

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

In the Matter of the Small Estate of )  
Julia M. Kimsey )

Deceased. )

Case No. 91-00974 C.V.

SMALL ESTATE  
 AFFIDAVIT

STATE OF OREGON )  
 ) SS  
 County of Klamath )

I, Wilford B. Kimsey make this Affidavit pursuant to the provisions of  
 ORS 114.505 to 114.560.

1.

The following information is provided about the Decedent:

A. Name: Julia M. Kimsey

B. Age: 82

C. P.O. Address: 4021 Greensprings Dr., Klamath Falls, OR 97601

D. Social Security Number: 540-30-8570

E. Domicile: Klamath Falls, Klamath, Oregon

2.

The legal description of the real property of the Decedent and its fair  
 market value as of the date of death is as follows:

DESCRIPTION: Lot 3, Block 4, Stewart, in the County of Klamath,  
 State of Oregon

Fair Market Value:

\$20,000.00

Such property as set out on Amendment A attached hereto.

3.

The Decedent died on February 20, 1991 at Klamath Falls, OR. A  
 certified copy of the Death Certificate is attached to this Affidavit.

4.

Not less than 30 days since the date of death of the Decedent have expired  
 prior to the date of the filing of this Affidavit and no application or

1 petition for the appointment of a Personal Representative has been granted in  
2 Oregon.

3 5.

4 The Decedent died testate. The original Will dated July 10, 1986 is  
5 attached hereto.

6 6.

7 The Heirs and Devisees of the Decedent and the last address of each said  
8 person as known to the Affiant are as follows:  
9 Wilford B. Kimsey, 3590 Wilshire Ln., Eugene, OR 97405  
10 Victor H. Kimsey, 20419 First Avenue So., Seattle, WA 98198  
11 Julia Anne Pearson, 321 Peninsula Dr., No. Bend, OR

12  
13 A copy of this Affidavit and a copy of said Will showing the date of filing  
14 will be mailed to each of said persons at said addresses.

15 7.

16 The interests in the property described in the Affidavit to which each  
17 said Devisee is entitled are as follows:

18 Wilford B. Kimsey - 1/3  
19 Victor H. Kimsey - 1/3  
20 Julia Anne Pearson - 1/3

21 8.

22 A copy of this Affidavit has been mailed to:

23 Adult and Family Services Division  
24 Estate Administration Section  
Salem, Oregon 97310

25 and also to:

26 Department of Revenue  
27 Salem, Oregon 97310

28 contemporaneously with the execution of this Affidavit.

9.

A copy of the Affidavit showing the date of filing will be mailed with the required filing fee to the County Clerk in the County where the Decedent's real property is, to wit, with the County Clerk of Klamath County, Oregon.

10.

Reasonable efforts have been made to ascertain creditors of the Estate. The debts of decedent remaining unpaid, including the amounts thereof and the names and addresses of the creditors known to the affiant are:

11.

Claims against the Estate not listed in this Affidavit or in amounts larger than those listed in the Affidavit may be barred unless:

a. A claim is presented to the Affiant within four months of the filing of the Affidavit at the address stated in the Affidavit for presentment of claims; or

b. A personal representative of the Estate is appointed within the time allowed under ORS 114.555.

12.

The Affiant has agreed to pay the following expenses of preparing, filing and recording this Affidavit;

Wilfred B. King

Subscribed and sworn to before me this 22<sup>nd</sup> day of March, 1991.

(SEAL)

Datsy L. Brennan  
Notary Public for Oregon

## AMENDMENT A

Lot 19, Block 6, Lenox Addition, Klamath County, Oregon

Julia M. Kimsey's (Mother) interest in Contract of Sale dated September 19, 1986, stating any interest in this Contract of Sale described as follows goes to Victor H. Kimsey:

"that certain Real Property Contract dated September 19, 1986, wherein Grantor is the Vendor, and George Melton and Hazel Melton, are the Vendees, and Grantor's right, title and interest in and to the real property described in said contract which is more particularly described as follows; to-wit:

Lot 19, Block 6, Lenox Addition, Klamath County, Oregon.

MAR 22 1991

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

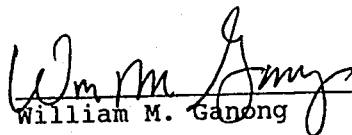
In the Matter of the Small Estate of )  
JULIA M. KIMSEY, )  
Deceased. )

1991 MAR 22 PM 4:40  
Case No. 1100974CV  
AFFIDAVIT OF ATTESTING  
BY WITNESS TO WILL

STATE OF OREGON )  
County of Klamath ) SS

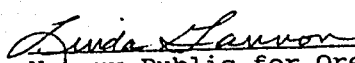
We, the undersigned, being sworn say, each individually say:  
On the date of the Will of Julia M. Kimsey, of which a  
photographic copy is attached hereto, in our presence, Julia M.  
Kimsey signed the Will and declared it to be her Will, whereupon,  
at her request and in her presence we attested the Will by  
signing our names thereto.

To the best of our knowledge and belief, the Testatrix was  
at that time over the age of 18 years and of sound mind.

  
William M. Ganong

  
Peggy R. Reynolds

Subscribed and sworn to before me this 22nd day of March,  
1991.

  
Notary Public for Oregon  
My commission expires: 6-9-93

1 I, JULIA M. KIMSEY, of Klamath County, Oregon, do hereby  
2 make and declare this to be my Last Will and Testament hereby  
3 revoking all other and former Wills and Codicils by me heretofore  
4 made.

## 1. 5.

6 My birthdate is May 30, 1908 and my Social Security Number  
7 is 540-30-8570. I am a widow. I have three children: Wilford  
8 B. Kimsey, Victor H. Kimsey, Julia Anne Pearson, all of whom are  
9 of legal age.

## 2. 10.

11 I appoint my son, Victor H. Kimsey, to be the Executor of  
12 this Will. If my said Son is unable or unwilling to assume or  
13 complete his duties, I appoint Wilford B. Kimsey to be the  
14 Executor of this Will. They are hereafter sometimes referred to  
15 as my Personal Representative and I authorize each of them to  
16 serve without bond.

## 3. 17.

18 A. I bequeath and devise Lots 2 and 3, Block 4 of Stewart  
19 Addition, Klamath County, Oregon, and Lot 7, Block 3 of Lenox  
20 Addition, Klamath County, Oregon unto my son Wilford B. Kimsey,  
21 if he survives me, or in equal shares unto my said son's issue  
22 who survive me, if my said son predeceases me.

23 B. I bequeath and devise Lots 10 and 11, Block 4; Lot 19,  
24 Block 6 and Lots 18 and 19, Block 2, all in Lenox Addition,  
25 Klamath County, Oregon unto my son Victor H. Kimsey, if he  
26 survives me, or in equal shares unto my said son's issue who  
27 survive me, if said son predeceases me.

28 C. I bequeath and devise Lots 4, 5 and 8 in Block 4,  
29 Stewart Addition, Klamath County, Oregon unto my daughter Julia  
30 Anne Pearson, if she survives me, or in equal shares unto my said  
31 daughter's issue who survive me if my daughter predeceases me.  
32

4.

h and devise the rest, residue and remainder of my Estate in equal shares unto my children who survive me, with a like equal share, per stirpes, by right of representation unto the issue of any of my children who predecease me.

5.

The persons whom I have named herein as my Personal Representative shall have the following powers and authority in addition to those provided by law: To hold, manage, care for and protect my Estate and the income thereof; to operate and manage any and all business belonging to my Estate and any interest therein to the extent of such interest and to continue to operate the same, all at the risk of my Estate, the profits and losses therefrom to inure to or be chargeable to my Estate; to sell, exchange, partition, convey and lease the Estate or any part thereof; provided, however, that said Personal Representative shall have no duty or responsibility to sell, change, invest or reinvest any of the assets of my Estate except to the extent that the sale of assets is necessary to pay taxes, claims or expenses of administration, and shall not be held responsible or liable for any loss or depreciation in the value of any property in my Estate; to deposit funds of the Estate in insured checking and savings accounts and certificates of deposit in banks and savings and loan associations authorized to do business within the State of Oregon or in any State in which this Will is probated; to borrow money and to encumber or hypothecate by mortgage, trust deed, pledge, security agreement or otherwise all or any part of the Estate as security therefore; to lend the Personal Representative's own funds to the Estate for the protection thereof or for any other purpose. The Personal Representative may elect to claim any items which are deductible alternatively for income tax or inheritance tax or estate tax purposes as the

Personal Representative deems best and such exercise of discretion shall not be subject to question or challenge by any Beneficiary. Said Personal Representative may exercise any and all of such powers or authority without regard to any prescribed statutory procedure and without petition, order, citation, hearing, license, notice of sale, authority or confirmation of any Court.

IN WITNESS WHEREOF, I have hereunto set my hand this 10<sup>th</sup> day of July, 1986.

Julia M. Kimsey  
JULIA M. KIMSEY

The foregoing Instrument was, on the date thereof, signed, published and declared by the said Julia M. Kimsey as and for 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 hereunto subscribed our names as witnesses thereto.

William M. Ganong RESIDING AT KLAMATH FALLS, OREGON.

Robert H. Reynolds RESIDING AT KLAMATH FALLS, OREGON.

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 a true and correct copy of such original as the same appears on file or of record in my office and in my care and custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 22 day of March A.D. 1991

LYN G. HARDY, Clerk of Court



STATE OF OREGON, ss.  
County of Klamath

Filed for record at request of:

Wilford B. Kimsey

on this 25th day of March A.D. 19 91  
at 9:12 o'clock A M. and duly recorded  
in Vol. M91 of Deeds Page 5237

Evelyn Biehn -County Clerk

By Routine Mullendore

Deputy.

Fee, \$43.00

LAST WILL AND TESTAMENT

Return: Wilford B. Kimsey  
3590 Wilshire Ln  
Eugene, Or. 97405

WM. M. GANONG  
ATTORNEY AT LAW  
1151 PINE STREET  
KLAMATH FALLS, OR.  
97601  
(503) 882-7228