

2008-002162

Klamath County, Oregon



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02/20/2008 02:48:54 PM

Fee: \$71.00

C-062

COVER SHEET

ORS: 205.234

This cover sheet has been prepared by the persons presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the transaction(s) contained in the instrument itself.

After recording, return to:

Charles Dale, Strenson & Ransoms
PO Box 398
Grants Pass, OR 97528

The date of the instrument attached is 1-3-08

1) NAMES(S) OF THE INSTRUMENT(S) required by ORS 205.234(a)

Probate Proceedings

2) PARTY(IES)/GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160:

County of Marion Probate
Dept.

3) PARTY(IES)/GRANTEE, required by ORS 205.125(1)(b) and ORS 205.160

Estate of William B Wyllie

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$

5) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERK'S LIEN RECORDS, ORS 205.121(1)(c)

6) RE-RECORDED to correct: _____
Previously recorded as: _____

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STATE OF OREGON
Marion County Circuit Courts
NOV 14 2007
~~ENTERED~~

ENTERED
JAN 03 2008
Marion County Circuit Court

STATE OF OREGON
Marion County Circuit Courts
NOV 14 2007
FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

PROBATE DEPARTMENT

No. 92C-40721

In the Matter of the Estate

of

BLANCHE B. WYLLIE, Deceased.

PETITION FOR ORDER TO
CORRECT CLERICAL MISTAKE;
and JUDGMENT

_____ /

The personal representative of the estate of William B. Wyllie, deceased, pursuant to ORCP 71A petitions the court for a judgment correcting the Order Approving Partial Distributions, Final Account and Decree of Final Distribution in this action dated May 14, 1997.

1.

The personal representative in this probate was William B. Wyllie. Mr. Wyllie was one of the decedent's two children, who are all of the estate's beneficiaries. The other is Joyce Ann Wyllie Munn. Mr. Wyllie is deceased and his estate is presently the subject of probate administration in *In re Wyllie*, Klamath County Probate Court Case No. 0603170CV.

JAMES R. DOLE OSB #89227
CAUBLE, DOLE & SORENSON
ATTORNEYS AT LAW
111 SE SIXTH STREET PO BOX 398
GRANTS PASS, OR 97528
541-476-8825 FAX 541-471-1704 jdole@qwest.net

PETITION FOR ORDER TO CORRECT CLERICAL MISTAKE
and JUDGMENT - Page 1.

2.

The undersigned is one of attorneys for Ann Willing, personal representative of the estate of William B. Wyllie, deceased. In the course of representing the personal representative, the undersigned discovered that there is what clearly appears to be the product of a clerical error in the decree in the probate estate of Mr. Wyllie's mother, Blanche. The error is in the legal description of real property located in Klamath County. The decree provides for distribution to the estate's beneficiaries of "Lot 14, Block 13, of Cres-Del Acres First Addition". Based on communication with experienced title examiners, it appears that there is no such lot and block in Klamath County and that the public records reflect that decedent Blanche Wyllie, in fact, owned Lot 14, Block 3 of Cres-Del Acres, First Addition. The decree in this probate should be corrected in order to cure this clerical error.

3.

ORCP 71A provides authority for the court to correct clerical errors in judgments, orders or other parts of the record of a proceeding.

4.

Joyce Ann Wyllie Munn, by her subscription below joins in this petition, waives notice hereof, and consents to immediate entry of the judgment requested.

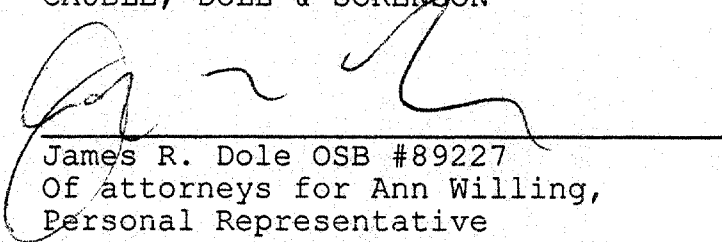
WHEREFORE, Ann Willing, by and through undersigned counsel, prays for the following:

1. That the Court grant the petition and direct the entry

1 of judgment correcting the Order Approving Partial Distributions,
2 Final Account and Decree of Final Distribution in this action
3 dated May 14, 1997, as set forth in Paragraph 2 above.

4 2. For such other relief as is just.

5 CAUBLE, DOLE & SORENSON

6
7 
8 James R. Dole OSB #89227
9 Of attorneys for Ann Willing,
Personal Representative

10 J O I N D E R

11 I, JOYCE ANN WYLLIE MUNN, join in this petition, waive
12 notice hereof and consent to the immediate entry of the judgment
13 requested.

14 I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE
15 BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE
16 FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR
PERJURY.

17 DATED: Oct 31, 2007.

18 
19 Joyce Ann Wyllie Munn

20
21 ENTERED
22 JAN 03 2008
23 Marion County Circuit Court
24

20 STATE OF OREGON
21 Marion County Circuit Courts
22 DEC 26 2007
23 FILED
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25 JUDGMENT CORRECTING THE ORDER APPROVING PARTIAL DISTRIBUTIONS,
26 FINAL ACCOUNT AND DECREE OF FINAL DISTRIBUTION

27 IT IS HEREBY ORDERED and ADJUDGED that the Order Approving

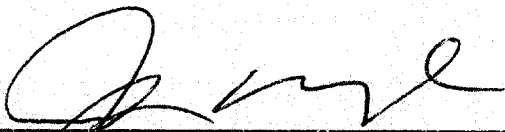
JAMES R. DOLE OSB #89227
CAUBLE, DOLE & SORENSON
ATTORNEYS AT LAW
111 SE SIXTH STREET PO BOX 398
GRANTS PASS, OR 97528
541-476-8825 FAX 541-471-1704 jdole@qwest.net

PETITION FOR ORDER TO CORRECT CLERICAL MISTAKE
and JUDGMENT - Page 3.

1 Partial Distributions, Final Account and Decree of Final
2 Distribution in this action dated May 14, 1997, at Page 4,
3 Lines 3 and 4 is corrected to read as follows:

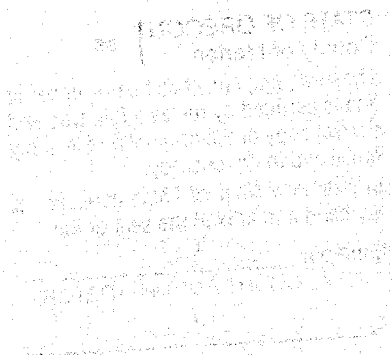
4 Lot 14, Block 3, of Cres-Del Acres,
5 First Addition

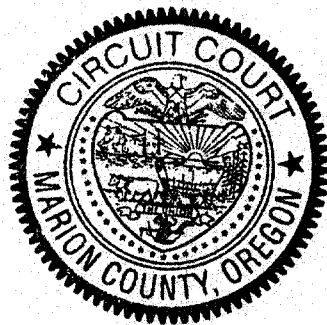
6 DATED this 26 day of Dec, 2007.

7
8 
9 _____
10 Circuit Judge *pro te*

11 Estate of William B. Wyllie, Deceased
12 Ann Willing, Personal Representative
13 1395 W Jones CRK RD
14 Grants Pass OR 97526
15 Phone: 541-474-0764

16 Submitted by: James R. Dole OSB #89227





STATE OF OREGON } ss
County of Marion }

The foregoing copy has been compared
and is certified by me as a full, true and
correct copy of the original on file in my
office and in my custody.
In Testimony Whereof, I have hereunto set
my hand and affixed the seal of the

Court on: 1/3/08
TRIAL COURT ADMINISTRATOR

By J. Stanfill

1 ENTERED

2 MAY 15 1997

3 #14

STATE OF OREGON
MARION COUNTY COURTS

MAY 14 1997

4 FILED
#6

5 IN THE CIRCUIT COURT OF THE STATE OF OREGON

6 FOR THE COUNTY OF MARION

7 PROBATE DEPARTMENT

8 No. 92C-40721

9 In the Matter of the Estate)

10 of)

11 BLANCHE B. WYLLIE, Deceased.)

12 ORDER APPROVING PARTIAL DISTRIBUTIONS,
13 FINAL ACCOUNT AND DECREE OF FINAL DISTRIBUTION

14 The personal representative having filed herein the
15 Final Account and Petition for Decree of Final Distribution,
16 together with the waiver and consent of William B. Wyllie and
17 Joyce Ann Wyllie Munn, the beneficiaries of this estate; and
18 the personal representative having filed a supplement to the
19 Final Account and Petition, and from the records and files
20 herein, the Court finds as follows:

21 1.

22 All Oregon income, inheritance and personal property
23 taxes, if any, due from this estate or on account of this
24 decedent, have been paid and all required tax returns have been
25 filed.

26
PAGE 1 - ORDER

GARY G. JONES, OSB 64043
117 COMMERCIAL STREET N. E. NO. 201
SALEM, OREGON 97301
(503) 561-8422

2.

The personal representative has waived his claim and entitlement for a personal representative's fee.

3.

Partial distributions were made to William B. Wyllie on October 21, 1993, October 25, 1994, November 7, 1995 and October 29, 1996 in the total amount of \$17,750.00, and an appropriate adjustment should be made upon final distribution.

4.

The Final Account and Supplement to the Final Account should be approved.

5.

William B. Wyllie and Joyce Ann Wyllie Munn previously consented to the entry of an Order approving the Final Account.

6.

The remainder of the estate assets, after payment of any claims and expenses of administration, if any, is vested in the following devisees under decedent's Will:

- a. Joyce Ann Wyllie Munn, Daughter
\$17,750.00, without interest, to
equalize the partial distributions
heretofore made to William B. Wyllie.
- b. William B. Wyllie, Son
One-half the residue
- c. Joyce Ann Wyllie Munn, Daughter
One-half the residue

Now, therefore,

///

PAGE 2 - ORDER

GARY G. JONES, OSB 84043
117 COMMERCIAL STREET N.E. NO. 201
SALEM, OREGON 97301
(503) 581-8422

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7.

IT IS ORDERED, ADJUDGED AND DECREED that the Final Account and Supplement to the Final Account are approved.

8.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the personal representative pay any remaining claims and expenses of administration.

9.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the partial distributions totaling \$17,750 to William B. Wyllie are approved, subject to an equalizing distribution pursuant to this order to Joyce Ann Wyllie Munn in an equal amount, without interest.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the personal representative is directed to make distribution of the remaining estate property, after the equalizing distribution of \$17,750 to Joyce Ann Wyllie Munn has provided above, to the devisees entitled to distribution under decedent's Will as follows, and the property is hereby vested in those persons in the amounts set forth:

- a. William B. Wyllie, Son
One-half
- b. Joyce Ann Wyllie Munn, Daughter
One-half

///
///

1 The foregoing distribution of assets of this estate
2 include that certain real property located in Klamath County,
3 Oregon described as Lot 14, Block 13, of Cres-Del Acres First
4 Addition, situated in the Northwest quarter of Section 7,
5 Township 24 South, Range 7 East, Willamette Meridian, Klamath
6 County, Oregon.

11.

8 IT IS FURTHER ORDERED that upon the filing herein
9 receipts showing payment and distribution as herein directed,
10 the personal representative be discharged.

Dated this 14th day of May, 1997.

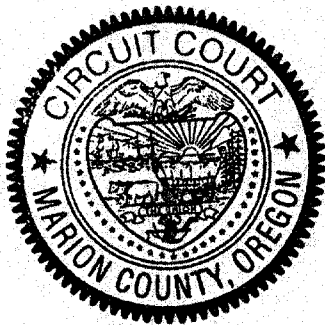
Jennifer B. Todd
Jennifer B. Todd
Circuit Court Judge Pro tem

William B. Wyllie
Personal Representative
P.O. Box 1033
Salem, Oregon 97308

Gary G. Jones
Attorney for Personal Representative
117 Commercial Street N.E., #201
Salem, Oregon 97301

Submitted by:

GARY G. JONES, OSB 64043
117 COMMERCIAL STREET N. E. NO. 201
SALEM, OREGON 97301
(503) 581-3422



STATE OF OREGON } ss
County of Marion

The foregoing copy has been compared
and is certified by me as a full, true and
correct copy of the original on file in my
office and in my custody.

In Testimony Whereof, I have hereunto set
my hand and affixed the seal of the

Court on: 1/3/08
TRIAL COURT ADMINISTRATOR

By J. Stangell