

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY  
 2 In the Matter of the Estate ) Case No. P-66-85  
 3 of )  
 4 FRANK MILTON STRAUS, ) ORDER APPROVING FINAL  
 5 Deceased. ) ACCOUNT; DECREE OF  
 ) FINAL DISTRIBUTION  
 )

6 CONSUELO LAZARO STRAUS, Personal Representative of this  
 7 estate, filed herein her Final Account on June 2, 1987 and all  
 8 devisees under the decedent's Will having ratified and approved  
 9 said instrument and consented to the immediate entry of the  
 10 Decree requested therein, the Court hereby finds and  
 11 determines:

12 1. All Oregon income, inheritance and personal property  
 13 taxes, if any, due from this estate or on account of this  
 14 decedent have been paid and appropriate releases have been  
 15 filed herein.

16 2. All claims of creditors of the decedent and his estate  
 17 have been paid.

18 3. Expenses of administration remaining unpaid are the  
 19 Personal Representative's fee, the fee of her attorneys, the  
 20 accounting fee for preparation of final state and federal  
 21 fiduciary income tax returns and any miscellaneous expense  
 22 incurred in distributing estate assets.

23 4. Petitioner should be allowed the sum of \$12,371 as the  
 24 reasonable compensation of her attorneys, and allowed any  
 25 accounting fees and expenses of distribution hereafter incurred  
 26 by her incidental to distributing the assets of this estate.

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1           5. The statutory fee to which Petitioner is entitled is  
 2     \$10,442 but there are insufficient funds in this estate with  
 3     which to pay said fee and Petitioner has agreed to accept, if  
 4     approved by the Court, distribution to her of this estate's 1/4  
 5     vendors' interest in the contract of sale with James L.  
 6     Scheffel and Judy S. Scheffel described in item 1 of the  
 7     Inventory on file herein on which the unpaid balance when the  
 8     Final Account was filed was \$9,425.28 plus interest at 9% per  
 9     annum from May 10, 1987. The Court hereby determines  
 10    assignment of the estate's interest in said contract of sale in  
 11    satisfaction of the Personal Representative's fees is in the  
 12    best interest of this estate.

13           6. Petitioner's Final Account, together with her First  
 14    and Second Annual Accounts on file herein, are in all respects  
 15    true and correct and should be ratified and approved.

16           7. In his Last Will and Testament the decedent devised  
 17    \$175,000 to his daughter, Trish Straus (formerly Patricia Ann  
 18    Campbell) and the sum of \$50,000 to each of his grandchildren,  
 19    Jack Randall Campbell III and Valerie S. Claiborne (formerly  
 20    Valerie Straus) and at the time the Final Account was filed the  
 21    Personal Representative had distributed \$58,790.28 toward said  
 22    devises, leaving a balance of \$216,209.72. The Personal  
 23    Representative has reported that the present true value of the  
 24    assets remaining for distribution will be less than \$216,209.72  
 25    and, therefore, it is in the best interest of this estate and  
 26    requested by the Personal Representative, who is also the

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1 residuary devisee under the decedent's Will, that all remaining  
 2 assets of this estate, after payment of the fees provided for  
 3 in paragraphs 4 and 5, be distributed to the decedent's  
 4 daughter and two grandchildren in full, final and complete  
 5 satisfaction of their cash devises.

6 8. Proof of mailing the Notice of the time for filing  
 7 objections to the Final Account and Petition for Decree of  
 8 Final Distribution has been filed herein.

9 Now, therefore, it is hereby ORDERED AND DECREED:

10 1. The Personal Representative's Final Account, together  
 11 with her First and Second Annual Accounts, are hereby ratified  
 12 and approved and all disbursements, distributions and other  
 13 acts of the Personal Representative are allowed.

14 2. The Personal Representative is allowed the sum of  
 15 \$12,371 as the fee of her attorneys and is directed to assign  
 16 to herself, as her fee for serving as Personal Representative,  
 17 this estate's 1/4 vendors' interest in the contract of sale  
 18 with James L. Scheffel and Judy S. Scheffel described as item 1  
 19 on the Inventory on file herein, together with any payments on  
 20 said contract made subsequent to the filing herein of the Final  
 21 Account, and is further directed to convey to herself the  
 22 estate's interest in legal title to the real property which is  
 23 security for payment of the balance under said contract of

24 3. The Personal Representative is further directed to  
 25 distribute and convey the estate assets remaining after payment  
 26 of said fees and remaining expenses of administration as

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 DECREE OF FINAL DISTRIBUTION

BLACKBURN, HORNECKER, MASSEN & BRIAN  
 ATTORNEYS AT LAW  
 SUITE 1 - 15th OAKDALE  
 PO BOX 70  
 MEDFORD, OREGON 97501  
 7/16/82

1 follows: 175/275 to Trish Straus, 50/275 to Jack Randall  
 2 Campbell III and 50/275 to Valerie S. Claiborne, in full and  
 3 final satisfaction of the cash devises provided for said  
 4 devisees in the decedent's Last Will and Testament. Said  
 5 remaining assets shall consist of any cash on hand and all  
 6 right, title and interest of the decedent, Frank Milton Straus,  
 7 and his estate in the following:

8 a. Undivided one-fourth interest in \$68,500 Land  
 9 Sale Contract dated June 1, 1979, between Ben Day and Louise  
 10 C. Day, husband and wife, John P. Day, Jill R. Hally (formerly  
 11 Jill R. Day), Harold J. Runstad and Betty S. Runstad, husband  
 12 and wife, and Frank M. Straus, as "Seller", and Thomas J.  
 13 Schwichtenberg and Jean A. Schwichtenberg, husband and wife,  
 14 as "Purchaser", for the sale and purchase of the following  
 15 property:

16 The West Half of the Southeast Quarter of  
 17 Section 34, Township 35 South, Range 1  
 18 East of the Willamette Meridian in  
 19 Jackson County, Oregon.

20 b. Promissory Note dated November 7, 1986 in the  
 21 face amount of \$15,000 executed by Lynn A. Sherbourne payable  
 22 in monthly installments of \$311.38 including interest at 9%  
 23 per annum and all due and payable November 7, 1991. Payment  
 24 of said Note is secured by a Deed of Trust covering the real  
 25 property sold to Lynn A. Sherbourne described as item 12 of  
 26 the Inventory, to wit:

27 The following property in Jackson County,  
 28 Oregon: That portion of the North Half  
 29 of the Southeast Quarter of Section 29 in  
 30 Township 34 South, Range 2 West of the  
 31 Willamette Meridian in Jackson County,  
 32 Oregon, lying EASTERLY of the County Road.

33 c. Real property in Klamath County described as  
 34 item 9 of Inventory, to wit:

35 PARCEL 1

36 All that portion of the E½ of the SW¼ of the NE¼  
 of Section 28, Township 34 South, Range 8 East  
 of the Willamette Meridian, lying North of the  
 Chiloquin to Sprague River Highway.

ELACHURST HORNECKER HASSEN & BRIAN  
 ATTORNEYS AT LAW  
 SUITE 1 - 124 N OAKDALE  
 P.O. BOX 670  
 MEDFORD OREGON 97501  
 719 8330

PARCEL 2

All that portion of the E½ of the NE¼ of Section 28 lying South and West of Sprague River and North of the Chiloquin to Sprague River Highway and that portion of the SW¼ of the NW¼ of Section 27 lying Southwest of Sprague River all in Township 34 South, Range 8 East of the Willamette Meridian, and being more particularly described as follows: Beginning at a point on the South bank of Sprague River at the intersection of the West line of the E½ of the NE¼ of Section 28, T. 34 S., R. 8 E.W.M., from which the Northwest corner of said E½ of said NE¼ bears N.0°57'44" East 1088.75 feet distant; thence along the South and West bank of Sprague River S. 58°13'40" East 66.68 feet; thence S. 73°27½' East 80.0 feet; thence S. 88°53½' East 182.00 feet; thence N. 31°40' East 206.93 feet; thence N. 72°49'50" East 53.28 feet; thence S. 60°16'20" East 54.55 feet; thence S. 10°31½' East 164.19 feet; thence S. 18°01½' East 225.00 feet; thence S. 53°48' East 138.56 feet; thence N. 67°11'40" East 229.47 feet; thence N. 27°24'20" East 111.15 feet; thence East 100.0 feet; thence S. 48°43½' East 279.26 feet; thence S. 18°36' West 417.39 feet; thence S. 0°14' West 229.47 feet; thence S. 17°12' East 324.00 feet; thence S. 36°03½' East 402.9 feet, more or less to the South line of the NW¼ of Section 27 at a point approximately 180.0 feet East of the quarter corner common to Sections 27 and 28; thence West along the quarter section lines of Sections 27 and 28 412, more or less to the Northeast line of the Chiloquin to Sprague River Highway; thence Northwesterly along the said Northeasterly line to the West line of the said E½ of the NE¼ of Section 28; thence North along the said West line of the said E½ of the NE¼ of said Section 28 to the point of beginning.

PARCEL 3

That parcel of land described as the NW¼ of the NE¼ of Section 28, Township 34 South, Range 8 East of the Willamette Meridian, SAVING AND EXCEPTING therefrom the following: Beginning at an iron pin on the North line of Section 28, T. 34S., R. 8 E.W.M., 230.0 feet West of the iron pipe marking the Northeast corner of the NW¼ of the NE¼ of said section, thence S. 3°21½' West 589.77 feet; thence S. 86°38½' East 63.8 feet to an iron pin on the bank of Sprague River;

thence along Sprague River, S. 15°28'50" West  
174.86 feet; thence S. 18°17½' East 246.05  
feet; thence S. 58°13'40" East 178.44 feet, more  
or less to the East line of said NW¼ of the NE¼;  
thence N. 0°57'44" East along said East line,  
1088.75 feet to the point of beginning.

PARCEL 4

Beginning at a one inch iron pipe on the  
Northeast corner of the NW¼NE¼ of said Section  
28; thence West along the North line of said  
Section 28 a distance of 229.64 feet to a one-  
half inch iron pin; thence South 03°13'28" West  
a distance of 589.34 feet to a one-half inch  
iron pin; thence South 86°45'40" East a distance  
of 63.45 feet to a one-half inch iron pin on the  
left bank of the Sprague River; thence following  
the left bank of the Sprague River the following  
courses and distances: North 39°19'30" East  
93.63 feet; North 47°33'20" East 108.49 feet;  
North 63°47'30" East 419.70 feet; North 83°21'40"  
East 125.30 feet; North 79°14'00" East  
131.22 feet; North 89°23'50" East 102.27 feet;  
North 30°55'50" East 87.80 feet; North 10°41'  
10" East 205.69 feet; North 22°06'40" West  
130.62 feet; North 46°22'00" West 111.35 feet;  
North 74°38'40" West 135.89 feet; North 59°48'  
50" West 125.44 feet; North 72°40'40" West  
145.17 feet; South 61°48'20" West 94.89 feet;  
South 16°33'10" West 307.42 feet; and thence  
South 53°12'04" West a distance of 95.37 feet  
to the point of beginning.

d. Real property in Klamath County described as  
item 10 of Inventory, to wit:

The S½NW¼ lying Northeasterly of SPRAGUE RIVER  
ROAD and LONE PINE ROAD in Section 11, Township  
35 South, Range 9 East of the Willamette  
Meridian, Klamath County, Oregon.

e. Real property in Jackson County described as  
item 11 of the Inventory, to wit:

That portion of the North half of the Northwest  
Quarter of Section 34 in Township 34 South, Range  
2 West of the Willamette Meridian in Jackson  
County, Oregon, lying WESTERLY of Antioch Road.

DATED this 25 day of June, 1987.

*[Signature]*  
CIRCUIT JUDGE

-6- ORDER APPROVING FINAL ACCOUNT; DECREE OF FINAL DISTRIBUTION

BLACAMUST, HORNECVER, HASLEN & BRIAN  
ATTORNEYS AT LAW  
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MEDFORD, OREGON 97501  
778-8550

Page

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JUN 25 2 25 PM '87  
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This instrument is a correct copy of  
the original on file in this office.

ATTEST JUN 26 1987

Circuit Court - Trial Court Clerk  
State of Oregon - Jackson County.

By Lorene H. McCormack

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 30th day  
of June A.D. 1987 at 10:15 o'clock A M., and duly recorded in Vol. M87,  
of Deeds on Page 11392.

FEE \$29.00

Evelyn Biehn, County Clerk

By [Signature]