

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR KLAMATH COUNTY

3 SMALL ESTATE OF

4 VIRGINIA HENRY, aka VIRGINIA
5 LEE HENRY, aka VIRGINIA B.
6 HENRY, Deceased.

NO. 8902216CV

AFFIDAVIT OF CLAIMING SUCCESSOR
TESTATE ESTATE

6 STATE OF CALIFORNIA

7 County of _____

SS.

8 I, JACK THOMAS HENRY, being sworn, say that I am a devisee and a
9 claiming successor of the above-named decedent. This affidavit is made
10 pursuant to ORS 114.515.

11 1.

12 Following is a description of all of decedent's property in Oregon,
13 including its location and fair market value:

14 <u>Real Property Legal Description</u>	<u>Fair Market Value</u>	<u>Location</u>
15 All of Lot 67 and the westerly 30 16 feet of Lot 68, ROSELAWN, Subdivision 17 D, Block 70, also portion of vacated 18 alley adjoining	\$28,510.00	Klamath County

18 <u>Personal Property Description</u>	<u>Value</u>	<u>Location</u>
19 Proceeds of life insurance policy 20 issued by Federal Employees' Group 21 Life Insurance on the life of 22 Lewis L. Brown, Sr.	2,500.00	Klamath County

23 2.

24 Reasonable efforts have been made by your affiant to ascertain
25 creditors of said estate. There are no unpaid debts of said decedent
26 as far as is known to your affiant.

(Affidavit - 1)

H. F. SMITH
ATTORNEY AT LAW
540 MAIN STREET
KLAMATH FALLS, OREGON 97601
502-2553

1989 AUG 21 PM 4 44

3.

Decedent died February 13, 1989, in Klamath Falls, Klamath County, Oregon. A certified copy of decedent's death certificate is attached to the original of this affidavit.

4.

Application or petition for the appointment of a personal representative for decedent's estate has not been granted in Oregon.

5.

Decedent's heirs and devisees, their relationships to the decedent and their current addresses are as follows:

NameRelationshipAddress

Walter L. Henry	Son	8424 Stuart Court, Bakersfield, California 93311.
Jack Thomas Henry	Son	1149 Essex, Livermore, California 94550

A copy of this affidavit, together with a copy of decedent's will, will be mailed to Walter L. Henry at his address above.

6.

Decedent died testate. Decedent's will is attached to the original of this affidavit.

7.

The interest in decedent's property described above to which each devisee is entitled is: Walter L. Henry - one-half and Jack Thomas Henry - one-half.

8.

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

(Affidavit - 2)

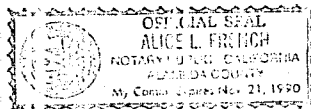
H. F. SMITH
ATTORNEY AT LAW
540 MAIN STREET
KLAMATH FALLS, OREGON 97601
002-2053

9.

1
2 A copy of this affidavit and a copy of decedent's will will be
3 recorded in the office of the County Clerk of Klamath County, Oregon,
4 wherein all of decedent's real property is situated.

5 Dated this 10th day of July, 1989.

6
7 SUBSCRIBED and sworn to before me this 10th day of July, 1989.



Alice L. French
NOTARY PUBLIC FOR CALIFORNIA

My commission expires Nov. 21, 1990

(Affidavit - 3)

H. F. SMITH
ATTORNEY AT LAW
840 MAIN STREET
KLAMATH FALLS, OREGON 97601
832-2533

STATE OF OREGON)

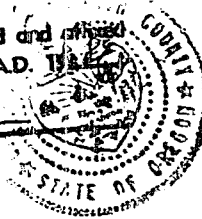
County of Klamath)

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 compared with the original, and that it is a transcript therefrom, and the whole of such original as the same appears on file or 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 15 day of August A.D. 1946

LYN G. HARDY,

Clerk of Court

By Joyce Pauline

LAST WILL AND TESTAMENT OF VIRGINIA LEE HENRY

KNOW ALL MEN BY THESE PRESENTS, That I, VIRGINIA LEE HENRY of Klamath Falls, Oregon, being of legal age and of sound and disposing mind and memory and not acting under duress, fraud or undue influence of any person whomsoever, do make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills by me at any time heretofore made.

I

My immediate family consists of my beloved husband, JACK A. HENRY, and my two sons, JACK THOMAS HENRY and WALTER L. HENRY, both of legal age.

II

I direct that all my just debts, funeral expenses and other charges against my estate be paid as soon after my death as may be done conveniently. I direct my personal representative to treat as an obligation of my estate and to pay, without 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, my personal representative shall reimburse such person.

III

I give and devise all the rest, residue and remainder of my property, real, personal and mixed, of whatsoever kind and nature and wheresoever situated, to my husband, JACK A. HENRY.

IV

In the event my said husband shall predecease me, or we die as the result of a common disaster, then I give and devise my said estate to my two sons, JACK THOMAS HENRY and WALTER L. HENRY, in equal shares to each.

v

I hereby nominate and appoint my husband, Jack A. Henry, as personal representative of my estate, and I direct that no bond or security be required of him, and I grant to him, to the extent allowed by law, full power to deal with my estate as I might do if living, including but not limited to the power to pay claims against my estate, the power to continue any business or business relationship in which I may be engaged, the power to borrow and repay, the power to incur and pay obligations, the power to employ and pay for services and the power to sell, exchange, convey, mortgage and hypothecate in any manner in his discretion any and all of my properties, with or without notice, at private or public sale. I direct that such powers may be exercised without prior order or authority or later confirmation by any court, and I further direct that my personal representative shall have no obligation to report to any person, persons or court as to any or all of his transactions, except to the extent, if any, required by law which requirements I may be without the power to waive. I further authorize my said personal representative to deal with himself individually to the same extent that he may deal with a third person.

In the event my said husband is unable or unwilling to act as personal representative of my estate, then I nominate and appoint H. F. Smith of Klamath Falls, Oregon, as such personal representative, to serve without bond and with the same powers and privileges hereinabove granted to my said husband had he been the personal representative of my estate.

vii

This Will is made contemporaneously with a Will made and executed by my said husband, but said Wills are not reciprocal.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this
4 day of February, 1977.

Virginia Lee Henry (SEAL)

The foregoing instrument, consisting of the two preceding pages and this page, was, at the date hereof by the said VIRGINIA LEE HENRY, signed, sealed, published and declared 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, have signed the same as witnesses heretc.

Delores Gordon Residing at Klamath Falls, Oregon

H. F. Smith Residing at Klamath Falls, Oregon

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15586

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
carefully compared with the original, and that it is a transcript therefrom, and
the whole of such original as the same appears on file or of record in my
office and in my care and custody.
TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of said Court, this 12 day of August
LYN G. HARDY, Clerk of Court
By [Signature]



After recording return to:
H. F. SMITH, Attorney
540 Main Street
Klamath Falls, Oregon 97601

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

H. F. Smith
on this 21st day of Aug. A.D., 19 89
at 4:41 o'clock P.M. and duly recorded
in Vol. M89 of Deeds Page 15579
Evelyn Biehn County Clerk
By [Signature] Deputy.

Fee, \$38.00