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

2
3 In the Matter of the Estate)
4 of)
5 JOHN WESLEY SMITH,)
6 Deceased.)
7

No. 88-305/E
SMALL ESTATE AFFIDAVIT

8
9 STATE OF OREGON)
10 County of Jackson) ss.

11 PETER P. SMITH, being first duly sworn, does depose and
12 say:

13 That the above named decedent, JOHN WESLEY SMITH, died
14 December 29, 1987 and a certified copy of his Certificate of
15 Death is attached to this Affidavit.

16 That reasonable efforts have been made to ascertain
17 creditors of the estate and, to the best of this affiant's
18 knowledge, there are no creditors of the estate.

19 That an application or a petition for the appointment
20 of a personal representative has not been granted in Oregon.

21 That this affiant, Peter P. Smith, is a son of the
22 decedent and is the sole next of kin and heir-at-law of the
23 decedent. A copy of this Affidavit and a copy of the de-
24 cedent's Will have been delivered to this affiant, whose
25 address is: 3242 Tavern Oaks, San Antonio, Texas 78247.

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6370

1 That the decedent died testate, and his Will and First
2 Codicil to Will are attached to this Affidavit.

3 That the decedent's Will and Codicil left the entire residue
4 of his estate to affiant, Peter P. Smith. The property of
5 the decedent subject to these proceedings consists of two parcels
6 of real property located in Klamath County, Oregon, more par-
7 ticularly described as follows:

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9 PARCEL I:

10 Assessor's Account No. 338815, being Lot 8,
11 Block 66, Fifth Addition to Nimrod River
12 Park.

13 PARCEL II:

14 Assessor's Account No. 326187, being Lot 69,
15 Block 31, Fourth Addition to Nimrod River Park.

16 That the fair market value of Parcel I is estimated to
17 be \$3,000.00, and the fair market value of Parcel II is estimated
18 to be \$2,000.00.

19 That the said Peter P. Smith is entitled to receive all
20 of the interest in both parcels of real property by virtue
21 of being the sole devisee under decedent's Will and Codicil.

22 That a copy of this Affidavit has been mailed to the Adult
23 & Family Services Division, Estate Administration Section,
24 Salem, Oregon, and to the Oregon Department of Revenue, Salem,
25 Oregon.

26 That a copy of this Affidavit and a copy of the Will and
Codicil have been filed with the County Clerk of the above entitled

DENMAN & COONEY
ATTORNEYS AT LAW
220 LAUREL STREET
P. O. BOX 4607
MEDFORD, OR 97501

6371

1 county.

Peter P. Smith
Peter P. Smith

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Subscribed and sworn to before me this 22 day of
March, 1988.

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Sarah I. Goodwin
Sarah I. Goodwin
Notary Public for Texas, County of Bexar
My commission expires: 9/17/91

DENMAN & COONEY
ATTORNEYS AT LAW
220 LAUREL STREET
P. O. BOX 4807
MEDFORD, OR 97501

CLERK'S ATTESTATION

STATE OF CALIFORNIA)

County of San Luis Obispo)


6372

I, FRANCIS M. COONEY, Clerk of the Superior Court of San Luis Obispo County, State of California, the same being a court of record and the lawful possessor and custodian of the papers and records of said Court, do hereby certify and attest that the above and foregoing is a true, full and complete copy of the

last Will and Testament of John Wesley Smith and
First Codocil to Last Will and Testament of John Wesley Smith

as the same is and remains on file and of record in my office.

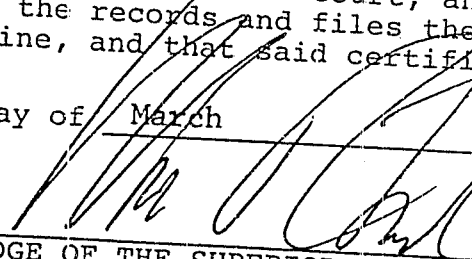
In witness whereof, I hereto set my hand and affixed the seal of said Court, at my office, in the County of San Luis Obispo, and State of California, this 9th day of March 1988.


FRANCIS M. COONEY, Clerk of the Superior Court
of San Luis Obispo County, California

JUDGE'S CERTIFICATE

I, William R. Fredman, Judge of the Superior Court of San Luis Obispo County, State of California, the same being a Court of record having a Clerk and seal, do hereby certify that FRANCIS M. COONEY, whose signature is appended to the above and foregoing certificate and attestation, is, and was at the time of signing the same, the Clerk of said Court, and legally entrusted with the possession and custody of the records and files thereof, that his signature thereto appended is genuine, and that said certificate and attestation are in due form.

Witness my hand this 9th day of March, 19 88.


JUDGE OF THE SUPERIOR COURT

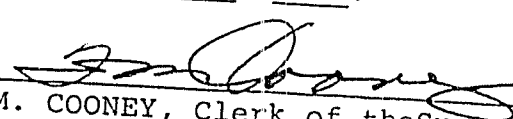
CLERK'S AUTHENTICATION AS TO JUDGE

STATE OF CALIFORNIA)

County of San Luis Obispo)

I, FRANCIS M. COONEY, Clerk of the Superior Court of San Luis Obispo County, State of California, do hereby certify that the Honorable William R. Fredman, who has signed the foregoing certificate, is the duly elected, qualified and commissioned Judge of said Court and that the signature of said Judge to said certificate is genuine.

In witness whereof, I have hereto set my hand and affixed the seal of my office, at my office in the County of San Luis Obispo, and the State of California, this 9th day of March 1988.


FRANCIS M. COONEY, Clerk of the Superior Court
of San Luis Obispo County, California

Last Will and Testament

6373

I, JOHN WESLEY SMITH, a resident of San Luis Obispo County, State of California, hereby make and declare this to be my last Will and revoke all other Wills and Codicils previously made by me.

FIRST: I declare that I am a widow; that I have one child, namely my son, PETER P. SMITH.

SECOND: It is my intention hereby to dispose of all my property, real and personal, which I have the right to dispose of by Will.

THIRD: I give, devise and bequeath my entire estate, both real and personal and wherever situated, including all lapsed or failed legacies and devises, to my son, PETER P. SMITH, if he survives me. In the event my said son should fail to survive me, my estate shall be distributed to my daughter-in-law, BARBARA Y. SMITH, as Trustee, or her successors in trust, under that certain living trust agreement entered into May 23, 1984, designated THE JOHN WESLEY SMITH FAMILY TRUST, and I direct that my estate shall be added to, administered and distributed as a part of that trust, according to the terms of that trust on the date of my death, giving effect to any amendments made to it prior to the date of my death. If for any reason the disposition under this Article is not operative or is invalid, or if the trust referred to herein fails or has been revoked, then I hereby incorporate herein by reference the terms of said trust on the date of its execution, giving full effect to amendments made thereto as of the date of this Will, without giving effect to any subsequent amendments made thereto after the date of this Will and I give the residue of my estate to the

6374

successor Trustee named in said trust, in trust, to be held, administered and distributed as therein provided.

FOURTH: I appoint my son, PETER P. SMITH, as Executor of my Will. I appoint my daughter-in-law, BARBARA Y. SMITH, as Substitute Executrix of my Will. The term, "my Executor" as used in this Will shall include any personal representative of my estate. No bond shall be required of any personal representative of this estate.

FIFTH: I authorize the personal representative to sell at either public or private sale, encumber or lease any property belonging to my estate, either with or without notice, subject to such confirmation as may be required by law, and to hold, manage and operate any such property.

SIXTH: The personal representative shall determine whether any or all of the expenses of administration of my estate shall be used as death tax deductions, or as income tax deductions. No beneficiary under this Will shall have any right to recoupment or restoration of any loss the beneficiary suffers as a result of the use of such deductions for one or the other of these purposes.

SEVENTH: I declare that except as otherwise provided in this Will, I have intentionally omitted to provide herein for any of my heirs living at the time of my death. If any beneficiary under this Will in any manner, directly or indirectly, contests or attacks this Will or any of its provisions, then in such event any share or interest in my estate given to such contesting beneficiary under this Will is hereby revoked and shall be disposed of in the same manner provided herein as if such contesting beneficiary had predeceased me without issue.

EIGHTH: As used in this Will, the masculine, feminine, or neuter gender, and the singular or plural number, shall each be deemed to include the others whenever the context so indicates.

J.M.S.

6375

NINTH: If any provision of this Will or of any Codicil should be invalid, it is my intention that all of the remaining provisions thereof shall continue to be fully effective.

IN WITNESS WHEREOF, I, the said JOHN WESLEY SMITH, herewith set my hand to this, my last Will, typewritten on three (3) sheets of paper (including the attestation clause and signatures of witnesses) this 23rd day of May, nineteen hundred and eighty-four.

John Wesley Smith
JOHN WESLEY SMITH

On the 23rd day of May, nineteen hundred and eighty-four, JOHN WESLEY SMITH, declared to us, the undersigned, that the foregoing instrument was his last Will, and he requested us to act as witnesses to the same and to his signature thereon. He thereupon signed said Will in our presence, we being present at the same time. And we now, at his request, in his presence and in the presence of each other, do hereunto subscribe our names as witnesses. It is our belief that JOHN WESLEY SMITH is of sound mind and memory and is under no constraint or undue influence whatsoever.

We declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the day and year hereinabove first written at Arroyo Grande, California.

Reuben D. Taylor residing at Arroyo Grande

Tom R. [unclear] residing at Arroyo Grande, CA

FIRST CODICIL TO
Last Will and Testament

6376

OF

JOHN WESLEY SMITH

I, JOHN WESLEY SMITH, a resident of San Luis Obispo County, State of California, declare this to be the First Codicil to my Will dated May 23, 1984.

FIRST: I revoke ARTICLE FIRST of my Will dated May 23, 1984, and substitute the following new ARTICLE FIRST:

"FIRST: I declare that I am married; that my wife's name is THERESA ROUETTE SMITH; that I have one son from a previous marriage, namely, PETER P. SMITH."

SECOND: In all other respects I confirm and republish my Will dated May 23, 1984.

IN WITNESS WHEREOF, I, the said JOHN WESLEY SMITH herewith set my hand to this, my First Codicil to my Last Will and Testament dated May 23, 1984, typewritten on two (2) sheets of paper (including the attestation clause and signature of witnesses) this 22nd day of May, nineteen hundred and eighty-six.

John Wesley Smith MB 2002
JOHN WESLEY SMITH

On the 22nd day of May, nineteen hundred and eighty-six, JOHN WESLEY SMITH declared to us, the undersigned, that the

JWS

6377

foregoing instrument was the First Codicil to his Last Will and Testament dated May 23, 1984, and he requested us to act as witnesses to the same and to his signature thereon. He thereupon signed said First Codicil to his Last Will and Testament dated May 23, 1984 in our presence, we being present at the same time. And we now at his request, in his presence and in the presence of each other, do hereunto subscribe our names as witnesses. It is our belief that JOHN WESLEY SMITH is of sound mind and memory and is under no constraint or undue influence whatsoever.

We declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the day and year hereinabove first written at Arroyo Grande, California.

Marilyn Beck residing at Oceanside, CA

John T. Knight residing at Arroyo Grande, CA

JWS

6378

3-87-40-001571

CERTIFICATE OF DEATH

STATE OF CALIFORNIA

STATE FILE NUMBER		1A. NAME OF DECEDENT—FIRST		1B. MIDDLE		1C. LAST		LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER			
		JOHN		WESLEY		SMITH		3-87-40-001571			
3 SEX		4. RACE/ETHNICITY		5. SPANISH/HISPANIC		6. DATE OF BIRTH		7. AGE		2A. DATE OF DEATH (MONTH, DAY, YEAR) 2B. HOUR	
MALE		WHITE		NO		AUGUST 15, 1914		73 YEARS		DECEMBER 29, 1987 0030	
8 BIRTHPLACE OF DECEDENT (STATE OR FOREIGN COUNTRY)		9. NAME AND BIRTHPLACE OF FATHER		10. BIRTH NAME AND BIRTHPLACE OF MOTHER		11A. CITIZEN OF WHAT COUNTRY		11B. IF DECEDENT WAS EVER IN MILITARY GIVE DATES OF SERVICE		12. SOCIAL SECURITY NUMBER	
NEW JERSEY		SMITH				USA		1939 TO 1962		146-05-5376	
13. PRIMARY OCCUPATION		14. NAME OF SURVIVING SPOUSE (IF WIFE, ENTER BIRTH NAME)		15. EMPLOYER (IF SELF-EMPLOYED, SO STATE)		16. NUMBER OF YEARS THIS OCCUPATION		17. MARITAL STATUS		18. KIND OF INDUSTRY OR BUSINESS	
STAFF SGT.		THERESA ROSE KOSI		UNITED STATES ARMY		23		MARRIED		MILITARY	
19A. USUAL RESIDENCE—STREET ADDRESS (STREET AND NUMBER OR LOCATION)		19B. CITY OR TOWN		19C. STATE		20. NAME AND ADDRESS OF INFORMANT—RELATIONSHIP		21. NAME AND ADDRESS OF INFORMANT—RELATIONSHIP		22. WAS DEATH REPORTED TO CORONER?	
382 SO HALCYON RD		ARROYO GRANDE		CALIFORNIA		THERESA ROSE SMITH, WIFE		382 SO HALCYON RD		YES 87R-0527	
19D. COUNTY		21A. PLACE OF DEATH		21B. COUNTY		21C. STREET ADDRESS (STREET AND NUMBER OR LOCATION)		21D. CITY OR TOWN		25. WAS BIOPSY PERFORMED?	
SAN LUIS OBISPO		RESIDENCE		SAN LUIS OBISPO		382 SO HALCYON RD		ARROYO GRANDE		YES	
22. DEATH WAS CAUSED BY: IMMEDIATE CAUSE		23. OTHER SIGNIFICANT CONDITIONS—CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 22A		24. WAS DEATH REPORTED TO CORONER?		25. WAS BIOPSY PERFORMED?		26. WAS AUTOPSY PERFORMED?		27. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEMS 22 OR 23? TYPE OF OPERATION	
(A) CARDIOPULMONARY FAILURE				YES		YES		NO		LAPAROTOMY—LIVER BIOPSY XG 5/8/86	
(B) METASTATIC TUMOR				YES		YES		NO		28. DATE SIGNED 28D. PHYSICIAN'S LICENSE NUMBER	
(C) ADENOCARCINOMA OF LIVER				YES		YES		NO		12-29-87 G-10043	
28A. I CERTIFY THAT DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES		28B. PHYSICIAN—SIGNATURE AND DEGREE OR TITLE		28C. TYPE OF OPERATION		28D. DATE SIGNED		28E. PHYSICIAN'S LICENSE NUMBER		29. SPECIFY ACCIDENT, SUICIDE, ETC.	
28 AUG 86 3 DEC 87		C.W. O'BRIEN, M.D.		LAPAROTOMY—LIVER BIOPSY XG 5/8/86		12-29-87		G-10043		30. PLACE OF INJURY	
31. INJURY AT WORK		32A. DATE OF INJURY—MONTH, DAY, YEAR		32B. HOUR		33. LOCATION (STREET AND NUMBER OR LOCATION AND CITY OR TOWN)		34. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY)		35A. I CERTIFY THAT DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED, AS REQUIRED BY LAW I HAVE HELD AN (INQUEST-INVIGATION)	
		336 SO HALCYON RD				ARROYO GRANDE, CA 93420				35B. CORONER—SIGNATURE AND DEGREE OR TITLE	
										35C. DATE SIGNED	
										36. DISPOSITION	
										BURIAL	
										JAN. 2, 1988	
										38. NAME AND ADDRESS OF CEMETERY OR CREMATORY	
										ARROYO GRANDE CEMETERY, ARROYO GRANDE, CA	
										39. EMBALMER'S LICENSE NUMBER AND SIGNATURE	
										5789	
										40. LICENSE NO.	
										985	
										41. LOCAL REGISTRAR—SIGNATURE	
										42. DATE ACCEPTED BY LOCAL REGISTRAR	
										12-30-87	
										43. STATE REGISTRAR	
										MARSHALL-SPOO SUNSET F.C.	
										44. HEALTH OFFICER	
										1-7 1988 by M. Bord	
										Deputy Register	

This is to certify that this is a full, true and correct copy of the record on file in this office and that the same has been carefully prepared.

County of
San Luis Obispo
Health Department

1-7 1988 by M. Bord Health Officer

Deputy Register

Return to:

6379

DENMAN & COONEY
ATTORNEYS AT LAW
220 LAUREL STREET
P.O. BOX 4007
MEDFORD, OREGON 97501

STATE OF OREGON)
County of Klamath)

I, LYN G. HARDY

Clerk of the Circuit Court of the County
of Klamath and the State of Oregon do hereby certify that the foregoing copy has been by me compared with the original, and that it is a
true and correct copy of the whole of such original as the same appears on file and of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of said Court, this 12th day of April, A.D. 1988

LYN G. HARDY,
By Evelyn Bieh Clerk of Court

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Denman & Cooney, Attorneys the 21st day
of April A.D., 19 88 at 4:37 o'clock P M., and duly recorded in Vol. M88
of Deeds on Page 6369

FEE \$55.00

By Evelyn Bieh County Clerk
Deane A. Litch