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Vol 186 Page 21816

Declaration of Trust

GLENN F. JOHNSON

State of **South Dakota**

County of **Jackson**

City/Town of **Rocky Point**

Interior

Harriman Rt.

am the owner of certain real property located at (and known as) **State of Oregon**
Peggy V. Stivers, who was formerly
in the City/Town of **Peggy J. Sloan & her husband Eldon**
V. Stivers & Robert Sloan and Lucille Sloan, husband and wife
which property is described more fully in the Deed conveying it from **as that certain piece or parcel of land with buildings**
GLENN F. JOHNSON being

Klamath County

thereon standing, located in said

- SEE LEGAL ATTACHED -

Oregon, to-wit: LOT 220 OF THIRD ADDITION TO SPORTSMAN PARK, Klamath County, Oregon,
according to the official plat thereof on file in the records of Klamath County, Oregon.

Subject to: Agreement concerning the operation of the dam and control of the water
levels of Upper Klamath Lake; Reservations and easements contained in the Dedication
of Third Addition to Sportsman Park; Any easements of record; and to the following
building and use restrictions which grantee, his heirs, grantees and assigns, assumes
and agrees to fully observe and comply with, to-wit:

- (1) That grantee will not suffer or permit any unlawful, unsightly or offensive use to be made of said premises, nor will he suffer or permit anything to be done thereon which may be or become a nuisance or annoyance to the neighborhood.
- (2) That he will use said premises solely as a residence or summer home site.
- (3) That each said lot shall never be subdivided nor shall any less portion than the whole of said lot ever be sold, leased or conveyed, and that no building except one summer home or residence and the usual and necessary outbuildings thereto shall ever be erected thereon.
- (4) That no building shall ever be erected within 10 feet of any exterior property line.
- (5) That the foregoing covenants are appurtenant to and for the benefit of each and every other lot in said Third Addition to Sportsman Park and shall forever run with the land and shall bind the premises herein conveyed for the benefit of each and every other lot in said addition and the foregoing covenants and restrictions shall be incorporated in and made a part of each and every other deed or conveyance hereafter executed for the purpose of conveying these premises.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I do hereby acknowledge and declare that I now
and will hold said real property and all my right, title and interest in and to said property and all furniture, fixtures and personal
property situated therein on the date of my death, IN TRUST **for** **persons, in equal shares, or the survivor of them**

1. For the use and benefit of the following **Four (4)**
- | | |
|-------------------------------------|-----------------------|
| Katherine Elisabeth Conquest | - my daughter |
| Rosemary Louise Robbins | - my daughter |
| Mary Ellen Harrison | - my daughter |
| Gina Louise Johnson | - my adopted daughter |

If because of my physical or mental incapacity certified in writing by a physician, the Successor-Trustee hereinafter named shall assume active administration of this trust during my lifetime, such Successor-Trustee shall be fully authorized to pay to me or disburse on my behalf such sums from income or principal as appear necessary or desirable for my comfort or welfare. Upon my death, unless all the beneficiaries shall predecease me or unless we all shall die as a result of a common accident or disaster, my Successor-Trustee is hereby directed forthwith to transfer said property and all right, title and interest in and to said property unto the beneficiaries absolutely and thereby terminate this trust; provided, however, that if any beneficiary hereunder shall not have attained the age of 21 years, the Successor-Trustee shall hold such beneficiary's share of the trust assets in continuing trust until such beneficiary shall have attained the age of 21 years. During such period of continuing trust the Successor-Trustee, in his absolute discretion, may retain the specific trust property herein described if he believes it in the best interests of the beneficiary so to do, or he may sell or otherwise dispose of such specific trust property, investing and reinvesting the proceeds as he may

STATE OF OREGON - COUNTY OF KLAMATH
FILED FOR RECORD IN VOL. 186 PAGE 21816
DATE 11-27-68
BY [Signature]
COUNTY CLERK

Being the same premises earlier conveyed to the Settlor by an instrument dated January 2, 1975 and recorded in Vol. M 75, Page 7926 of the Klamath County Land Records. **21817**

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I do hereby acknowledge and declare that I hold and will hold said real property and all my right, title and interest in and to said property and all furniture, fixtures and personal property situated therein on the date of my death, IN TRUST

1. For the use and benefit of the following four (4)

disposer
persons, in equal shares, or the survivor of them *per G*
Katherine Elisabeth Conquest - my daughter
Rosemary Louise Robbins - my daughter
Mary Ellen Harrison - my daughter
Gina Louise Johnck - my adopted daughter

13.00
If because of my physical or mental incapacity certified in writing by a physician, the Successor Trustee hereinafter named shall assume active administration of this trust during my lifetime, such Successor Trustee shall be fully authorized to pay to me or disburse on my behalf such sums from income or principal as appear necessary or desirable for my comfort or welfare. Upon my death, unless all the beneficiaries shall predecease me or unless we all shall die as a result of a common accident or disaster, my Successor Trustee is hereby directed forthwith to transfer said property and all right, title and interest in and to said property unto the beneficiaries absolutely and thereby terminate this trust; provided, however, that if any beneficiary hereunder shall not have attained the age of 21 years, the Successor Trustee shall hold such beneficiary's share of the trust assets in continuing trust until such beneficiary shall have attained the age of 21 years. During such period of continuing trust the Successor Trustee, in his absolute discretion, may retain the specific trust property herein described if he believes it in the best interests of the beneficiary so to do, or he may sell or otherwise dispose of such specific trust property, investing and reinvesting the proceeds as he may

STATE OF OREGON, COUNTY OF KLAMATH
I, , of said County and State, do hereby certify that the foregoing is a true and correct copy of the original instrument recorded in Vol. , Page , of the Klamath County Land Records.
By , County Clerk
Subscribed and sworn to before me on this day of , 19 .
Notary Public

21818

deem appropriate. If the specific trust property shall be productive of income or if it be sold or otherwise disposed of, the Successor Trustee may apply or expend any or all of the income or principal directly for the maintenance, education and support of the beneficiary without the intervention of any guardian and without application to any court. Such payments of income or principal may be made to the parents of such beneficiary or to the person with whom the beneficiary is living without any liability upon the Successor Trustee to see to the application thereof. If such beneficiary survives me but dies before attaining the age of 21 years, at his or her death the Successor Trustee shall transfer, pay over and deliver the trust property being held for such beneficiary to such beneficiary's personal representative, absolutely.

2. Each beneficiary hereunder shall be liable for his proportionate share of any taxes levied upon the Settlor's total taxable estate by reason of the Settlor's death.

3. All interests of a beneficiary hereunder shall be inalienable and free from anticipation, assignment, attachment, pledge or control by creditors or by a present or former spouse of such beneficiary in any proceedings at law or in equity.

4. I reserve unto myself the power and right during my lifetime (1) to place a mortgage or other lien upon the property, (2) to collect any rental or other income which may accrue from the trust property and to pay such income to myself as an individual. I shall be exclusively entitled to all such income accruing from the trust property during my lifetime, and no beneficiary named herein shall have any claim upon any such income and/or profits distributed to me.

5. I reserve unto myself the power and right at any time during my lifetime to amend or revoke in whole or in part the trust hereby created without the necessity of obtaining the consent of any beneficiary and without giving notice to any beneficiary. The sale or other disposition by me of the whole or any part of the property held hereunder shall constitute as to such whole or part a revocation of this trust.

6. The death during my lifetime, or in a common accident or disaster with me, of all of the beneficiaries designated hereunder shall revoke such designation, and in the former event, I reserve the right to designate new beneficiaries. Should I for any reason fail to designate such new beneficiaries, this trust shall terminate upon my death and the trust property shall revert to my estate.

7. In the event of my physical or mental incapacity or my death, I hereby nominate and appoint as Successor Trustee hereunder the beneficiary named first above, unless such beneficiary shall not have attained the age of 21 years, or is otherwise legally incapacitated, in which event I hereby nominate and appoint as Successor Trustee hereunder the beneficiary named second above. If such beneficiary named second above shall not have attained the age of 21 years, or is otherwise legally incapacitated, then I nominate and appoint

(Name) Jean B. Lotter
(Address) 5540 S. 288th Auburn Wa. 98001, of
Number Street City State Zip

to be Successor Trustee.
8. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators and assigns of the undersigned and upon the Successors to the Trustee.
9. The Trustee and his successors shall serve without bond.
10. This Declaration of Trust shall be construed and enforced in accordance with the laws of the State of Oregon

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3 November 1986 day of November

(Settlor sign here) Jean B. Lotter L.S.

I, the undersigned legal spouse of the Settlor, hereby waive all community property, dower or curtesy rights which I may have in the hereinabove-described property and give my assent to the provisions of the trust and to the inclusion of it of the said property.
(Spouse sign here) Jean B. Lotter L.S.

Witness: (1) Glenn F. Johnck Witness: (2) Barbara Hammerman

STATE OF SOUTH DAKOTA City Wall
COUNTY OF Yankton Pennington or Town Wall
On the 3rd day of November, 1986

GLENN F. JOHNCK, personally appeared known to me to be the individual(s) who executed the foregoing instrument, and acknowledged the same to be his, free and deed before me.

(Notary Seal) Glenn F. Johnck Notary Public
My commission expires 4-30-90

STATE OF OREGON: COUNTY OF KLAMATH: ss.
Filed for record at request of November A.D., 19 86 at 11:27 o'clock A.M., and duly recorded in Vol. M86 day of Deeds on Page 21816
FEE \$13.00
By Evelyn Biehn, County Clerk