

## AFTER RECORDING RETURN TO:

Marion E. Miller

710-25th Street

Sacramento, CA 95816-4104

06-19-95P03:29 RCVD

Vol MAS Page 16069

ATC #103043152

## AFFIDAVIT OF HEIRSHIP AND INDEMNITY

State of CALIFORNIA )  
County of X Sacramento ) ss.I, We, John Elred Miller by and through his  
attorney in fact, Marion E. Miller  
being first duly sworn, depose and say that:

1. Decedent, James Hall died in X Sacramento  
County, State of California, on X April 1, 19X38.  
and at the time of death was vested in fee title in real  
property located in Klamath County, Oregon, described as follows:

Lot 3, Block 48, WORDEN TOWNSITE, in the County of Klamath,  
State of Oregon.

Code 22 Map 4008-34CA TL 300

2. Decedent left a will of which a copy is attached hereto, and  
the estate is not being probated.
3. The next of kin and heirs at law of decedent, with the  
relationship to decedent, approximate age and current address  
of each are:

Clara Walsh (deceased)-see attached Decree Terminating Life Estate  
(sister-in-law)John Eldred Miller  
(grandson)Age 83 Address X 710-25th St. Sacto, CA 95816There are no children of deceased children which survived the  
decedent.

4. There is no debt of decedent or claim against decedent which is  
or will become a claim against the estate of decedent.
5. This affidavit is for the purpose of inducing Aspen Title & Escrow,  
Inc. to allow next of kin, heir(s), and/or Devisee(s) of decedent  
who is John Eldred Miller (by and through his attorney in fact),  
to clear the aforementioned real property of the interest of decedent  
without the necessity of probate of decedent's estate.

Dated this 22nd day of May, 1995.

X John Eldred Miller by Marion E. Miller, Attorney in Fact  
JOHN ELRED MILLER by MARION E. MILLER his Attorney in FactSTATE OF CALIFORNIA )  
COUNTY OF Sacramento ) ss.

On June 7, 1995, before me, Karen H. Greenley, Notary Public,  
personally appeared Marion E. Miller as Attorney in Fact for  
John Eldred Miller personally known to me (or proved to me on  
the basis of satisfactory evidence) to be the person(X) whose  
name(X) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by  
his/her/their signature(X) on the instrument the person(X) or  
the entity upon behalf of which the person(X) acted, executed  
the instrument.

WITNESS my hand and official seal.

Signature [Signature]  
My commission expires: 5-12-98

**In the Superior Court**  
of the State of California  
**In and for the County of Sacramento**

**Probate:**

In the Matter of the Estate of
JAMES HALL
Deceased.

Inventory and Appraisement  
Probate Code, 600

**Inventory and Appraisement**

**Date of Death of Decedent:** April 1, 1938

**Oath of Appraisers**

State of California, } ss.  
County of Sacramento }

CHRIS R. JONES,  
appraiser of the estate of James Hall  
deceased, being sworn, say s.: I will  
truly, honestly, and impartially appraise the property of said estate which shall be exhibited  
to me, according to the best of my knowledge and ability.

Subscribed and sworn to before me, this  
12th day of May, 1938

CHRIS R. JONES

H. E. PERRYMAN

Notary Public in and for the County  
of Sacramento, State of California

**Oath of Executor or Administrator**

State of California, } ss.  
County of Sacramento }

I, JOHN ELDRED MILLER  
~~IX JOHN ELDRED MILLER~~, Executor of the Last Will and Testament of James Hall,  
deceased, being sworn, say: That the  
annexed inventory contains a true statement of all the estate of said decedent which has come  
to my possession or knowledge, and particularly of all money belonging to the decedent, and  
of all just claims of the said decedent against me.

Subscribed and sworn to before me, this  
10th day of May, 1938

JOHN E. MILLER

MARY M. BARDSLEY

Notary Public in and for the County  
of Sacramento, State of California

Verified Account of Appraisers

Estate of JAMES HALL Deceased,  
To the appraiser.....of the estate of said decedent ..... DR.

As compensation for services, commissions upon total amount of inventory and appraisement:  
For the first \$5000.00, or fraction thereof,.....\$ 5.00  
For the next \$.....one-tenth of one per cent thereof.....\$ 5.80

Necessary disbursements as follows:  
Oakland appl ..... 5.00  
Total . . . \$ 15.80

State of California, } ss.  
County of Sacramento }  
CHRIS R. JONES  
the appraiser.....above named, being duly sworn.....  
says: That the services required of such appraiser.....have been duly rendered, that the items of  
disbursements set forth in the foregoing bill are actual and necessary expenses of such apprais-  
er....., and that the foregoing bill of.....disbursements is correct and just.

Subscribed and sworn to before me, this }  
12th day of May 1939, 12 38 }



H. E. PERRYMAN  
Notary Public in and for the County  
of Sacramento, State of California

COPY

No. 18729	Dept. 2
IN THE SUPERIOR COURT	
Of the State of California, in and for the County of Sacramento	
In the Matter of the Estate of	
JAMES HALL	Deceased.
Inventory and Appraisement	
W. H. HATFIELD	
Attorney for Executor	

## Inventory

Moneys belonging to decedent which have come to the hands of the Executor

PERSONAL PROPERTY:

Cash in safe deposit box- American Trust Company	\$ 100.00
Postal Savings System certificates -- Appraised at	2,500.00
3 Shares stock,- Certificate #F344170- Southern Paco Company. Appraised	52.00
Household furniture Appraised	150.00

REAL PROPERTY:

<u>Parcel 1.</u>	N $\frac{1}{2}$ of S $\frac{1}{2}$ of E $\frac{1}{2}$ and East 8 feet of S $\frac{1}{4}$ of Lot No. 3, G and H, 24th and 25th Streets, Sacramento, Sacramento County, California. (Except N. 1 ft. of W 24 ft. of S $\frac{1}{2}$ of E $\frac{1}{2}$ )	
	also Appraised at.....	3,000.00
<u>Parcel 2.</u>	N $\frac{1}{2}$ of S $\frac{1}{2}$ of Lot 4, G and H, 24th and 25th Streets, City of Sacramento, County of Sacramento, State of California.....	
	Appraised at.....	
<u>Parcel 3.</u>	Lot 24, Block 25, North Sacramento Sub-division #8 -- Sacramento County, California	
	Appraised at.....	250.00
<u>Parcel 4.</u>	Lot 25, Block 25, North Sacramento Sub-division #8, Sacramento County, California,	
	Appraised at.....	250.00
<u>Parcel 5.</u>	Lot 46, Block 4578, Map of Madison Square, City of Oakland, County of Alameda, California,	
	Appraised at .....	4000.00
<u>Parcel 6.</u>	Lot 31, Block 34/5479- Map of Resubdivision of Block No. 34 of the Garner Tract, City of Oakland, County of Alameda, California.....	
	Appraised at .....	500.00

NOTICE OF PROBATE OF WILL OF JAMES HALL, Deceased, and Hearing Petition for Letters Testamentary thereon.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SACRAMENTO.

No. 18729. Dept. 2.

In the Matter of the Estate of JAMES HALL, Deceased.

NOTICE IS HEREBY GIVEN, that Monday, the 18th day of April, 1938, at 10 o'clock in the forenoon of said day, and the Court Room of Department No. 2 of the Superior Court of the State of California, in and for the County of Sacramento, in the County Court House of said County, in the City of Sacramento, County of Sacramento, State of California, have been appointed and designated by the undersigned, the Clerk of said Court, as the time and place for proving the will of said James Hall, deceased, and for hearing the application of JOHN ELDRED MILLER for the issuance to him of letters testamentary thereon, when and where any person interested may appear and contest the same.

Witness my hand and the seal of said Court this 6th day of April, 1938.

T. F. PATTERSON,

(Seal)

By GEO. W. LIAL, Clerk.

Deputy Clerk.

Endorsed: Filed Apr. 6, 1938.

T. F. PATTERSON, Clerk.

By GEO. W. LIAL, Deputy.

W. H. HATFIELD,

Attorney for Petitioner.

Apr 7 to 18

245

Published in The Daily Recorder, 801 J Street, Sacramento, California, Phone Capital 2424.

Total - - - \$.....10,802.00

So far as can be ascertained by said.....Executor  
the estate mentioned in the foregoing inventory is.....separate  
property .....

.....I....., the undersigned, appraiser..... of the estate of the above named decedent, hereby certify that the property in the foregoing inventory described has been exhibited to.....me..... and that.....I.....appraise each item thereof as of the time of the death of the decedent, at the figures set opposite that item, and the whole of said property at the sum of.....  
Ten Thousand Eight Hundred Two and 66/100.....dollars  
(\$.....10,802.00.....).

Dated:.....May 13....., 19.....38

CHRIS R. JONES

Appraiser

Appraiser

Appraiser

IN THE NAME OF GOD, AMEN:

That I, JAMES HALL, of the County of Sacramento, State of California, of lawful age and being of sound and disposing mind and memory, and not acting under duress, menace, fraud or undue influence of any person whatever, hereby revoking all other Wills and Codicils, do hereby declare this my Last Will and Testament:

~~I am an unmarried man, and all of the property hereby~~ devised and bequeathed is my separate property. My heir at law and next of kin is:

JOHN ELDER MILLER, a grandson, residing with me in the City of Sacramento, County of Sacramento, State of California.

SECOND: IT IS MY WILL that all of my just debts, and the charges of my funeral, and the expenses of managing my estate, be charged against and paid out of my entire estate.

THIRD: I DO HEREBY BEQUEATH AND DEVISE to the Executor of this, my Last Will and Testament, after he qualifies and acts as such, all of the real and personal property of my estate, of whatever description, in trust nevertheless, to be held, managed and controlled to the best advantage by him during the natural life of CLARA WALSH, my sister-in-law.

The income and yield out of my said estate is to be by said Executor paid and delivered as follows:

An undivided one-half of said income and yield to CLARA WALSH, my sister-in-law, - each month, during her lifetime.

An undivided one-half of said income and yield to JOHN ELDER MILLER, my said grandson, - each month, during the lifetime of said CLARA WALSH.

Upon the death of said Clara Walsh, said Executor is hereby instructed and directed to pay the whole of the income and yield derived from my said estate, to said JOHN ELDER MILLER.

FOURTH: I DO HEREBY GIVE, BEQUEATH AND DEVISE to my said grandson, JOHN ELDER MILLER, in remainder and reversion, all of the personal and real property of my estate of whatever description. The rights, equities and titles of said John Elder Miller in and to said real and personal property do not become subject to his personal and individual control, power or assertion other than the income in paragraph THIRD herein. until after the death of said CLARA WALSH, who at all times during her lifetime is to receive, be paid and enjoy an undivided one-half of the income which my said estate may yield, as above set forth.

FIFTH: IN THE EVENT any of my devisees or legatees herein named, or in the event any other person, shall contest the probate of this my Last Will and Testament, then I give and bequeath and devise

unto each and every one of such persons if he or they shall contest this Will, the sum of Five Dollars (\$5.00), and no more.

SIXTH: IT IS MY WILL that my Executor have full power to sell and convey at either public or private sale, for such price as he may deem for the best interest of my estate, all real and personal property belonging to my estate at the time of my death, authority for any court.

SEVENTH: I HEREBY NOMINATE AND APPOINT my grandson, JOHN ELDER MILLER, Executor of this my Last Will and Testament, he to serve without giving bond or undertaking of any description.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22nd day of March, 1933.

JAMES HALL

The foregoing instrument, consisting of one page besides this one, was at the date hereof signed and sealed by said JAMES HALL in our presence, and in the presence of each of us, and at the time of his subscribing the said instrument he published the same and declared to us it was his Last Will and Testament, and we at his request and in his presence and in the presence of each other, subscribed our names as witnesses thereof.

W. H. HATFIELD

Residing at 405 Ochsner Bldg. Sacramento,  
Cal.

V. L. HATFIELD

Residing at Sacramento, Cal.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
IN AND FOR THE COUNTY OF SACRAMENTO.

--00000--

In the Matter of the Petition

- of -

No. 23700.

Dept. 3.

DECREE TERMINATING LIFE ESTATE

JOHN ELDRED MILLER to establish  
the fact of death of CLARA WALSH,  
the owner of a life estate.

Now comes JOHN ELDRED MILLER, the petitioner herein, by JOHN L. BRANNELY, his attorney, and proves to the satisfaction of the Court that he filed his verified petition herein on the 24th day of January, 1944, for an order declaring the life estate of CLARA WALSH terminated; and that notice of the hearing and pendency of said petition was duly given as prescribed by law, and no person appeared to contest or oppose said petition, the Court, after hearing the evidence, finds that the allegations of said petition are true and that the prayer thereof ought to be granted.

And it further appearing from the report of CHRIS R. JONES, duly appointed, qualified and acting inheritance tax appraiser, that there is no inheritance tax due the State of California from said JOHN ELDRED MILLER or from the estate of said CLARA WALSH, which is a lien or claim against the herein-after described real property; now, therefore:

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the said CLARA WALSH died on the 8th day of July, 1942, and that her life estate, right, title and interest in the land hereinafter



16077

described has, by reason of her death, absolutely terminated, and that the same is now vested in fee simple in JOHN ELDRED MILLER free from any right, title or claim, by or on account of any person claiming under said deceased.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the State of California has no claim against the hereinafter described property or any lien upon it for inheritance taxes.

The said lands and personal property vested in said JOHN ELDRED MILLER by this decree are described as follows, to wit:

PARCEL 1. That certain real property situate in the City of Sacramento, County of Sacramento, State of California, and described as the North Half of the South Half of the West Half and the East 8 feet of the South Quarter of Lot No. 3, in the Block bounded by "G" and "H", 24th and 25th Streets, in said City of Sacramento. Excepting therefrom the North 1 foot of the West 24 feet of the South Half of the West Half of said Lot 3; also the North Half of the South Half of Lot 4, in the Block bounded by "G" and "H", 24th and 25th Streets, in said City of Sacramento.

PARCEL 2. That certain real property situate in the City of Oakland, County of Alameda, State of California, and described as Lot 46, Block 4578, as shown on "Maps of Madison Square", recorded in the office of the Recorder of Alameda County, California.

PERSONAL PROPERTY described as 2 shares of stock in the Southern Pacific Company, represented by Certificate No. F344170;

Nº 1464

STATE OF CALIFORNIA, } ss.  
County of Sacramento }

I, C. C. LaRUE, County Clerk of the County of Sacramento, State of California, and ex-officio Clerk of the Superior Court held in and for said County and State aforesaid, hereby certify that I have compared the foregoing copy with the original instrument on file and of record in my office, and that the same is a full, true and correct copy of such original, with the endorsements thereon, and of the whole thereof.

Attest my hand and seal of said Court this FEB. 7, 1944

By C. C. LaRUE, County Clerk.  
Geo. W. Lill, Deputy Clerk.

30

C. C. LaRUE, Clerk

31

By THOMAS J. DILLON

32

23 petition are true and that the prayer thereof ought to be granted.

24 And it further appearing from the report of CHRIS R.  
 25 JONNS, duly appointed, qualified and acting inheritance tax  
 26 appraiser, that there is no inheritance tax due the State of  
 27 California from said JOHN ELDRED MILLER or from the estate of  
 28 said CLARA WALSH, which is a lien or claim against the herein-  
 29 after described real property; now, therefore:

30 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the  
 31 said CLARA WALSH died on the 8th day of July, 1942, and that  
 32 her life estate, right, title and interest in the land hereinafter

JOHN L. BRANNELY  
 ATTORNEY AT LAW  
 SUITE 201 INSURANCE BLDG.  
 804 K STREET  
 SACRAMENTO, CALIF.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 19th day  
 of June A.D., 19 95 at 3:29 o'clock P M., and duly recorded in Vol. M95,  
 of Deeds on Page 16069

FEE \$75.00

By Bernetha G. Lensch County Clerk