

86105

Vol. 1788 Page 5469

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

In the Matter of the Small Estate :

of DOLLY I. MACHADO, :

Deceased. :

No. 88 - 29 SE

AFFIDAVIT OF CLAIMING
SUCCESSOR TESTATE ESTATE

STATE OF CALIFORNIA)
County of) SS
)

I, Bertha E. McKenny, now known as Bertha E. Benevento, being first duly sworn, say that: I am an heir and a "claiming successor" of the above-named decedent. This Affidavit is made pursuant to ORS 114.515.

1. A description of all decedent's property in Oregon, including the location and the fair market value thereof, is:

Seller's interest in contract of sale with Ernest K. Bickford and Margaret A. Bickford, as buyers, for property in Klamath County, Oregon, more particularly described as follows:

The Westerly one-half of Lot 598, Block 103, MILLS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon;

the unpaid balance of which contract as of the date of death was \$11,988.39, with present contract balance of \$8,974.85.

2. There are no debts of the decedent remaining unpaid.

3. Decedent died January 24, 1983; a certified copy of decedent's death certificate is attached hereto.

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

5. Decedent's heirs and relationships to the decedent and the last address

Affidavit of Claiming
Successor Testate Estate - Page 1.

WILLIAM I. SISEMORE
Attorney at law
540 Main Street
KLAMATH FALLS, ORE.
97601

503/802-7229
OSB #701335

1 of each as known to Affiant are:

2 Charles F. Cornutt - son
3 345 N. Second Street
4 Central Point, Or. 97502

5 James E. Cornutt - son
6 2545 Suffolk
7 Kingman, Ariz. 86401

8 Bertha E. McKenny Benevento - daughter
9 244 American Canyon Rd., Sp. 47
10 Vallejo, Ca. 94589

11 Harry S. Cornutt - son
12 2200 S. E. Lancaster Drive
13 Salem, Oregon 97301

14 6. The decedent died testate; decedent's will is attached to this
15 Affidavit;

16 7. Decedent's devisees and the last address of each as known to Affiant
17 are:

18 Charles F. Cornutt
19 345 N. Second Street
20 Central Point, Or. 97502

21 James E. Cornutt
22 2545 Suffolk
23 Kingman, Az. 86401

24 Bertha E. McKenny Benevento
25 244 American Canyon Rd., Sp. 47
26 Vallejo, Ca. 94589

27 Harry S. Cornutt
28 2200 S.E. Lancaster Dr.
29 Salem, Or. 97301

30 A copy of this Affidavit and a copy of the Will have been delivered to
31 each devisee or mailed to the devisee at the last known address stated above;

32 8. The interest in decedent's property described in this affidavit to
33 which devisee is entitled is:

34 Affidavit of Claiming
35 Successor Testate Estate - Page 2.

5471

Charles F. Cornutt - one-fourth
James E. Cornutt - one-fourth
Harry S. Cornutt - one-fourth
Bertha E. McKenny Benevento - one-fourth

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

10. A copy of this affidavit and a copy of the will have been filed with the County Clerk of each county where the decedent's real property is located.

Bertha E. McKenny Benevento
Bertha E. McKenny Benevento
Claiming Successor

STATE OF OREGON)
County of Klamath) SS

I, Bertha E. McKenny Benevento, the Petitioner herein, being first duly sworn, say that I have read the foregoing affidavit of claiming successor testate estate, know the contents thereof and that the same is true as I verily believe.

Bertha E. McKenny Benevento
Bertha E. McKenny Benevento

Subscribed and Sworn to before me this 7 day of April, 1988.

William L. Siskmore
Notary Public for Oregon

(SEAL)
My Commission Expires: Oct 18, 1990

Affidavit of Claiming
Successor Testate Estate - Page 3.

WILLIAM L. SISKMORE
Attorney at Law
540 Main Street
KLAMATH FALLS, ORE.
97601
503/882-7229
O.S.B. #701336

CERTIFICATION OF VITAL RECORD

OREGON STATE HEALTH DIVISION VITAL STATISTICS SECTION

5472

State of Oregon
OREGON STATE HEALTH DIVISION
Department of Human Resources

CERTIFICATE OF DEATH

83-000714

Vital Records Unit

TYPE
OR PRINT
IN
PERMANENT
BLACK
INK
FOLLOW
INSTRUCTIONS
ON
REVERSE
PAGE

Local File Number

State File Number

1. DECEASED—Name First Middle Last DOLLY IVADELL MACHADO		2. DATE OF DEATH (month, day, year) January 24, 1983	
3. RACE (White, Black, American Indian, etc. (Specify)) White	4. SEX Female	5. AGE—Last birthday (years) 89	6. DATE OF BIRTH (month, day, year) October 12, 1893
7. CITY, TOWN OR LOCATION OF DEATH Klamath Falls		8. HOSPITAL OR OTHER INSTITUTION—NAME (if not in other, give street and number) Mt. View Care Cent.	
9. STATE OF BIRTH (if not in U.S., give country) Oregon		10. COUNTRY OF BIRTH U.S.A.	
11. SOCIAL SECURITY NUMBER 43-10-4823		12. MARITAL STATUS (Specify) Widowed	
13. RESIDENCE—STATE Oregon		14. COUNTY Klamath	
15. CITY, TOWN OR LOCATION Klamath Falls		16. STREET AND NUMBER OR R.F.D. NO. 711 Washburn Way	
17. FATHER—Name Will Ingram		18. MOTHER—Name Frances Baker	
19. DECEASED'S RELATIONSHIP TO DECEASED Bertha McKenny / Daughter		20. LOCATION Klamath Falls, Oregon	
21. WARD—Name and address of facility WARD'S - 1945 Main - Klamath Falls, Oregon 97601			
22. DATE EXP. (M, D, Y) 1/24/83			
23. HOUR OF DEATH 10:55A			
24. NAME AND ADDRESS OF CERTIFIER (Type or Print) William A. Bartlett, MD / 2860 Daggett / Klamath Falls, Oregon 97601			
25. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)			
26. DATE RECEIVED BY REGISTRAR (M, D, Y) JAN 26 1983			
27. SIGNATURE OF REGISTRAR <i>Manuel G. ...</i>			
28. PART I (a) IMMEDIATE CAUSE Natural Causes			
29. PART I (b) DUE TO, OR AS A CONSEQUENCE OF: Arteriosclerotic Vascular Disease			
30. PART I (c) DUE TO, OR AS A CONSEQUENCE OF: Heart Stroke			
31. PART II OTHER SIGNIFICANT CONDITIONS—Conditions contributing to death but not related to cause given in PART I (a) Heart Stroke			
32. ACCIDENT (Specify Yes or No) No		33. DATE OF INJURY (M, D, Y) 1/24/83	
34. PLACE OF INJURY—At home, hotel, street, factory, office building, etc. (Specify) At home		35. LOCATION 711 Washburn Way	
36. STREET OR R.F.D. NO. 711 Washburn Way		37. CITY OR TOWN Klamath Falls	
38. STATE Oregon		39. COUNTY Klamath	

DISPOSITION

CERTIFICATE

CAUSE OF DEATH

I CERTIFY THAT THIS IS A TRUE, FULL AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE IN THE VITAL RECORDS UNIT OF THE OREGON STATE HEALTH DIVISION.

DATE ISSUED **FEB 11 1988**

Herbert L. Hirst
HERBERT L. HIRST
STATE REGISTRAR



Last Will and Testament

OF

DOLLY I. MACHADO

KNOW ALL MEN BY THESE PRESENTS:

That I, DOLLY I. MACHADO, a widow, of Klamath Falls, Oregon, 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. I further declare that I have made no promise or agreement to or with any person or persons not to revoke or alter any other or former Will or Wills by me at any time made, nor have I ever made any agreement or contract with any person or persons with respect to a disposition of my estate by Last Will and Testament.

FIRST: It is my will and I direct that all my just debts, funeral expenses and expenses of my last illness be paid and satisfied as soon as can be conveniently done after my demise.

SECOND: I declare that I am a widow; that I have four children, namely: BERTHA E. MCKENNY, Vallejo, California; CHARLES F. CORNUTT, Central Point, Oregon; JAMES E. CORNUTT, Yucca, Arizona; and HARRY S. CORNUTT, Portland, Oregon.

THIRD: I intend to devise and bequeath all real and personal 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.

FOURTH: I give, devise and bequeath my estate as follows, to-wit:

1. To my daughter, BERTHA E. MCKENNY, I bequeath my personal effects, such as my jewelry.

5474

2. To my son, CHARLES F. CORNUTT, I bequeath my gold bracelet.

FIFTH: All the rest, residue and remainder of my property of which I may die seized or possessed, or to which I may be in any way entitled at the time of my death, I then give, devise and bequeath to my four children, to-wit: BERTHA E. McKENNY, CHARLES F. CORNUTT, JAMES E. CORNUTT and HARRY S. CORNUTT, share and share alike.

SIXTH: I hereby name, nominate, constitute and appoint my daughter, BERTHA E. McKENNY, as Executrix of this, my Last Will and Testament, and direct that she serve as such without bond or undertaking of any kind or character whatsoever.

SEVENTH: 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 she shall deem to be to the interest of my estate, to the same extent as Trustees are authorized to act with respect to the said property, such sale or other disposition to be made at public or private sale in the discretion of my Executrix without any reference to the order of disposition or real and personal property and without any petition, citation, hearing, order of notice of sale or any other action. I further authorize my Executrix 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 Executrix, the profits and losses therefrom to inure or be chargeable to my estate as a whole.

EIGHTH: In the event my Executrix should be deceased at the time of this Will being probated, I hereby appoint CHARLES F. CORNUTT to serve as Executor, without bond or other undertaking.

IN WITNESS WHEREOF, I, DOLLY I. MACHADO, the Testatrix above-named, have to this, my Last Will and Testament, consisting of three pages, including this, hereunto subscribed my name this 3 day of September, 1971.

Dolly I Machado
TESTATRIX

5475

The foregoing instrument, consisting of three pages, including this page, signed by us, was on the date thereof by DOLLY I. MACHADO, published and declared by her to be 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, did sign the same as witnesses thereto; and we further declare that at the time of signing this Will the said DOLLY I. MACHADO appeared to be of sound and disposing mind and memory and not acting under duress, menace, fraud or the undue influence of any person whomsoever.

John Meyers, residing at Klamath Falls, Oregon.

Charles C. Reynolds, residing at Klamath Falls, Oregon.

STATE OF OREGON:)
County of Klamath)

LYNNE HARDY, Clerk of the Circuit Court of the County of Klamath and the State of Oregon do hereby certify that the foregoing instrument has been by me compared with the original, and that it is a true and correct copy, and at the date of signing the same as stated above, and I have hereunto set my hand and official seal of office at Klamath Falls, Oregon, this 12th day of April, A.D. 1988.

LYNNE HARDY,
Clerk of Court

James Mitchell



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of William L. Sisemore, Attorney the 12th day of April A.D., 19 88 at 9:54 o'clock A.M., and duly recorded in Vol. M88 of Deeds on Page 5469.

FEE \$35.00

Evelyn Biehn County Clerk
By Bernetha A. Lebeck

LAST WILL and
TESTAMENT - 3

D I M
TESTATRIX' INITIALS