

20759

FILED

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

1990 SEP 28 AM 9:02

Small Estate of:

EMIL SCHIESEL,

Deceased.

CLERK OF COURT

Estate No. 9003237 CV

AFFIDAVIT OF CLAIMING SUCCESSOR
TESTATE ESTATE

STATE OF OREGON, County of Klamath) ss.

We, Gerald Butler Miller, Jr. and Barbara Keffer, begin first duly sworn,
depose and say that: I am a devisee of the above-named decedent and a "claiming
successor" to the following described portion of said decedent's estate. This
affidavit is made pursuant to Oregon Revised Statutes, Sections 114.515 and
114.525.

(1) A description of all of decedent's property, including the fair market
value of the real property and the fair market value of the personal property
is as reflected on Exhibit "A", attached hereto and by this reference incorpora-
ted herein as fully set forth.

(2) Reasonable efforts have been made to ascertain creditors of the estate.
The primary debt of the decedent known to exist is an obligation owing to the
State of Oregon, which is also represented by a lien upon real property.

(3) Decedent died September 12, 1990; a copy of decedent's death certificate
is attached hereto;

(4) An application or petition for the appointment of a personal represen-
tative has not been granted in Oregon;

(5) Decedent's heirs and the last address of each as known to affiant are
set forth on Exhibit "B", attached hereto and by this reference incorporated
herein as are fully set forth.

A copy of this affidavit and a copy of decedent's will have been delivered
to each heir at his, her or its last known address stated above;

AFFIDAVIT OF CLAIMING SUCCESSOR TESTATE ESTATE - Page One

(6) The decedent died testate; decedent's will is attached to this affidavit;

(7) Decedent's devisees and the last address of each as known to affiant are

Gerald Butler Miller, Jr.
2070 Etna
Klamath Falls, Oregon 97603

Barbara Keffer
3630 Onyx
Klamath Falls, Oregon 97603

A copy of this affidavit and a copy of decedent's will have been delivered to each devisee or mailed to the devisee at his, her or its last known address stated above;

(8) The interest in decedent's property described in this affidavit to which heir or devisee is entitled is:

Barbara Keffer

\$3,000.00

1977 Mercury, 4 dr. auto

Gerald Butler Miller, Jr.

All the rest, remainder and residue including the remaining real and personal property

(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 decedent's will have been filed with the county clerk in each county where said decedent's real property, if any, is located.

Barbara Keffer
BARBARA KEFFER

Gerald Butler Miller Jr.
GERALD BUTLER MILLER, JR.

Subscribed and sworn to before me on September 25, 1990.

VIVIENNE I. HUSTEAD
NOTARY PUBLIC-OREGON

Vivienne I. Hustead
Notary Public for Oregon.

My Commission expires: 4-11-93.

My Commission Expires _____
TESTATE ESTATE - Page Two

(1) DESCRIPTION OF DECEDENT'S PROPERTY:

Personal Property:	Fair Market Value:	Location:
Headboard bedstead	\$ 15.00	#1 BR
Mattress & boxspring	50.00	
night stand	10.00	
vanity chest	20.00	
clothing (outer)	25.00	
clothing (under)	20.00	
knick knack shelf	3.00	
bedding	17.00	
jewelry chest & costume jewelry	25.00	
Misc. items	12.00	
twin bed headboard	10.00	#2 BR
boxspring & mattress	50.00	
end table	5.00	
chest of drawers	30.00	
magazine rack	1.00	
misc. clothing	25.00	
bedding	14.00	
misc. men's jewelry	5.00	
silverplate flatware	25.00	
bathroom supplies (linens)	15.00	
scales	2.00	
sectional	30.00	Liv. Rm.
motorized recliner	600.00	
occasional chairs (badly worn)	30.00	
coffee table	20.00	
end table	5.00	
homemade lamps-knick knack shelf	20.00	
19" Toshiba Color TV & stand	125.00	
percolator	3.00	kitchen
cooking pots & pans	10.00	
linens	10.00	
flatware	5.00	
tableware & glasses	25.00	
elec. fry pan & broiler	8.00	
elec. can opener	1.00	
wall clock	2.00	
knick knacks	10.00	
utility cart	3.00	
dinette table & 5 chairs	20.00	
antique silvertone table radio	20.00 (wiring gone)	
Maytag wringer washer	15.00	garage & wash room
Kenmore dryer	10.00	
workbench hand tools	75.00	
power tools (skilsaw, elec. chain saw, etc.)	45.00	
outdoor tools (shovels, rakes, etc.)	30.00	
patio chairs & lounge	15.00	
twin beds (2)	10.00	upstairs in garage
dresser, lamps, floor, no shades	15.00	
automobile, 1977 Merc. Comet 4 dr.	750.00	
Financial (savings, checking Ben. Frank.)	3500.00 approx.	

(1) DESCRIPTION OF DECEDENT'S PROPERTY (continued):

Personal Property:

Total Fair Market Value:

listed page one

\$ 5791.00

Real Property:

Fair Market Value:

Location:

Residence legally described
as follows, to wit:
Lot 4 Block 3 Bryant Tracts #2
(according to the official plat
on file therein with the County
Clerk of Klamath County)

\$ 35,500.00

3803 Shasta Way
Klamath Falls, OR

(5) DECEDENT'S HEIRS AND THE LAST ADDRESS OF EACH AS KNOWN TO AFFIANT ARE:

Dorothy M. Buchanan
13851 Algoma Road
Klamath Falls, Oregon 97601

Niece (daughter of predeceased
sister, Hilda Hagelstein)

Ruth E. Hagelstein
13487 Algoma Road
Klamath Falls, Oregon 97601

Niece (daughter of predeceased
sister, Hilda Hagelstein)

Marie Whitlatch
7527 Homedale
Klamath Falls, Oregon 97603

Sister

Robert Baker
2928 Crest Street
Klamath Falls, Oregon 97603

Nephew (son of predeceased
sister, Ina DiRae)

Bernard Baker
1933 S.W. 170th St.
Seattle, Washington 98164

Nephew (son of predeceased
sister, Ina DiRae)

L.S. "Bud" Schiesel
739 Park St.
Ashland, Oregon 97520

Brother

Lucille Schiesel
314 Vista Lane
SanYsidro, California 92073

Sister-in-Law (widow of brother
Albert Schiesel; predeceased)

Frieda Perry
Wagoner Apts. # 7
427 N.E. Hewitt
Roseburg, Oregon 97470

Sister

082533
I.D. TAG NO.

392

Local File Number

OREGON DEPARTMENT OF HUMAN RESOURCES
HEALTH DIVISION

Vital Records Unit

CERTIFICATE OF DEATH

19574

State File Number

138-

DECEDENT

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PARENTS

DISPOSITION

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Last Will and Testament

of

EMIL SCHIESEL

I, EMIL SCHIESEL, of Klamath County, State of Oregon, being of sound and disposing mind, and of legal age, 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

I declare that I am presently a widower, my wife Lois May Schiesel being previously deceased. I further declare that I have no children now living.

II

I direct that all my just debts and funeral expenses be first paid out of my estate.

III

If I shall die possessed of an automobile or pick-up truck or vehicle of similar description and use, then I give, devise and bequeath the same unto BARBARA KEFFER of Klamath Falls, Oregon; and it is my intention that the said vehicle pass by right of representation to the surviving heirs of Barbara Keffer should she predecease me.

I give, devise and bequeath the sum of THREE THOUSAND AND NO/100s (\$3,000.00) DOLLARS to BARBARA KEFFER of Klamath Falls, Oregon; it being my intention that the said monies pass by right of representation to the surviving heirs of Barbara Keffer should she predecease me.

I give, devise and bequeath the rest, remainder and residue of my estate, of whatsoever kind and description and wheresoever situated, to my step-son GERALD BUTLER MILLER, JR. with a share by right of representation to the surviving heirs of the said Gerald Butler Miller, Jr., should he predecease me.

IV

I hereby nominate GERALD BUTLER MILLER, JR. as Personal Representative of this Will and hereby exonerate my Representative from giving

bond for the faithful discharge of his duties as such. In the event of the death, resignation, disability or refusal of the said Gerald Butler Miller, Jr. to act, I hereby appoint BARBARA KEFFER as Personal Representative hereof to serve without bond.

I hereby empower my Representative 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 he shall deem to be to the interest of my estate, such sale or other disposition to be made at public or private sale in the discretion of my Representative without any reference to the order or disposition of real and personal property and without any petition, citation, hearing, order, or any other action. I further authorize my Representative 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 Representative, the profits and losses therefrom to inure to or be chargeable to my estate as a whole.

I direct my Representative to pay from my estate all inheritance, estate, transfer and succession taxes which may become due and payable by reason of my death and authorize my Representative to contest or compromise any claims for such taxes. I further direct that all such taxes shall be paid without apportionment thereof and without withholding or collecting any part thereof from any beneficiary under my Will, it being my intention that all such taxes shall be paid from my estate as an expense of administration.

V

In making the foregoing bequests and devises, I have in mind all of my relations and dependents and have fully considered my obligations to them. Should anyone, whether named herein or not named herein, contest this my Last Will and Testament, then I give, devise and bequeath to any such contestant or contestants the sum of ONE AND NO/100s (\$1.00) DOLLAR and no more.

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19577

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

THIS MY LAST WILL AND TESTAMENT was signed by me on the 20TH day of October, 1983, at Klamath Falls, Oregon.

Emil Schiesel (SEAL)

The foregoing instrument consisting of three pages, this being the third, was on the day and year above-written by the said EMIL SCHIESEL, signed, sealed, published and declared by him to be his last Will and Testament in the presence of us, who, at his request, in his presence and in the presence of each other, have signed the same as witnesses thereto.

Pam Wance Residing at Klamath Falls, Oregon.

Wendy Young Residing at Klamath Falls, Oregon.

19578

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR KLAMATH COUNTY
2 In the Matter of the Estate of:) AFFIDAVIT OF ATTESTING
3 EMIL SCHIESEL) WITNESS TO WILL

4 STATE OF OREGON, County of Klamath) ss.

5 I, Paul McCance, being first duly sworn say:

6 On the date of the attached Will of Emil Schiesel

7 Emil Schiesel presented the Will to me and acknow-
8 ledged to me that the Will and his signature thereon were
9 his and requested me to sign my name to said Will as a witness.

10 Accordingly I did sign my name to said Will in the presence
11 of the testator.

12 To the best of my knowledge and belief, the testator, was,
13 at that time, over the age of 18 years and of sound mind.

14 Paul McCance
15 Affiant

16 SUBSCRIBED AND SWORN to before me this 20th day of
17 October, 19 83.

18 Neal G. Buchanan
19 NOTARY PUBLIC FOR OREGON
20 My Commission Expires: 8-86

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NEAL G. BUCHANAN
ATTORNEY AT LAW
210 NORTH 4TH STREET
KLAMATH FALLS,
OREGON 97601
852-6607

AFFIDAVIT OF ATTESTING WITNESS TO WILL

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR KLAMATH COUNTY
 2 In the Matter of the Estate of:) AFFIDAVIT OF ATTESTING
 3 EMIL SCHIESEL) WITNESS TO WILL
 4 STATE OF OREGON, County of Klamath) ss.

5 I, Wendy Young, being first duly sworn say:

6 On the date of the attached Will of Emil Schiesel
 7 Emil Schiesel presented the Will to me and acknow-
 8 ledged to me that the Will and his signature thereon were
 9 his and requested me to sign my name to said Will as a witness.

10 Accordingly I did sign my name to said Will in the presence
 11 of the testator.

12 To the best of my knowledge and belief, the testator, was,
 13 at that time, over the age of 18 years and of sound mind.

14
 15 Wendy Young
 16 Affiant
 17 SUBSCRIBED AND SWORN to before me this 20th day of
 18 October, 1983.

19 Neal G. Buchanan
 20 NOTARY PUBLIC FOR OREGON
 21 My Commission Expires: 8-1-86

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 Rel:
 NEAL G. BUCHANAN
 ATTORNEY AT LAW
 810 NORTH 4TH STREET
 KLAMATH FALLS,
 OREGON 97601
 882-6607

AFFIDAVIT OF ATTESTING WITNESS TO WILL

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 forego-
 ing copy of the Will of Emil Schiesel was compared with the original, and that it is a
 true and correct copy of the whole of such original as the same ap-
 peared in my office and in my care and custody.
 OF, I have hereunto set my hand and official seal this 20th day of Sept. A.D. 1980
 LYN G. HARDY
 Clerk of the Circuit Court of the County of Klamath
 State of Oregon

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Neal G. Buchanan the 28th day
 of Sept. A.D., 19 90 at 9:32 o'clock A.M., and duly recorded in Vol. M90
 of Deeds on Page 19569.

FEE \$58.00

Evelyn Biehn County Clerk
 By Pauline Mulendore