, Oregon, all of my jewelry and furs and clothing that I may be possessed at the time of my demise.

FOURTH: I give, devise and bequeath to JOE DURAN a life estate in any dwelling house I may own or have an interest in as of the time of my death, with the remainder thereof to my son, RICHARD HERRERA. In the event JOE DURAN elects not to

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Reside in said house, my said son, RICHARD HERRERA may sell said dwelling house and from the proceeds divided therefrom, pay \$2,000 to JOE DURAN; or may, in the alternative, pay JOE DURAN \$2,000 and keep said dwelling house.

FIFTH: All the rest, residue and remainder of my estate of whatsoever kind and wheresoever situate, I give, devise and bequeath to my son, RICHARD HERRERA of 929 S. W. Stark Street, Portland, Oregon.

SIXTH: If my son, RICHARD HERRERA, should predecease me, then I give, devise and bequeath to JOSEPHINE GAUTHIER all my estate, subject, however, to the aforementioned specific bequeaths and devises.

SEVENTH: I hereby appoint my son, RICHARD HERRERA, as Executor of this, my Will. I hereby empower my said Executor to lease, encumber, sell, exchange or otherwise deal with or dispose of all my property, real or personal, or any part thereof in such manner, at such times, and upon such terms as he shall deem to be to the interest of my estate; such sale or other disposition to be made at public or private sale in the discretion of my Executor without any reference to the order of disposition of real and personal property and without any petition, citation, hearing, order or any other action. I further authorize my Executor to hold, manage and operate any property and any business belonging to my estate at the risk of my estate and not at the risk of my Executor, the profits and losses therefrom to inure or be chargeable to my estate as a whole. I hereby authorize my Executor to serve without bond. If, upon my death, said RICHARD HERRERA cannot serve as Executor of this Will, then I hereby appoint and nominate the FIRST NATIONAL BANK OF OREGON, Klamath Falls, Oregon, to be Executor of this, my Last Will and Testament, and direct that they shall have the same powers as my Executor which I have heretofore provided and set forth. I

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hereby authorize and direct that they shall serve without bond or other undertaking.

IN WITNESS WHEREOF, I hereunto affix an "X" as my signature at Klamath Falls, Oregon, this 9th day of August, 1971.

X
THEODORA N. HERRERA

The foregoing instrument consisting of three pages including this page, was on this 9th day of August, 1971, in our presence, signed with an "X", which THEODORA N. HERRERA stated was her signature, and published and declared to be her Will by THEODORA N. HERRERA, who was at that time of sound and disposing mind and memory and not acting under the fraud, duress, or undue influence of any person whomsoever. In testimony whereof we have at her request, in her presence and in the presence of each other subscribed hereto as witnesses.

[Signature], residing at Klamath Falls, Oregon.

Margaret E. Gaskin, residing at Klamath Falls, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of November A.D., 19 85 at 11:28 o'clock A M., and duly recorded in Vol. 185 day
of Deeds on Page 19393

FEE \$41.00

Evelyn Biehn

By

County Clerk

[Signature]

Return to:
Asper Title

LAST WILL and
TESTAMENT - 3