Recording Requested By, and When Recorded Mail To:

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#### AFFIDAVIT OF SUCCESSOR TRUSTEE

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(Fiduciary Not Appointed or Qualified by a Court)

STATE OF CALIFORNIA ) ) SS. COUNTY OF SAN DIEGO )

REX A. MURRAY, being first duly sworn, deposes and says:

That REX A. MURRAY is the sole duly appointed and presently qualified and acting Successor Trustee of the MARGARET P. SNYDER TRUST dated March 22, 1988. A true and correct copy of said TRUST is attached hereto as Exhibit "A".

MARGARET P. SNYDER died at La Mesa, California, while a resident of the City of Spring Valley, San Diego County, California, on September 6, 1994, leaving a Will, a copy of which is attached hereto as Exhibit "B".

No proceeding is now being or has been conducted for administration of the decedent's estate.

REX A. MUFRAY as Successor Trustee of said MARGARET P. SNYDER TRUST is the successor of the decedent to the decedent's interest in the property hereinafter described: Real property located in Klamath County, Oregon, described as:

Lot 22, Block 49, Klamath Falls Forest Estates Highway 66 Unit, Flat No. 2, as recorded in the Office of the County Recorder of Klamath County, Oregon. No other person has a right to the interest of the decedent in the described property.

Executed on <u>FEB. 24<sup>41</sup></u>, 1995, at El Cajon, California.

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REX A. MURRAY, Successor Trustee MARGARET P. SNYDER TRUST dated March 22, 1988.

SUBSCRIBED & SWORN TO BEFORE ME
THIS ZA DAY OF Freezeway, 1995.
Notary Public for said County and State

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DECLARATION OF TRUST THE SNYDER TRUST

MARGARET P. SNYDER hereinafter called "Trustor," has conveyed or transferred to MARCARET P. SNYDER as Trustee, without consideration moving from her, all of her right, title and interest in the property described in the following attached schedules: Schedule "A" being the separate property of the Trustor, said property shall retain its character as separate property.

All property now or hereafter subject to this trust snall constitute the trust estate, and shall be held, managed and distributed by the Trustee as hereinafter provided. The singular shall include the plural wherever necessary, and one gender shall include any other gender wherever necessary.

In the event MARGARET P. SNYDER resigns or ceases to act as Trustee, or upon her incapacity to act as Trustee, then her godson, REX A. MURRAY, shall be appointed as sole successor Trustee.

The Trustor, while alive, shall have the right, from time to time, to change the Trustee of the trust estate to any institution or individual so selected by said Trustor.

The successor Trustee herein shall not be liable or responsible for the acts of the prior Trustee nor for any losses occurring during the prior Trustee's tenure, and shall not be

liable for a failure to account by such Trustee.

#### ARTICLE I

## DISTRIBUTION OF INCOME AND PRINCIPAL

1. All net income shall be distributed in monthly or other convenient installments, and in any event at least once annually, to or for the benefit of the person or persons entitled to receive such net income.

2. The Trustee shall pay to MARGARET P. SNYDER, the Trustor herein, the entire net income of the trust estate while the Trustor is living, said income being the separate property of the Trustor.

Anything herein to the contrary notwithstanding, the Trustor shall have the absolute power exercisable only by a written instrument other than a Will delivered to the Trustee during the Trustor's lifetime to appoint any part of the principal and any undistributed net income of the trust estate in favor of the Trustor, the Trustor's estate or any person. 3. Upon the death of the Trustor, the Trustee shall distribute the entire trust estate, including principal and undistributed income to REX A. MURINAY, the godson of MARGARET P. SNYDER, the

Trustor herein.

4. If any share of any trust becomes distributable to a minor, then such share shall immediately vest in such minor, but the Trustee shall retain possession of each such minor's share during his minority. The Trustee shall use and expend so much

of the income and principal of each minor's share as it deems necessary or desirable for her mare, support and education and any income not so expended shall be added to principal. The Trustee shall have with respect to each share so retained, all the powers and discretions had with respect to this trust generally.

5. If the payments from these trusts to which the Trustor may be entitled, together with other income of such beneficiary, of which the Trustee has actual knowledge, shall be insufficient in the discretion of the Trustee to provide for the reasonable support, care, comfort and education of such beneficiary, the Trustee may pay to such beneficiary or apply for her benefit so much of the principal up to and including the whole of the respective trust as the Trustee may deem advisable.

6. The Trustor, MARGARET P. SNYDER is a widow, her husband FRANK SNYDER having passed away. The Trustor has no children, living or deceased.

7. Unless terminated at an earlier date under the foregoing provisions, this trust shall cease on the date which is twenty-one (21) years after the death of the last survivor of the beneficiaries in being at the time of the death of the Trustor; or those living on the date prior thereto when this trust becomes irrevocable, if that event shall occur. Upon such termination, the trust estate remaining shall go and be disbursed to the persons then entitled to the income therefrom, in the same shares, and proportions as they were at the time

entitled to receive such income. The interests of beneficiaries in principal or income shall 8. not be subject to claims of their creditors or others nor to legal process, and may not be voluntarily or involuntarily alienated or encumbered.

Any of the trust estate not disposed of under the foregoing 9. provisions shall be distributed to the legal heirs of the Trustor; their identity and respective shares to be determined in all respects according to the laws of succession of the State cf California then in force relating to the succession of separate property.

#### ARTICLE II

### RIGHTS RESERVED BY TRUSTOR

While the Mrustor shall live, this trust may be revoked in 1. whole or in part by written instrument filed with the Trustee. Any part of this trust revoked during the lifetime of the Trustor shall be transfecred to the Trustor as separate property, The Trustor, while alive, by written instrument filed with the Trustee, may alter or divest the interests of, or change beneficiaries, and with the Trustee's written consent may amend this trust without limitation in any other respect. Amendments may be cancelled or amended in like manner. Except as provided herein, this trust shall be irrevocable.

#### ARTCICLE III

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#### POWERS OF THE TRUSTEE

To carry out the purposes of this trust, and subject to any 1.

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limitations stated elsewhere herein, the Trustee is vested with the following powers in addition to those now or hereafter conferred by law affecting the trust and the trust estate:

a. To continue to hold any property, although not of a type or quality nor constituting a diversification considered proper for trus: investments, including the Trustee's own stock, and to operate at the risk of the trust estate and not at the risk of the Trustee, any property or business received in this trust, as long as it may deem advisable, the profits and losses therefrom to inure or be chargeable to the trust estate as a whole and not to be Trustee.

b. To invest and reinvest the principal, and income if the Trustee is directed to accumulate it, and to purchase or acquire therewith every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not by way of limitation, participations in every common trust fund, corporate obligations of every kind, and stocks, preferred or common, which men of prudence, discretion and intelligence acquire for their own account.

c. To manage, control, sell, convey, exchange, to grant options and to sell upon deferred payments; to lease for terms within or extending beyond the duration of this trust for any purpose; to cre te restrict ons, easements, and other servitudes.

d. To advance funds to this trust for any trust purpose, such advances with interest at current rates to be a first lien on and to be repaid out of principal any loss or expense incurred by reason of its ownership or holdings of any property in this trust.

e. To compromise, arbitrate or otherwise adjust claims in favor of or against the trust; to carry such insurance as the Trustee may deem advisable.

f. To borrow money for any trust purpose upon such terms and conditions as the Trustee may deem proper; and to obligate the trust estate for repayment; to encumber the trust estate or any of its proterty by mortgage, deed of trust, pledge or otherwise, using such procedure to consummate the transaction as the Trustee may drem advisable.

g. To make payments to any beneficiary under disability by making them to the guardian of the person of the beneficiary or to the parent of the beneficiary, if a minor, or may apply them for the beneficiary's benefit. Sums necessary for support and education may be paid directly to minor beneficiaries, who, in the judgment of the Trustee, have attained sufficient age and

discretion to render it probable that the monies will be properly expended.

h. To have respecting securities all the rights, powers and privileges of an owner, including the power to give proxies, pay assessments and other sums deemed by the Trustee necessary for the protection of the trust estate; to participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers and liquidations; and in connection therewith, to deposit securities with and transfer title to any protective or other committee under such terms as the Trustee may deem advisable; to exercise or sell stock subscription or conversion rights; to accept and retain as an investment any securities or other property received through the exercise of any of the foregoing powers, regardless of any limitations elsewhere in this instrument relative to investments by the Trustee.

i. To hold property in its own name or in the name of its nominee, with or without disclosure of fiduciary relationship, the Trustee being responsible for the acts of any such nominee affecting such property.

j. To sell such property as the Trustee may deem necessary to make division or distribution, and to partition, allot and distribute the trust estate in undivided interests or in kind, or partly in money and partly in kind, at valuations determined by the Trustee.

k. To budget the estimated annual income and expenses of the trust in such manner as to equalize, as far as practicable, periodic income payments to beneficiaries.

1. To determine what is principal, gross income or net distributable income and to charge the premium of any security purchased at the premium either against income or principal or partly against income: and partly against principal as may be deemed best by the Trustee in its discretion.

m. To make loans to or to borrow from, to purchase property or assets of any kind from, or sell to, or in any other manner, deal with the personal representative of the Trustor, upon such terms and conditions or in such manner as the Trustee shall deem reasonable in his sole discretion and in the interests of all the trusts and the beneficiaries thereof.

n. The Trustee is authorized to buy, sell and trade in securities of any nature, including short sales, on margin, and for such purposes may maintain and operate margin accounts with brokers, and may pledge any securities held or purchased by him with such brokers as security for loans and advances made to the Trustee.

Unless specifically limited, all discretions conferred upon 2. the Trustee shall be absolute, and their exercise conclusive on all persons interested in this trust. The enumeration of certain powers of the Trustee shall not limit its general powers, the Trustee being vested with and having all the rights, powers and privileges which an absolute owner of the same property would have.

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#### ARTICLE IV

#### GENERAL PROVISIONS

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No compensation shall be paid for the services of the Trustor acting as Trustee, but any other successor Trustee shall be entitled to fair and reasonable compensation from the trust estate for services rendered as Trustee.

Until the Trustee shall receive from some person interested in this trust written notice of any death, birth, marriage, or other event upon which the right to payments from this trust may depend, the Trustee stall incur no liability for disbursement made in good faith to persons whose interests may have been affected by such event.

Income accrued or unpaid on trust property when received into the trust shall be treated as any other income. Income accrued or held undistributed by the Trustee — at the cermination of any interest or escate under this trust shall be to the beneficiaries entitled to the next eventual interest in the proportions in which they take such interest. Periodic payments out of principal, not due upon the termination of any interest

or estate, shall not be apportioned to that date. The Trustee shall not be required to prorate taxes and other current expenses to the date of termination.

4. The Trustee shall pay out of principal or income as it may elect, or partly out of each, in such shares as it may determine, property taxes, assessments, charges, attorney's fees, the Trustee's compensation and other expenses incurred in the administration or protection of this trust. The discretion of the Trustee to pay these items from income or principal, or partly from each, may be exercised not only in the interests of the trust estate, but for the benefit of any beneficiary. Income remaining after such expenditures as the Trustee shall elect to pay therefrom, shall constitute net income.

5. The Trustee shall have the right to resign this Trusteeship at any time. Upon its resignation, a successor shall be appointed by a court of compenent jurisdiction upon petition of either the resigning Trustee or any person interested in this trust.

6. Other property acceptable to the Trustee may be added to this trust.

7. If any provision of this instrument is unenforceable, the remaining provisions shall nevertheless be carried into effect. 8. All rights granted to any person by any provision of this trust may be exercised by such person at any time during his or her lifetime and competency.

9. This trust has been accepted by the Trustee in the State of

California and, unless otherwise provided in this instrument, its validity, construction and all rights under it shall be governed by the laws of that State.

EXECUTED IN DUCLICATE at La Mesa, California, on this day of March, 1988.

Maryaret P. Snyden TARGARET P. SNYDER, Trustee

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I certify that I have read the foregoing Declaration of Trust, and that it correctly states the terms and conditions under which the trust estate is to be held, managed and disposed of by the Trustee. I approve the Declaration of Trust in all particulars and request the Trustee to execute it.

Margaret P. Frighter-

Trustor

APPROVED: ( l'an WAYNE G. STRONG, Attorney for Trustor

STATE OF CALIFORNIA ) COUNTY OF SAN DIEGO - ì

(ss.

day of March, 1988, before me, On this 22 the undersigned, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally

appeared MARGARET P. SNYDER (known to me) (proved on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County, the day and year in this certificate first above written.

Notary Public

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# Hast Will and Testament

MARGARET P. SNYDER

I, MARGARET P. SNYDER, a resident of San Diego County, Callfornia, declare this to be my Will and revoke all former Wills and Codicils.

SECOND: It is my intention to dispose of all my separate property.

THIRD: I give all of my personal property, including all jewelry, clothing, household furniture and furnishings, personal automobiles, boats and other tangible articles of a personal nature, or my interest in any such property, not otherwise specifically disposed of by this Will or in any other manner, together with any insurance on said property to my godson, REX A. MURRAY if he is alive at my death. If he has predeceased me, then all such property is to be sold and the proceeds from the

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#### EXHIBIT "B"

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sale thereof shall pass to the residue of my estate to be disposed of as hereinafter set forth.

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FOURTH: I give the residue of my estate to the Trustee of "THE MARGARET P. SNYDER TRUST" under a Declaration of Trust dated March 22, 983, where in I am Trustor, to be added to and become a part of the corpus of the trust estate, and to be held, managed, administered and distributed according to the terms and conditions thereof and any amendments thereto including amendments made subsequent to my death.

FIFTH: I appoint my godson, REX A. MURRAY, as Executor of this Will, to serve without bond.

I authorize my Executor to sell, with or without notice, at public or private sale, and to lease any property of my estate, subject only to such confirmation as may be required by law.

I further authorize my Executor either to continue the operation of any business belonging to my estate for such time and in such manner as my Executor may deem advisable and for the best interests of my estate, or to sell or liquidate the business at such time and on such terms as my Executor may deem advisable and for the best interests of my estate. Any such operation, sele or liquidation by my Executor,

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in good faith, shall be at the risk of my estate and without liability on the part of my Executor for any resulting losses.

My Executor shall determine, in a manner which would minimize taxes, whether any or all expenses of administration of my estate shall be used as federal estate tax deductions or as federal income tax deductions, and whether date of death or alterrate valuation values should be used for estate tax purposes. No beneficiary under this Will, whether an income beneficiary or a remainderman of any trust, or other beneficiary, shall have any right to recoupment or restoration of any losses the beneficiary suffers as the result of the use of any such deductions for one or the other of such purposes.

I SUBSCRIBE MY NAME to this Will this  $22^{\frac{14}{2}}$  day of March, 1988, at La Mesa, California.

151 Illargaret P. Snyder

On the date written below, MARGARET P. SNYDER, declared to us, the undersigned, that this instrument, consisting of four (4) pages, including the page signed by us a witnesses, was her Will and requested us to act as witnesses to it. She thereupon signed this Will in our presence, all of us being present at the same time. We now, at her request, and in her presence and in the presence of each other, subscribe

witnesses. Executed on March 22, 1988, at La Mesa, California. We declare under penalty of perjury that the foregoing is

true and correct.

151 Wayne G. Strong

Residing at

7373 University Avenue, #115 La Mesa, CA 92041

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Residing at

7373 University Avenue, #115 La Mesa, CA 92041

STATE OF OREGON: COUNTRY OF KLAMATH SS. 8th day the . \_\_\_\_\_M., and duly recorded in Vol. \_\_\_\_\_\_M95 Stephen Eckis o'clock A Filed for record at request of A.D. 19 95 at 10:59 \_ on Page \_\_ 5127 Bernetha G. Letsch, County Clerk By Annette History of \_\_\_\_\_ March Deeds of .

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FEE \$105.00