

63839

Vol. m93 Page 15484

06-29-93P02:57 RCVD

JAN 21 1993

CIRCUIT COURT OF OREGON

COUNTY OF KLAMATH

FILED
JAN 21 1993
CLERK OF COURT

In the Matter of the Estate

of

KENNETH W. HOUTS,

Deceased.

No. 9300220

AFFIDAVIT OF
CLAIMING SUCCESSOR
OF SMALL ESTATE OF
TESTATE ESTATE

STATE OF IDAHO)

County)

ss.

I, Billie Jean Wells, being first duly sworn, say:

I am a claiming successor, as defined in ORS 114.505(1), to portion of the decedent's estate. I am hereinafter referred to as "affiant." This affidavit is hereinafter referred to as "affidavit." This affidavit is made pursuant to ORS 114.505 - 114.560.

1.

The following information is given with regard to the decedent:

(a) Name: Kenneth W. Houts

(b) Age: 66 years

(c) Domicile: 4806 Proctor Road, Castro Valley, CA 94546

(d) Post Office Address: Same

(e) Social Security Number: 482-16-0460

2.

The decedent died on March 12, 1992, at Humana Hospital, San Leandro, California; a certified copy of the decedent's death

1 - AFFIDAVIT OF CLAIMING SUCCESSOR

Rel:
BOVIN, JONES, UERLING & DIACON
Attorneys at Law
110 N. Sixth Street, Suite 201
Klamath Falls, Oregon 97601-6028

100 ck

1 certificate is attached as Exhibit 1.

2 3.

3 The decedent's property subject to administration in Oregon
4 consists of the following:

5 Real Property described as follows:

6 Block 49, Lot 55, 4th Addition
7 to Nimrod River Park

\$3270.00

8 Block 75, Lot 27, 7th Addition
9 to Nimrod River Park

\$3930.00

10 Block 75, Lot 26, 7th Addition
11 to Nimrod River Park

\$4580.00

12 Block 75, Lot 28, 7th Addition
13 to Nimrod River Park

\$3930.00

14 TOTAL

\$15,710.00

15 4.

16 No application or petition for the appointment of a personal
17 representative has been granted in Oregon.

18 5.

19 The decedent died testate and authenticated copies of the
20 following documents are attached hereto as Exhibit 2:

21 a) Last will and Testament of Kenneth W. Houts, executed on
22 February 27, 1986;

23 b) Order for Probate appointing Co-Executors; and

24 c) Letters of Testamentary.

25 The foregoing all being filed in the Superior Court of the
26 State of California for Alameda County on September 18, 1992.

6.

The decedent's heirs and the heirs' last address known to the

2 - AFFIDAVIT OF CLAIMING SUCCESSOR

1 || affiant are:

2	Marie Houts	Wife
	4806 Proctor Road	
3	Castro Valley, CA 94546	

4	Brenda Houts Botosh	Daughter
	18857 Almond Road	
5	Castro Valley, CA 94546	

6	George W. Botosh	Son-in-law
	18857 Almond Road	
7	Castro Valley, CA 94546	

8	Gary E. Houts	Son
	U.S. NATO	
9	AP0 A.E. 09724	

10	David E. Parks	Stepson
	1321 Schleiger Drive	
11	Tracy, CA 95376	

12	Billie Jean Wells	Stepdaughter
	Route 1, #38 Waha Glen	
13	Lewiston, ID 83501	

14	Helen Richards	Sister
15	c/o Colonial Estates S.E. 194-B, Apt. 314 Portland, OR 97233	

16	Duane Houts	Brother
17	6336 Jade Avenue	
	Montague, CA 96064	

18
19 A copy of the Will, and this affidavit showing the date of
20 filing, will be delivered or mailed to the heirs at the last known
21 address.

22		7.
----	--	----

23 The decedent's devisees and the devisees' last address known
24 to the affiant are:

25	Marie Houts	Wife
	4806 Proctor Road	
26	Castro Valley, CA 94546	

3 - AFFIDAVIT OF CLAIMING SUCCESSOR

1	Brenda Houts Botosh	Daughter
2	18857 Almond Road	
3	Castro Valley, CA 94546	
4	George W. Botosh	Son-in-law
5	18857 Almond Road	
6	Castro Valley, CA 94546	
7	Gary E. Houts	Son
8	U.S. NATO	
9	AP0 A.E. 09724	
10	David E. Parks	Stepson
11	1321 Schleiger Drive	
12	Tracy, CA 95376	
13	Billie Jean Wells	Stepdaughter
14	Route 1, #38 Waha Glen	
15	Lewiston, ID 83501	
16	Helen Richards	Sister
17	c/o Colonial Estates	
18	S.E. 194-B, Apt. 314	
19	Portland, OR 97233	
20	Duane Houts	Brother
21	6336 Jade Avenue	
22	Montague, CA 96064	

23 A copy of the Will, and this affidavit showing the date of
 24 filing, will be delivered or mailed to the devisees at the last
 25 known address.

26 8.

27 The interest in the decedent's property described in this
 28 affidavit to which each devisee is entitled is:

29	Billie Jean Wells	100%
30	Route 1, #38 Waha Glen	
31	Lewiston, ID 83501	

32 9.

33 Reasonable efforts have been made to ascertain each creditor
 34 of the estate. The expenses of and claims against the estate

4 - AFFIDAVIT OF CLAIMING SUCCESSOR

1 remaining unpaid or on account of which the affiant or any other
2 person is entitled to reimbursement from the estate, including any
3 known or estimated amount thereof and the name and address of each
4 creditor, as known to the affiant are:

5 NONE

6 A copy of the affidavit showing the date of filing will be
7 delivered to each creditor who has not been paid in full or mailed
8 to the creditor at the last-known address.

9 10.

10 The name and address of each person known to the affiant to
11 assert a claim against the estate which the affiant disputes and
12 the last-known or estimated amount thereof:

13 NONE

14 A copy of the affidavit showing the date of filing will be
15 delivered to each of the above or mailed to each person at his or
16 her last-known address.

17 11.

18 A copy of this affidavit showing the date of filing has been
19 mailed or delivered to:

20 State of Oregon
21 Adult & Family Services Division
22 Estate Administration Section
23 Salem, Oregon 97310

24 Oregon Department of Revenue
25 Salem, Oregon 97310

26 by depositing the copy of the affidavit in the United States Postal
Service in a sealed envelope, with postage prepaid.

///

5 - AFFIDAVIT OF CLAIMING SUCCESSOR

12.

Claims against the estate no listed herein, or in amounts larger than those listed herein, may be barred unless (a) a claim is presented to the affiant within four months of the filing of this affidavit at the address set forth in this paragraph or (b) a personal representative of the estate is appointed within the time allowed under ORS 114.555.

13.

If there is listed one or more claims that the affiant disputes, any such claim may be bared unless (a) a petition for summary determination is filed within four months of the filing of this affidavit; or (b) a personal representative of the estate is appointed within the time allowed under ORS 114.555.

14.

Any noun or verb used in this affidavit shall be construed as either singular or plural as the context requires.

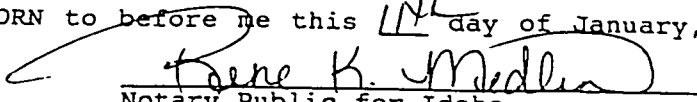
15.

Exhibit 1 and Exhibit 2 attached hereto are each hereby made apart hereof as though fully set forth at the place where reference to the exhibit is made.

DATED this 11th day of January, 1993.


Billie Jean Wells

SUBSCRIBED AND SWORN to before me this 11th day of January, 1993.


Rene K. Medlin
Notary Public for Idaho

My commission expires:

March 19, 1996

6 - AFFIDAVIT OF CLAIMING SUCCESSOR

15490

CERTIFICATE OF DEATH
STATE OF CALIFORNIA
USE BLACK INK ONLY

3-92-01

001888

STATE FILE NUMBER		LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER	
1A. NAME OF DECEDENT—FIRST (GIVEN) Kenneth		1B. MIDDLE W	1C. LAST (FAMILY) Houts
2A. DATE OF DEATH—MO. DAY, YR. March 12, 1992		2B. HOUR 12155	3 SEX M
4. RACE White		5. HISPANIC—SPECIFY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	6. DATE OF BIRTH—MO. DAY, YR. August 17, 1925
7. AGE IN YEARS 66		IF UNDER 1 YEAR 1P UNDER 24 HOURS MONTHS DAYS HOURS MINUTES	
8. STATE OF BIRTH IA	9. CITIZEN OF WHAT COUNTRY USA	10A. FULL NAME OF FATHER Edwin Houts	10B. STATE OF BIRTH NE
11A. FULL MAIDEN NAME OF MOTHER Marie De Jean		11B. STATE OF BIRTH IA	
12. MILITARY SERVICE? 19 43 To 19 45 <input type="checkbox"/> NONE		13. SOCIAL SECURITY NO. 482-16-0460	14. MARITAL STATUS Married
15. NAME OF SURVIVING SPOUSE (IF WIFE, ENTER MAIDEN NAME) Marie Burgess			
16A. USUAL OCCUPATION Owner		16B. USUAL KIND OF BUSINESS OR INDUSTRY Repair and Retail	16C. USUAL EMPLOYER Power Tool & Saw Svcs
16D. YEARS IN OCCUPATION 45		17. EDUCATION—YEARS COMPLETED 13	
18A. RESIDENCE—STREET AND NUMBER OR LOCATION 4806 Proctor Road		18B. CITY Castro Valley	18C. ZIP CODE 94546
18D. COUNTY Alameda		18E. NUMBER OF YEARS IN THIS COUNTY 33	18F. STATE OR FOREIGN COUNTRY California
19A. PLACE OF DEATH Humana Hospital		19B. IF HOSPITAL SPECIFY ONE: IP, OP, DOA IP	19C. COUNTY Alameda
19D. STREET ADDRESS—STREET AND NUMBER OR LOCATION 13855 East 14th Street		19E. CITY San Leandro	20. NAME, RELATIONSHIP, MAILING ADDRESS AND ZIP CODE OF INFORMANT Marie L. Houts Wife 4806 Proctor Road Castro Valley, CA 94546
21. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, AND C) IMMEDIATE CAUSE (A) Intracranial Hemorrhage DUE TO (B) Cerebral Aneurysm DUE TO (C)		22. WAS DEATH REPORTED TO CORONER? REFERRAL NUMBER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	23. WAS BLOODY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
24A. WAS AUTOPSY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		24B. WAS IT USED IN DETERMINING CAUSE OF DEATH? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
25. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 21 Hydrocephalus		26. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 21 OR 25? IF YES, LIST TYPE OF OPERATION AND DATE. Craniotomy 3/2/92	
27A. DECEASED ATTENDED SINCE MONTH, DAY, YEAR 2/25/92		27B. SIGNATURE AND DEGREE OR TITLE OF CERTIFIER <i>George Guidry</i>	27C. CERTIFIER'S LICENSE NUMBER C 036537
27D. DATE SIGNED 3/16/92		27E. TYPE ATTENDING PHYSICIAN'S NAME AND ADDRESS George Guidry, M.D. 13851 E14th Street, San Leandro, CA	
28A. SIGNATURE AND TITLE OF CORONER OR DEPUTY CORONER <i>[Signature]</i>		28B. DATE SIGNED	
29. MANNER OF DEATH—Specify one: natural, accident, suicide, homicide, pending investigation or could not be determined		30A. PLACE OF INJURY	30B. INJURY AT WORK <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
30C. DATE OF INJURY MONTH, DAY, YEAR		31. HOUR	
32. LOCATION (STREET AND NUMBER OR LOCATION AND CITY)		33. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY)	
34A. DISPOSITION(S) Burial		34B. PLACE OF FINAL DISPOSITION—NAME AND ADDRESS Lone Tree Cemetery, Hayward, CA	34C. DATE MO. DAY, YEAR Mar 17, 1992
34D. SIGNATURE OF EMBALMER <i>[Signature]</i>		34E. LICENSE NUMBER 6810	
35A. NAME OF FUNERAL DIRECTOR (OR PERSON ACTING AS SUCH) Jess C. Spencer Mortuary, Inc.		35B. LICENSE NO. F 1168	35C. SIGNATURE OF LOCAL REGISTRAR <i>[Signature]</i>
35D. REGISTRATION DATE 3/17/92		35E. CENSUS TRACT	
STATE REGISTRAR		CENSUS TRACT	

VS-11 (REV. 1-90)

MAKE NO ERASURES, WHITEOUTS, OR OTHER ALTERATIONS

THIS IS TO CERTIFY THAT IF BEARING THE SEAL OF THE ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY, THIS IS A TRUE COPY OF A RECORD ON FILE IN THE VITAL REGISTRATION SECTION, ALAMEDA COUNTY PUBLIC HEALTH SERVICE, OAKLAND, CALIFORNIA

CARL L. SMITH, M.D., LOCAL REGISTRAR

BY *[Signature]* MD DEPUTYDATE MAR 20 1992

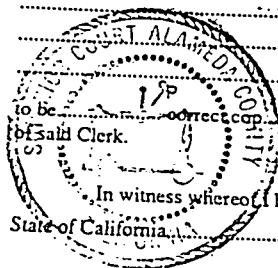
CERTIFICATE OF AUTHENTICATION

15491

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA. } SS.

CLERK'S CERTIFICATE OF ATTESTATION

I, Ronald G. Overholt, Executive Officer and Clerk of the Superior Court of the State of California in and for the County of Alameda, do hereby certify the annexed copies of Letters of TESTAMENTARY, Endorsed filed on
Sept. 18, 1992, & ORDER FOR PROBATE, ORDER APPOINTING CO-Executors, Order
Authorizing Independent Administration of Estate with full authority, Endorsed
Filed on Sept. 18, 1992, in Probate Proceeding entitled: Estate of:
KENNETH W. HOUTS; aka KENNETH WAYNE HOUTS, in Probate No. H-20511-5.



to be correct copy of the original S there of, now remaining in and forming a part of the records of the office

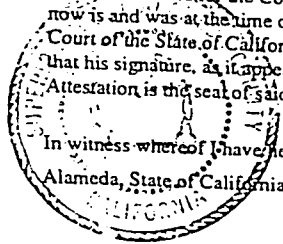
In witness whereof I have hereunto set my hand and affixed the seal of said Superior Court, at Oakland, in the County of Alameda, State of California, November 9, 1992

RONALD G. OVERHOLT, Exec. Off./Clerk
Executive Officer and Clerk of the Superior Court of the State of California in and for the County of Alameda.

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA. } SS.

CERTIFICATE OF JUDGE

I, JOANNE PARRILLI Presiding Judge of the Superior Court of the State of California in and for the County of Alameda, do hereby certify that Ronald G. Overholt, who signed the foregoing Certificate of Attestation, now is and was at the time of the signing and sealing of the said Certificate, the duly appointed Executive Officer and Clerk of the Superior Court of the State of California in and for the County of Alameda; that he was the legal keeper of the records and seal of said Superior Court; that his signature, as it appears signed to the said Certificate of Attestation, is his genuine signature; that the seal affixed to said Certificate of Attestation is the seal of said Superior Court, and that the attestation is in due form of law and by the proper officer.



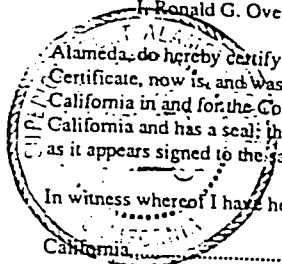
In witness whereof I have hereunto set my hand and caused the seal of said Superior Court to be affixed at Oakland, in the County of Alameda, State of California, November 9, 1992

Joanne Parrilli
Presiding Judge of the Superior Court of the State of California in and for the County of Alameda.

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA. } SS.

CERTIFICATE OF CLERK

I, Ronald G. Overholt, Executive Officer and Clerk of the Superior Court of the State of California in and for the County of Alameda, do hereby certify that JOANNE PARRILLI, who signed the foregoing Certificate, now is, and was at the time of the signing and sealing of the said Certificate, Presiding Judge of the Superior Court of the State of California in and for the County of Alameda, duly commissioned and qualified; that said Superior Court is a court of record of the State of California and has a seal; that the seal affixed to the foregoing certificate is the seal of said Superior Court and that the signature of said Judge, as it appears signed to the said certificate, is his genuine signature.



In witness whereof I have hereunto set my hand and affixed the seal of said Superior Court, at Oakland, in the County of Alameda, State of California, November 9, 1992

RONALD G. OVERHOLT, Exec. Off./Clerk
Executive Officer and Clerk of the Superior Court of the State of California in and for the County of Alameda.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Telephone No.):
LAW OFFICES OF JAMES C. PHILLIPS (510)463-1980
 A Professional Corporation
 P.O.Box 10005
 Pleasanton, CA 94588

ATTORNEY FOR (Name): **BRENDA HOUTS BOTOSH & GEORGE W. BOTOSH**
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
 STREET ADDRESS: 24405 Amador Street
 MAILING ADDRESS: same
 CITY AND ZIP CODE: Hayward, CA 94544
 BRANCH NAME: Southern Division

ESTATE OF (NAME): **KENNETH W. HOUTS; aka KENNETH WAYNE HOUTS,** DECEDENT

FOR COURT USE ONLY
 15492
 ENDORSED
 FILED
 ALAMEDA COUNTY

SEP 18 1992

RONALD G. OVERHOLT, Exec. Off./Clerk
 By Delane Williams

ORDER FOR PROBATE

ORDER APPOINTING ☒ Co-Executor s
☐ Administrator with Will Annexed
☐ Administrator ☐ Special Administrator

☒ Order Authorizing Independent Administration of Estate
☒ with full authority ☐ with limited authority

CASE NUMBER:

H 20511-5

1. Date of hearing: 9/18/92 Time: 2:00 p.m. Dept/Rm: 39 Judge:

THE COURT FINDS

2. a. All notices required by law have been given.
 b. Decedent died on (date): 3/12/92
 (1) ☒ a resident of the California county named above
 (2) ☐ a nonresident of California and left an estate in the county named above
 c. Decedent died
 (1) ☐ intestate
 (2) ☒ testate and decedent's will dated: 2/27/86
 and each codicil dated:
 was admitted to probate by Minute Order on (date):

THE COURT ORDERS

3. (Name): **BRENDA HOUTS BOTOSH and GEORGE W. BOTOSH**

is appointed personal representative:

- a. ☒ Executor of the decedent's will
 b. ☐ Administrator with will annexed
 c. ☐ Administrator

d. ☐ Special Administrator

- (1) ☐ with general powers
 (2) ☐ with special powers as specified in Attachment 3d
 (3) ☐ without notice of hearing

and letters shall issue on qualification.

4. a. ☒ Full authority is granted to administer the estate under the Independent Administration of Estates Act.
 b. ☐ Limited authority is granted to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
5. a. ☒ Bond is not required.
 b. ☐ Bond is fixed at: \$ to be furnished by an authorized surety company or as otherwise provided by law.
 c. ☐ Deposits of: \$ are ordered to be placed in a blocked account at (specify institution and location):
 and receipts shall be filed. No withdrawals shall be made without a court order.

6. ☒ (Name):

STEPHEN R. APPLEBY

is appointed probate referee.

CHARLES L. HARRINGTON

Date:

CALIFORNIA PROBATE REFEREE
 1201 BAY ST. SUITE 109
 OAKLAND, CA 94612

JUDGE OF THE SUPERIOR COURT

7. ☐ Number of pages attached: 9-1541.

☐ Signature follows last attachment.

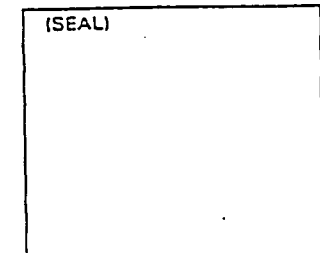
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): LAW OFFICES OF JAMES J. PHILLIPS (510)463-1980 A Professional Corporation P.O. Box 10005 Pleasanton, CA 94588 ATTORNEY FOR (Name): BRENDA HOUTS BOTOSH & GEORGE W. BOTOSH		TELEPHONE NO.: (510)463-1980	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 24405 Amador Street MAILING ADDRESS: same CITY AND ZIP CODE: Hayward, CA 94544 BRANCH NAME: Southern Division		FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY SEP 18 1992 RONALD G. OVERHOLT, Exec. Off./Clerk By T. Guratana	
ESTATE OF (NAME): KENNETH W. HOUTS; aka KENNETH WAYNE HOUTS,		DECEDENT	
LETTERS <input checked="" type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION WITH WILL ANNEXED		<input type="checkbox"/> OF ADMINISTRATION <input type="checkbox"/> SPECIAL ADMINISTRATION	
		CASE NUMBER: H 20511-5	

- LETTERS**
1. ☒ The last will of the decedent named above having been proved, the court appoints (name):
**BRENDA HOUTS BOTOSH and
GEORGE W. BOTOSH**
 a. ☒ Executor
 b. ☐ Administrator with will annexed
2. ☐ The court appoints (name):
 a. ☐ Administrator of the decedent's estate
 b. ☐ Special administrator of decedent's estate
 (1) ☐ with the special powers specified in the Order for Probate
 (2) ☐ with the powers of a general administrator
3. ☒ The personal representative is authorized to administer the estate under the Independent Administration of Estates Act ☒ with full authority ☐ with limited authority (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).

WITNESS, clerk of the court, with seal of the court affixed.

Date: **SEP 18 1992** **RONALD G. OVERHOLT, Exec./Clerk**
 Clerk, by **TERESITA GURATANA**, Deputy

(SEAL)



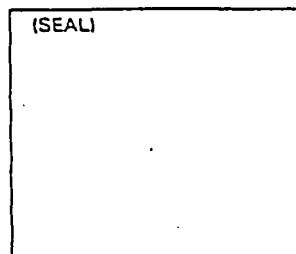
- AFFIRMATION**
1. ☐ PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 1140(b)).
2. ☒ INDIVIDUAL: I solemnly affirm that I will perform the duties of personal representative according to law.
3. ☐ INSTITUTIONAL FIDUCIARY (name):
 I solemnly affirm that the institution will perform the duties of personal representative according to law.
 I make this affirmation for myself as an individual and on behalf of the institution as an officer.
 (Name and title):
4. Executed on (date): **9/18/92**
 at (place): **Hayward, California.**

 (SIGNATURE)

CERTIFICATION

I certify that this document is a correct copy of the original on file in my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)



Date:
Clerk, by

(DEPUTY)

15494

ENDORSED
FILED

MAR 31 1992

RONALD G. OVERHOLT-EXEC. OFF. CLERK
By K. BIGELOW, Deputy

LAST WILL AND TESTAMENT

H 20511-5

I, KENNETH W. HOUTS, of Alameda County, California, being over eighteen years, of sound and disposing mind and memory and not acting under the undue influence of any person, do hereby make, publish, and declare this to be my last will and testament:

FIRST: I hereby expressly revoke any and all former wills and codicils to wills at any time heretofore made by me.

SECOND: I hereby declare that I am married; that my spouse's name is MARIE HOUTS; and that I have two children by a previous marriage, namely, BRENDA HOUTS BOTOSH, also known as BRENDA J. BOTOSH, and GARY E. HOUTS.

THIRD: I hereby confirm to my spouse her share of our community property.

FOURTH: I hereby give and devise to my daughter, BRENDA HOUTS BOTOSH, also known as BRENDA J. BOTOSH, and to her husband, GEORGE W. BOTOSH, or the survivor of them, all shares of stock I own in my business commonly known as Power Tool & Saw Service, Inc., a California corporation, together with the real property and improvements thereon, commonly known as 883 San Leandro Boulevard and 871 San Leandro Boulevard, San Leandro, California. I direct my executor hereinafter named to deliver possession of

the business and all its assets to the beneficiaries as soon after my death as possible so there will be little interruption in its operation.

FIFTH: Provided my son, GARY E. HOUTS, survives me by at least 120 days, I hereby give and devise the real property and improvements thereon commonly known as 19850 West Corral Hollow Road, Livermore, California, together with all livestock, machinery and other tangible property used in connection with that real property and any insurance on both the real and personal property to my son, GARY E. HOUTS. In the event my said son should predecease me or not survive me by at least 120 days, this bequest shall be paid to my daughter, BRENDA HOUTS BOTOSH, also known as BRENDA J. BOTOSH.

SIXTH: I hereby give and bequeath to my children, BRENDA HOUTS BOTOSH, also known as BRENDA J. BOTOSH, and GARY E. HOUTS, or the survivor of them, Lots 462 and 463, Nanawale Estates Subdivision, Unit 3-B, District of Puna, Island, County and State of Hawaii.

SEVENTH: I give and devise to DAVID E. PARKS, or his heirs at law, Lots 34 and 35, Block 284, Hawaiian Oceanview Estates, District of Kau, Island, County and State of Hawaii.

EIGHTH: I give and devise to BILLIE JEAN WELLS, or her heirs at law, the real property commonly known as Lots 26, 27 and 28, Nimrod River Park, Klamath Falls, Oregon.

NINTH: Provided my spouse survives me by at least 120 days, I hereby give, devise, and bequeath to my spouse all of the rest, residue and remainder of my estate, both real and personal, of whatever kind or character and wherever situated.

TENTH: In the event my spouse should predecease me or not survive me by at least 120 days, I hereby give, devise, and bequeath all of the rest, residue and remainder of my estate to my children, in equal shares. In the event either of my children predecease me, their share shall be paid to their issue, by right of representation, or if there be none, to my surviving child.

ELEVENTH: If any beneficiary under this will in any manner, directly or indirectly, contests or attacks this will or any of its provisions, any share or interest in my estate given to that contesting beneficiary under this will is revoked and shall be disposed of in the same manner provided herein as if the contesting beneficiary had predeceased me without issue.

TWELFTH: I hereby appoint my spouse executor of this my last will and testament. I direct that my executor act without the necessity of giving bond so to do, and I hereby expressly authorize and empower my executor to sell, lease, or mortgage the whole or any portion of my estate, at either public or private sale, with or without notice, without securing any previous order of court therefor, and upon such terms and conditions as to my executor may seem best, but subject, however, to confirmation of court as provided by law. In the event my spouse is unable to

15497

complete the probate administration of my estate, I appoint in my spouse's place my daughter and son-in-law, BRENDA HOUTS BOTOSH, also known as BRENDA J. BOTOSH, or the survivor of them, granting unto such persons the same powers, and I hereby direct that such persons act without the necessity of giving bond.

I realize that tax elections and other administrative decisions may benefit some beneficiaries and disadvantage others, and accordingly I authorize (but do not require) my fiduciary to make reasonable and good faith adjustments between principal and income accounts and among the interests of beneficiaries in order to minimize harshness or inequities that might otherwise result from fiduciary decisions.

IN WITNESS WHEREOF, I have hereunto signed this will on

Feb. 27, 1986.

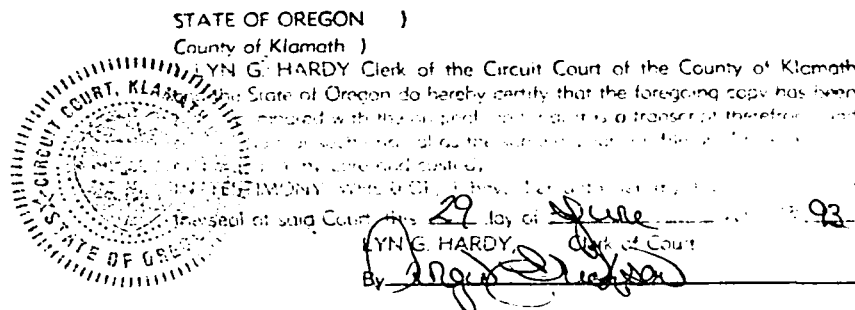
Kenneth A. Hout

On the date last above written, KENNETH W. HOUTS declared to us, the undersigned, that the foregoing instrument, consisting of five pages, including the page to be signed by us as witnesses, was his will and requested us to act as witnesses to it. He thereupon signed this will in our presence, all of us being present at the same time. We now, at his request, in his presence, and in the presence of each other, subscribe our names as witnesses.

We declare under penalty of perjury that the foregoing is true and correct.

Kenneth W. Houts Residing at 1556 Daniels Dr

Donna Ann Craig
Theresa B. Houts Residing at 17842 Carmel Dr
Castroville, Calif.



AFTER RECORDING RETURN TO:
 Billie Jean Wells
 Route 1, #38 Waha Glen
 Lewiston, ID 83501

PAGE 5

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Boivin, Jones, Uerlings the 29th day of June A.D., 19 93 at 2:57 o'clock P M., and duly recorded in Vol. M93 of Deeds on Page 15484.

FEE \$100.00

Evelyn Biehn County Clerk

By [Signature]