



MTC-73156 PS

M06-02016

Klamath County, Oregon

02/01/2006 10:05:40 AM

Pages 9 Fee: \$61.00

After recording return to:
ELI PROPERTY COMPANY, INC.
PO BOX 100
BELLA VISTA, CA 96008

Until a change is requested all
tax statements shall be sent to
The following address:

ELI PROPERTY COMPANY, INC.
PO BOX 100
BELLA VISTA, CA 96008

Escrow No. MT73156-PS
Title No. 0073156

SWD

STATUTORY WARRANTY DEED

SAIMON SPENCER GAMMELL, sole heir of **Jaiom Berger**, who acquired title as **James Berger**, Grantor(s) hereby convey and warrant to **ELI PROPERTY COMPANY, INC., a California corporation**, Grantee(s) the following described real property in the County of **KLAMATH** and State of Oregon free of encumbrances except as specifically set forth herein:

Lot 22, Block 19, of TRACT NO. 1113 - OREGON SHORES - UNIT 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Tax Account No: 3507-018DC-03600-000

Key No: 243846

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is **\$11,000.00**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 30th day of January, 2006.


SAIMON SPENCER GAMMELL

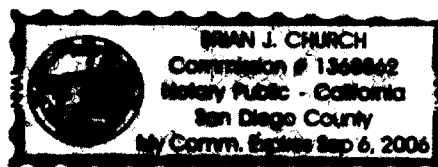
STATE OF CALIFORNIA

COUNTY OF San Diego ^{SS.}

On 1/30/2006, 2006 before me, Brian J. Church personally appeared SAIMON SPENCER GAMMELL personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Brian J. Church



61.00

**AFFIDAVIT OF HEIRSHIP,
INHERITANCE AND OWNERSHIP**

STATE OF California
County of San Diego

The undersigned, Simon Gammell, over the age of 18 years, being first duly sworn,
depone and say;

- 1) That the following are all the heirs at law of Taion Berger / formally known as James Berger, deceased and have their residence and domicile at:

<u>NAMES</u>	<u>ADDRESS</u>
<u>Simon Gammell</u>	<u>537 Womack, Ln., Fallbrook, Ca 92028</u>
_____	_____
_____	_____
_____	_____

That the decedent has no deceased children or children of such children that are not affiants hereto.

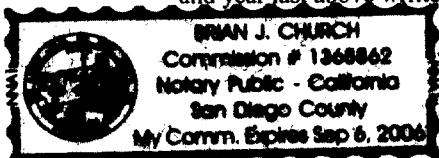
- Formally known as James Berger
- 2) That Taion Berger died November 28, 1998; that at the time of his death, the domicile of the decedent was 4536 Lower Honoapiilani, Lahaina, HI. 9676
- 3) That at the time of his death, Taion Berger owned in fee simple title: Oregon Shores Unit 2 Track 1113, Block 19, Lot 22 Map R-3507-018 PC-03600-000 Klamath Falls, Or. 97601
- 4) That there are no debts or encumbrances remaining unpaid which are or may become a lien on said property, all claims against the estate have been paid, and federal estate taxes have been paid and all inheritance taxes have been paid.
- 5) That this affidavit is made for the purpose inducing AmeriTitle/Chicago Title Insurance Company of Oregon to issue its policy or policies of title insurance on the above described property. In consideration of the issuance of said policy or policies, the undersigned agrees to hold AmeriTitle and/or Chicago Title Insurance Company of Oregon free and clear of all liability and responsibility for any loss, damage or expense that may arise or it may suffer by reason of the issuance of such policy or policies without requiring probate of the estate of the decedent.

Simon Gammell 1-19-06
Signor Dated

STATE OF CALIFORNIA
COUNTY OF San Diego

BE IT REMEMBERED, That on this 19th day of January, 2006, before me, the undersigned, a Notary Public in the State of CALIFORNIA personally appeared the within named SAIMON SPEUCER GAMMELL known to me or proved to me on the basis of satisfactory evidence, to be the identical individual described in and who executed the same freely instrument and acknowledged to me that HE executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Brian J. Church
Notary Public, State of CALIFORNIA
My commission expires: 9/6/2006

FILED

LAW OFFICE OF
RICHARD L. ROST
Attorney at Law

2002 OCT 15 PM 2:41

RICHARD L. ROST 1038-0
2041 Main Street
Wailuku, Maui, Hawaii 96793
Telephone: (808) 244-9044

C. CASIL, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

Attorney for Personal Representative
Saimon Spencer Gammell

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII


THE ESTATE	)	P. No. 98-0151(2)
	)	(Informal Probate)
OF)	
	)	EX PARTE MOTION FOR
JAIOM BERGER,	)	ORDER; DECLARATION
	)	OF RICHARD L. ROST;
Deceased.	)	EX PARTE ORDER GRANTING
)	EX PARTE PROBATE ORDER

EX PARTE MOTION FOR ORDER

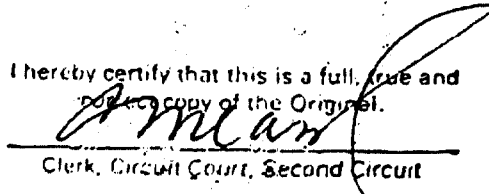
Comes Now, Richard L. Rost, attorney for former
personal representative Saimon Spencer Gammell and hereby
requests a further order from this court. This motion is
based on the Declaration attached hereto and the pleadings
filed in this matter with the above-entitled court.

DATED: Wailuku, Maui, Hawaii

OCT 11 2002


RICHARD L. ROST
Attorney for
Personal Representative

I hereby certify that this is a full, true and
correct copy of the Original.


Clerk, Circuit Court, Second Circuit

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

THE ESTATE	)	P. No. 98-0151(2)
	)	(Informal Probate)
OF)	
	)	DECLARATION OF RICHARD
JAION BERGER,	)	L. ROST
)	
Deceased.)	
_____)	

DECLARATION OF RICHARD L. ROST

1. My name is Richard L. Rost. I am the attorney for Saimon Spencer Gammell, the duly appointed personal representative of decedent's estate in the above-entitled matter. I have personal knowledge of the facts contained in this Declaration which are true and correct. I am over the age of 21 and am competent to make this Declaration.

2. Mr. Gammell filed an Application for Informal Appointment of Personal Representative without priority proceedings within the State of Hawaii in order to pursue a claim for the estate of decedent because ~~of decedent's~~ wrongful death.

3. Notice to creditors of the estate was made in The Maui News, a newspaper of general circulation in this judicial circuit, once in each of three successive weeks. More than three months have elapsed since the first day of

such publication; the time for presenting claims which arose prior to the death of the decedent has expired.

4. The wrongful death action was settled out of court by Personal Representative's attorney, the Law Office of Richard L. Rost. All settlement proceeds went to decedent's son for loss of society and companionship suffered as a result of the death of Jaion Berger, deceased.

5. Pursuant to H.R.S. Section 663-3 the settlement recovery does not constitute a part of the estate of deceased.

6. No recovery for decedent's estate was made. No settlement funds are allowable or payable to decedent's estate. Decedent's estate has not received, and will not recover, any settlement funds.

7. Therefore, there are no assets of the estate and the Application for Information Appointment of Personal Representative should be dismissed.

8. No inheritance taxes were due or payable and thus no certificate, receipt or other communication from the Director of Taxation is attached.

Further, Declarant sayeth naught.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

THE ESTATE	)	P. No. 98-0151(2)
	)	(Informal Probate)
OF)	
	)	EX PARTE ORDER GRANTING
JAIOM BERGER,	)	EX PARTE PROBATE ORDER
)	
Deceased.)	
)	

EX PARTE ORDER GRANTING EX PARTE PROBATE ORDER

Upon review of the Declaration and the file and record in this case it is hereby determined as follows:

1. The Order Granting Ex Parte Motion for Termination of Proceedings and Discharge of Personal Representative dated June 17, 2002 is amended as set forth herein.

2. It is determined that Saimon Spencer Gammell is the sole heir of decedent Jaiom Berger.

3. It is further determined that all assets of the estate both real and personable are inherited by Saimon Spencer Gammell and shall be his sole property.

DATED: Wailuku, Maui, Hawaii

OCT 15 2002

/s/ SHACKLEY F. RAFFETTO (Seal)
Judge of the above-entitled Court

I, Richard L. Rost, do declare under penalty of law
that the foregoing is true and correct.

DATED: Wailuku, Maui, Hawaii

OCT 11 2002


RICHARD L. ROST

CERTIFICATE OF DEATH

STATE
FILE NO 151

07479

1. DECEASED - FIRST NAME Jaion		MIDDLE NAME		LAST NAME Berger		2. SEX Male	3. DATE OF DEATH (MONTH, DAY, YEAR) November 28, 1998	
4a. RACE Caucasian		4b. IS PERSON OF SPANISH ORIGIN? NO		5a. AGE - LAST BIRTHDAY (YEARS) 44		5b. UNDER 1 YR MONTHS DAYS		6. DATE OF BIRTH (MONTH, DAY, YEAR) December 29, 1953
7a. ISLAND OF DEATH Maui		7b. CITY, TOWN OR LOCATION OF DEATH Kahului		7c. HOSPITAL OR OTHER INSTITUTION NAME IF NOT IN EITHER, ONE STREET AND NUMBER Puunene Avenue, .1 mile South of Dairy Rd.			7d. IF HOSP OR INST INDICATE DOA OF OTHER OR INPATIENT (SPECIFY)	
8. STATE OF BIRTH IF NOT IN U.S.A. Michigan		9. CITIZEN OF WHAT COUNTRY U.S.A.		10. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY) Divorced		11. SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME)		12. WAS OR IS ENTITLED TO U.S. ARMY BENEFIT (YES OR NO) No
13. SOCIAL SECURITY NUMBER 264-11-3041		14a. USUAL OCCUPATION (GIVE KIND OF WORK DONE DURING MOST OF WORKING LIFE EVEN IF RETIRED) Owner		14b. KIND OF BUSINESS OR INDUSTRY Wallpaper Hanging Service		15. EDUCATION (Grade completed) 12		
15a. RESIDENCE - STATE Hawaii		15b. COUNTY Maui		15c. CITY, TOWN, OR LOCATION Lahaina		15d. NUMBER, STREET AND ZIP 4536 Lower Honoapiilani Highway 96761		
16. FATHER - FIRST NAME Paul		MIDDLE NAME		LAST NAME Berger		17. MOTHER - FIRST NAME Elsie		MIDDLE NAME Woerfel
18a. INFORMANT - NAME Saimon Gannell				18b. MAILING ADDRESS (STREET OR P.O. BOX, CITY OR TOWN, STATE, ZIP) 432-B East O Street, Venicia, California 94510				
19a. BURIAL, CREMATION, REMOVAL (SPECIFY) Cremation		19b. CEMETERY OR CREMATORY - NAME Ballard Family Crematory				19c. LOCATION Kahului		STATE Hawaii
19d. DATE (MONTH, DAY, YEAR) December 1, 1998		19e. PERMIT NUMBER 658-98		19f. FUNERAL HOME - NAME Ballard Family Mortuary		20. FUNERAL DIRECTOR - SIGNATURE <i>[Signature]</i>		
21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) and circumstances stated and described below (Items #21b through #27g where applicable) (Signature and Title) <i>[Signature]</i>				21b. DATE SIGNED (MO., DAY, YR.) November 30 1998				21c. TIME OF DEATH 4:14 a.
21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (TYPE OF PHYSICIAN) Anthony Manuokian M.D.				22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and circumstances stated and described below (Items #22b through #27g where applicable) (Signature and Title) <i>[Signature]</i>				22b. DATE SIGNED (MO., DAY, YR.) November 30 1998
				22c. PHONOUNCED DEAD (MO., DAY, YR.) November 28, 1998				22d. PHONOUNCED DEAD (TIME) 4:14 a.
23. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, MEDICAL EXAMINER OR CORONER) (TYPE OR PRINT) Anthony Manuokian M.D. 221 Mahalani Street, Wailuku, Hawaii, 96793								
24a. REGISTRAR - SIGNATURE <i>[Signature]</i>				DEPUTY DEC 1 1998		24b. DATE RECEIVED BY LOCAL REGISTRAR DEC - 3 1998		24c. DATE FILED BY STATE REGISTRAR DEC - 3 1998
PART I DEATH WAS CAUSED BY ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c)								APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH
IMMEDIATE CAUSE (a) Multiple Traumatic Injuries								
DUE TO OR AS A CONSEQUENCE OF (b) Motorcycle - Motor Vehicle Accident.								
DUE TO, OR AS A CONSEQUENCE OF (c)								
25. CONDITIONS, IF ANY, WHICH GAVE RISE TO IMMEDIATE CAUSE (a), STATING THE UNDERLYING CAUSE LAST								
PART II OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN PART I (a)								26a. AUTOPSY (YES OR NO) YES
26b. IF YES, WERE FINDINGS CONSIDERED IN DETERMINING CAUSE OF DEATH? YES								
27a. ACCIDENT, SUICIDE, HOMICIDE, OR UNDETERMINED (SPECIFY) Accident		27b. DATE OF INJURY (MONTH, DAY, YEAR) November 28 1998		27c. TIME OF INJURY 12:38 AM		27d. DESCRIBE HOW INJURY OCCURRED HELMETED OPERATOR of Motorcycle Struck by motor vehicle at intersection		
27e. INJURY AT WORK? No		27f. PLACE OF INJURY - AT HOME, FARM, STREET, FACTORY, OFFICE BLDG., ETC (SPECIFY) Highway		27g. LOCATION (STREET OR R.F.D. NO., CITY OR TOWN, STATE) Puunene Ave @ 0.1 Mi. South of Dairy Road Kahului Maui, Hawaii				

I CERTIFY THIS IS A TRUE COPY OR ABSTRACT OF THE RECORD ON FILE IN THE HAWAII STATE DEPARTMENT OF HEALTH

DEC 17 1998

Alvin T. Onaka, Ph.D.
STATE REGISTRAR

RECORDATION REQUESTED BY: James Berger

AFTER RECORDATION, RETURN TO: James (Jaion) Berger
P.O. Box 10431
Lahaina, Maui 96761

RETURN BY: MAIL (☒) PICKUP ()

IN THE OFFICE OF THE LIEUTENANT GOVERNOR

STATE OF HAWAII

In the Matter of the Petition)
)
 of)
)
 JAMES PAUL BERGER)
)
For Change of Name)
)

D E C R E E

Upon consideration of the petition of JAMES PAUL BERGER, and there appearing to me to be good reasons for granting same,

NOW, THEREFORE, by virtue of the authority in me by law vested and thereunto enabling I, JEAN KING, Lieutenant Governor of the State of Hawaii, do hereby order and decree that the name of James Paul Berger is hereby changed to JAIOM BERGER, and a copy of this decree be published once in the Maui News, a newspaper of general circulation in the State of Hawaii, published at Wailuku, Maui.

Dated: Honolulu, Hawaii, this 21st day of June, 1982.

Jean King
Lieutenant Governor
of the State of Hawaii

LIEUTENANT GOVERNOR OF HAWAII
This is to certify that the foregoing is a
true and correct copy of the original which
is on file and of record in this office.

JUN 21 1982 J. L. K.

Honolulu, Hawaii