

07-15-93A10:00 RCVD

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Form No. 1406-A—AFFIDAVIT OF CLAIMING SUCCESSOR—TESTATE ESTATE.

Vol. m93 Page 17036

JUL 12 1993 64610

In the Probate Department of the County of

KLAMATH

Oregon

Small Estate of:

HELENE F. SMITH,

Deceased.

Estate No. 930246500

AFFIDAVIT OF CLAIMING SUCCESSOR
TESTATE ESTATE

BY

CALIFORNIA
STATE OF OREGON, County of MARIN

I, William R. Smith, being first duly sworn, depose and say that: I am an heir 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) Name of Decedent Helen Frances Smith Age 60 Soc. Sec. No. 544-24-0283
Domicile/Post Office Address 46 Lauren Avenue, Novato, California 94947(2) Decedent died April 25, 1988, at Novato, Marin County, California,
a certified copy of decedent's death certificate is attached hereto;

(3) 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: \$17,320.00

~~XXXXXXXXXXXXXXXXXXXX~~ Personal Property Description:
Promissory note, original sum of \$29,700.00; makers, Gary W. Lindland, Barbara D. Lindland, Randall A. Hirschbock & Barbara Hirschbock, secured by Trust Deed recorded 6/13/88 in Vol. M88, page 9072, mortgage records of Klamath County, Oregon, encumbering real property described as Lot 14, Block 5, ALTAMONT ACRES, Klamath County, Oregon; and further secured by Security Agreement between the parties dated 12/3/87, encumbering two mobile homes, described as follows: (1) 1962 Rex, VIN S4050, Oregon License X-179428, and 1967 Lynwood, VIN MC0297, Oregon License X-87938, located on said real property.

(4) No application or petition for the appointment of a personal representative has been granted in Oregon;

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

(6) Decedent's heirs and the last address of each as known to affiant are:

Name	Relationship	Last Known Address
William R. Smith	Surviving Spouse	46 Lauren Novato CA 94947
Ione Marjorie Johnson	Daughter	1112 S. E. Acacia Lane Grants Pass OR 97527
aka Terry Johnson	Daughter	c/o Terry Johnson 1112 S. E. Acacia Lane Grants Pass OR 97527
Kathleen Sandoval		
nka Kathleen Stinchomb		

A copy of this affidavit showing the date of filing and a copy of decedent's will will be delivered to each heir at the heir's last known address stated above;

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

Name	Last Known Address
William R. Smith	46 Lauren, Novato CA 94947
Ione Marjorie Johnson, aka Terry Johnson, 1112 S. E. Acacia Lane, Grants Pass OR 97527	
Kathleen Sandoval, nka Kathleen Stinchomb, c/o Terry Johnson, 1112 S.E. Acacia Lane, Grants Pass OR 97527	
Jeffrey B. Smith, 10050 Foxboro Circle, San Ramon, CA 94583	
Gregory C. Smith, 12095 Shale Ridge Road, Auburn, CA 95603	

A copy of the will and a copy of the affidavit showing the date of filing will be delivered to each devisee or mailed to the devisee at the devisee's last known address;

98037 9804 10V

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

Name	Interest
William R. Smith	all

(9) Reasonable efforts have been made to ascertain creditors of the estate. Any debts of the decedent remaining unpaid or on account, and the names and address of the creditors as known to the affiant are:

Name of Creditor	Address	Debt	Known or Estimated Amount
None			

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

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

Name	Address	Known or Estimated Amount
None		

A copy of the affidavit showing the date of filing will be delivered to each of the above or mailed to the person at the last known address.

(11) A copy hereof showing the date of filing will be mailed or delivered to the Adult and Family Services Division, Estate Administration Section and to the Department of Revenue, Salem, Oregon.

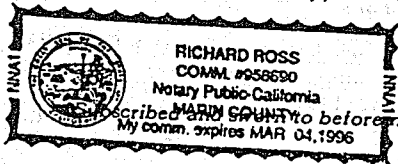
(12) Claims against the estate not listed herein or in amounts larger than those listed herein may be barred unless:

- (a) A claim is presented to the affiant within four months of the filing of this affidavit at the address stated in this affidavit for presentment of claims; 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 which the affiant disputes [See (10)], such claim(s) may be barred 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) A copy of this affidavit showing the date of filing or an abstract meeting the requirements of ORS 113.165(2), will be mailed or delivered with the required recording fee to the county clerk in each county where said decedent's real property, if any, is located.



William R. Smith
William R. Smith

Subscribed and sworn to before me on May 28, 1993.
Notary Public for Oregon. My commission expires 3/4/96
California.

EXCERPT FROM ORS 114.515: "If the estate consists of personal property having a fair market value of \$25,000 or less, or real property having a fair market value of \$60,000 or less, or a combination of personal property having a fair market value of \$25,000 or less, and real property having a fair market value of \$60,000 or less, not less than 30 days after the death of the decedent, one or more of the claiming successors may file an affidavit with the clerk of the probate court in any county where there is venue for a proceeding seeking the appointment of a personal representative for the estate. The affidavit shall contain the information required by ORS 114.525 * * *."

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CERTIFICATE OF DEATH STATE OF CALIFORNIA

STATE FILE NUMBER			LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER		
1A. NAME OF DECEDENT—FIRST			1B. MIDDLE		
Helene			Frances		
1C. LAST			2A. DATE OF DEATH (MONTH, DAY, YEAR)		
Smith			April 25, 1988		
3. SEX			4. RACE/ETHNICITY		
Female			Caucasian		
5. SPANISH/HISPANIC NO			6. DATE OF BIRTH		
CA			December 31, 1927		
7. AGE			8. BIRTHPLACE OF DECEDENT (STATE OR FOREIGN COUNTRY)		
60 YEARS			California		
9. NAME AND BIRTHPLACE OF FATHER			10. BIRTH NAME AND BIRTHPLACE OF MOTHER		
Bernard Neeley - California			Myrtle Winchell - Oregon		
11A. CITIZEN OF WHAT COUNTRY			11B. IF DECEASED WAS EVER IN MILITARY GIVE DATES OF SERVICE		
U. S. A.			19 N/A TO 19 N/A		
12. SOCIAL SECURITY NUMBER			13. MARITAL STATUS		
544 24 0283			Married		
14. NAME OF SURVIVING SPOUSE (IF WIFE, ENTER BIRTH NAME)			15. PRIMARY OCCUPATION		
William R. Smith			Researcher		
16. NUMBER OF YEARS THIS OCCUPATION			17. EMPLOYER IF SELF-EMPLOYED, SO STATE		
25 yrs.			Self-Employed		
18. KIND OF INDUSTRY OR BUSINESS			19A. USUAL RESIDENCE—STREET ADDRESS (STREET AND NUMBER OR LOCATION)		
Cosmetic Industry			46 Lauren Avenue		
19B. CITY OR TOWN			19C. COUNTY		
Novato			Marin		
20. NAME AND ADDRESS OF INFORMANT—RELATIONSHIP			19E. STATE		
William R. Smith (Husband)			California		
46 Lauren Avenue			21B. COUNTY		
Novato, California, 94947			Marin		
21D. CITY OR TOWN			21A. PLACE OF DEATH		
Novato			Residence		
21C. STREET ADDRESS (STREET AND NUMBER OR LOCATION)			22. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, AND C)		
46 Lauren Avenue			IMMEDIATE CAUSE		
23. OTHER SIGNIFICANT CONDITIONS—CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 22A			24. WAS DEATH REPORTED TO CORONER?		
None			Yes A-28918		
25. WASopsy PERFORMED?			26. WAS AUTOPSY PERFORMED?		
No			No		
27. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEMS 22 OR 23? TYPE OF OPERATION			28. PHYSICIAN—SIGNATURE AND DEGREE OR TITLE		
No			Michael S. Stulbarg M.D.		
29. SPECIFY ACCIDENT, SUICIDE, ETC.			30. PLACE OF INJURY		
31. INJURY AT WORK			32A. DATE OF INJURY—MONTH, DAY, YEAR		
			4/25/88		
32B. HOUR			33. LOCATION (STREET AND NUMBER OR LOCATION AND CITY OR TOWN)		
			400 Parnassus Ave. San Francisco		
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-INVESTIGATION)		
			35B. CORONER—SIGNATURE AND DEGREE OR TITLE		
			35C. DATE SIGNED		
36. NAME AND ADDRESS OF CEMETERY OR CREMATORY			37. DATE—MONTH, DAY, YEAR		
Valley Memorial Park, Novato, Calif.			April 26, 1988		
38. EMBALMER'S LICENSE NUMBER AND SIGNATURE			39. DATE ACCEPTED BY LOCAL REGISTRAR		
Not Embalmed			APR 26 1988		
40A. NAME OF FUNERAL DIRECTOR (OR PERSON ACTING AS SUCH)			40B. LICENSE NO.		
Keaton's Chapel of Marin			1137		
41. LOCAL REGISTRAR—SIGNATURE			42. DATE ACCEPTED BY LOCAL REGISTRAR		
Theodore D. Hatt			APR 26 1988		
43. STATE REGISTRAR			44. STATE REGISTRAR		
A.			B.		
C.			D.		
E.			F.		

THIS IS TO CERTIFY THAT THIS IS A TRUE COPY OF A DOCUMENT FILED IN THIS OFFICE

THEODORE D. HATT, M.D.
MARIN COUNTY HEALTH OFFICER
BY: *Tony Joque* 4/28/88
DEPUTY REGISTRAR OF VITAL STATISTICS

HEALTH AND HUMAN SERVICES DEPARTMENT
CIVIC CENTER, ROOM 280
SAN RAFAEL, CALIFORNIA 94903

CERTIFICATION FEE: \$7.00

In the Superior Court

of the State of California

IN AND FOR THE County of Marin

17039

Estate of	
Helene Frances Smith	Plaintiff
	Defendant

Case No. 36328

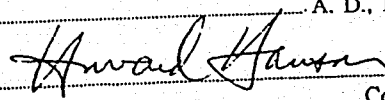
I, Howard Hanson, County Clerk of the County of Marin, and ex-officio Clerk of the Superior Court in and for the said County of Marin, State of California, do hereby certify that I have compared the foregoing with the original thereof: that I am the keeper of all said original, keeping same on file in my office as the legal custodian, and keeper of the same under the laws of the State of California, and I further certify that the foregoing copy attached hereto is full, true and correct copy of the original

*****Will of Helene Frances Smith*****

*****now on file and of record in my office.

I do further certify that the same has not been altered, amended, or set aside, but is still of full force and effect. All of which I have caused to be exemplified according to the Act of Congress.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court
 this 14th day of June A. D., 19 93

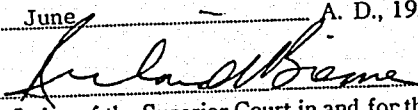


 County Clerk.

I, Richard H. Breiner, Judge of the Superior Court of the State of California in and for the County of Marin, do hereby certify that said court is a court of Record having a Clerk and Seal, that Howard Hanson, who has signed the annexed attestation, is the duly elected and qualified County Clerk of the County of Marin, and was at the time of signing said attestation, ex-officio Clerk of said Court. That said signature is his genuine handwriting and that all his official acts as such Clerk are entitled to full faith and credit.

And I further certify that said attestation is in due form of law.

Witness my hand this 14th day of June A. D., 19 93

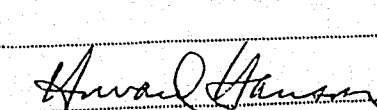


 Judge of the Superior Court in and for the County of Marin, State of California.

STATE OF CALIFORNIA, } ss.
 County of Marin

I, Howard Hanson, County Clerk of the County of Marin, and ex-officio Clerk of the Superior Court of the County of Marin, State of California, do hereby certify that the Honorable Richard H. Breiner, whose name is subscribed to the preceding certificate, is Judge of said Court, duly elected and qualified, and that the signature of said Judge to said certificate is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court,
 this 14th day of June A. D., 19 93



 County Clerk of the County of Marin, State of California, and ex-officio Clerk of the Superior Court thereof.

FILED

MAR 25 1991

36328

WILL
OF
HELEN & FRANCES SMITHHOWARD HANSON
MARIN COUNTY CLERK
BY D. ROSS, DEPUTY

I, HELEN & FRANCES SMITH, a resident of the County of Napa, State of California, Social Security Number 544-24-0283, declare that this is my Will, revoking all prior Wills and Codicils.

FIRST: I am presently married to WILLIAM R. SMITH, and all references in this Will to "my husband" are to him. I have no children of this marriage.

I was divorced from RODNEY DEAN JAMES in 1972 by the Superior Court of Marin County, California. I have no children by that dissolved marriage.

I was divorced from HAROLD C. FLY by the Superior Court of Alameda County, California. I have two children by that dissolved marriage whose names and dates of birth are: IONE MARJORIE JOHNSON, January 4, 1951; and KATHLEEN SANDOVAL, November 29, 1947. I have no other children.

SECOND: I intend by this Will to dispose of all real and personal property which I am entitled to dispose of by Will, including my separate property and my share of the community property of my husband and myself and my share of the quasi-community property of my husband and myself. I confirm to my husband his share of our community property.

THIRD: I give all of my estate as follows: To my husband if he survives me. If my husband does not survive me, then in equal shares to my children, IONE MARJORIE JOHNSON and KATHLEEN SANDOVAL, and my stepchildren, JEFFREY B. SMITH and GREGORY C. SMITH, or the survivors of them, and not their surviving issue. And if none of them survive me; then to my heirs as determined by the laws of the State of California, in effect at my death relating to the succession of the separate property, not acquired from a predeceasing spouse, of a California resident.

FOURTH: I nominate my husband, WILLIAM R. SMITH, Executor of this Will, to serve without bond; but if he be unwilling or unable to perform, I nominate my daughter, IONE M. JOHNSON of Rogue River, Oregon, and my stepson, JEFFREY SMITH of Danville, California, to serve in his stead, also without bond. The term "my Executor" as used in this Will shall include any personal representative of my estate.

FIFTH: I authorize my Executor, in addition to the authority conferred by law, to sell, at public or private sale, for cash or credit, with or without notice or security, lease, mortgage, and otherwise convey any property belonging to my estate, and to invest, reinvest or retain in kind investments of my estate, and, on any preliminary or final distribution of the property in my estate, to partition, allot, and distribute my estate in kind, including undivided interests in my estate or any part of it, or partly in cash and partly in kind, or entirely in cash, in my Executor's absolute discretion, and to perform all acts and to execute all documents deemed necessary, convenient or proper in regard to my estate, all without court order.

SIXTH: I direct that all estate, inheritance, or other death taxes, together with any interest and penalties thereon, becoming payable by reason of my death, with respect to any property or interest in property included as part of my gross estate for the purpose of any such taxes, whether or not such property passes under my Will, shall be paid by my Executor out of the residue of my estate, without adjustments among the residuary beneficiaries, and shall not be charged against or collected from any beneficiary of my probate estate, or from any transferee or beneficiary of any property outside my probate estate.

PAGE ONE OF MY WILL

JKW
VR

Helena Frances Smith
HELEN & FRANCES SMITH

H. F. S.

STATE OF OREGON)
County of Klamath)
I, LYN G. HARDY, Clerk of the Circuit Court of the County of Klamath
do hereby certify that the foregoing copy has been
colpared with the original, and that it is a transcript therefrom, and
true and correct as the same appears on file or of record in my
office.

TESTIMONY: Witness my hand and affixed
the seal of said Court, this _____ day of _____ A.D. 19____

By _____
LYN G. HARDY, Clerk of Court

Filed for record at request of Parks & Ratliff the 15th day
of July A.D., 19 93 at 10:00 o'clock A M., and duly recorded in Vol. M93,
of Deeds on Page 17036.

Evelyn Biehn County Clerk

By Gertrude M. Lindner

Return: Parks & Ratliff
228 N. 7th
Klamath Falls, Or. 97601