

After recording, return to:
David P.A. Seulean
Attorney at Law
622 Siskiyou Boulevard
Ashland, Oregon 97520

Until a change is requested, all tax statements are
to be sent to:

Wallace A. Budden
1249 Valley View Road
Ashland, OR 97520

Grantor:

Wallace A. Budden, Personal Representative
Estate of Fay Elizabeth Budden
1249 Valley View Road
Ashland, OR 97520

Grantee:

Wallace A. Budden, et al
1249 Valley View Road
Ashland, OR 97520

2012-006381

Klamath County, Oregon



00119617201200063810090092

06/12/2012 09:44:53 AM

Fee: \$77.00

DEED OF PERSONAL REPRESENTATIVE

The true and actual consideration for this conveyance is \$0.00. The purpose of this deed is to transfer the one-fourth (1/4) interest owned by the Decedent in the described real property to the Grantees as distributees of the Probate Estate of **Fay Elizabeth Budden** pursuant to General Judgment of Final Distribution issued by the Klamath County Circuit Court in Probate Case No. 09-03922CV on April 23, 2012, a copy of which is recorded with this Personal Representative's Deed. **Wallace A. Budden**, the duly appointed, qualified, and acting Personal Representative of the probate estate of **Fay Elizabeth Budden**, deceased, conveys all that real property situated in Klamath County, Oregon, described below, as follows:

Pursuant to Oregon Revised Statutes 112.015 through 112.115 and to the Order and Limited Judgment Re: Declaratory Judgment issued August 5, 2010, by the Circuit Court of the State of Oregon for Klamath County, the net residue of the Fay Elizabeth Budden's estate is vested and shall be distributed as follows:

1. Wallace A. Budden is entitled to 1/3rd of the net residue of the estate
2. The Estate of Raymond G. Budden is entitled to 1/3rd of the net residue of the estate
3. Shane Budden, Starla Budden, Michael Budden, and Patrick Budden Smith (the children of Sidney G. Budden, Jr.) are each entitled to an equal share of 1/3rd of the net residue of the estate equally in a one-twelfth (1/12) share to each of them

As a result of the probate estate holding a one-fourth (1/4) interest in the real property, described below, the resulting interest in the subject real property passing to each heir from the probate estate is as follows:

1. $1/4 \times 1/3 = 1/12$ interest to Wallace A. Budden
2. $1/4 \times 1/3 = 1/12$ interest to the Estate of Raymond G. Budden
3. $1/4 \times 1/3 = 1/12$ interest in equal shares to the children of Sydney G. Budden, Jr., which results in the following shares:

- a. $1/12 \times 1/4 = 1/48$ interest to Shane Budden
- b. $1/12 \times 1/4 = 1/48$ interest to Starla Budden
- c. $1/12 \times 1/4 = 1/48$ interest to Michael Budden
- d. $1/12 \times 1/4 = 1/48$ interest to Patrick Budden Smith

It is the Personal Representative's understanding that an Amended Final Accounting and Petition for General Judgment of Final Distribution has been filed on or about September 2, 2011, in the Probate Estate of Raymond George Budden, Case No. 09-03063CV in the Circuit Court of the State of Oregon for Klamath County and that the remaining assets contained in that probate estate were to be distributed pursuant to the Last Will of Raymond George Budden to his spouse, Rose Ellen Budden, who subsequently died on July 30, 2010, and that all remaining assets of that probate estate are now distributable to the Estate of Rose Ellen Budden through her estate, a probate estate proceeding that is yet to be filed.

The real property located on Old Fort Road, Klamath Falls, Oregon 97601, in Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, is described as follows:

All in Twp. 38 S. R. 9 E. W.M., Klamath County, Oregon:

Section 9: NW1/4 SE1/4

Section 10: SE1/4; NE1/4; E1/2 NW1/4; S1/2 SW1/4 (excepting therefrom the house and 1/2 acre in S1/2 SE1/4 of Section 10)

Section 15: NE1/4 NE1/4 and NW1/4 NE1/4 EXCEPT the South 465.44 feet thereof

EXCEPTING THEREFROM that portion thereof conveyed to Klamath County, a political subdivision of the State of Oregon, for Old Fort Road by Warranty Deed dated February 25, 1983, recorded March 19, 1983 in Volume M83, page 4585, Microfilm Records of Klamath County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTION 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007, AND SECTION 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTION 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true and actual consideration for this conveyance is \$0.00. The purpose of this deed is to transfer the one-fourth (1/4) interest owned by the Decedent in the described real property to the Grantees as distributees of the Probate Estate of **Fay Elizabeth Budden** pursuant to General Judgment of Final Distribution issued by the Klamath County Circuit Court in Probate Case No. 09-03922CV on April 23, 2012, a copy of which is recorded with this Personal Representative's Deed.

DATED: April 23, 2012

Wallace A. Budden
Wallace A. Budden, Personal Representative
of the Estate of **Fay Elizabeth Budden**,
Deceased.

STATE OF OREGON }
County of Multnomah } ss.

April 23, 2012

Personally appeared the above-named **Wallace A. Budden** and acknowledged the foregoing instrument to be his voluntary act and deed as Personal Representative of the Probate Estate of **Fay Elizabeth Budden**, deceased.



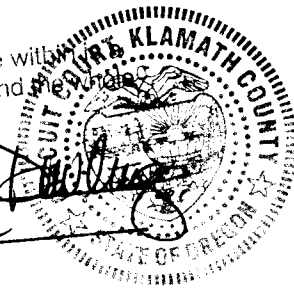
D. P. A. Seulean
Notary Public for Oregon
My commission expires: 4-8-2016

County of Klamath)
STATE OF OREGON)

I hereby certify that the within
true and correct copy and the whole
of the original.
Clerk of Court

By

Date



FILED
STATE OF OREGON
KLAMATH CO. CIRCUIT COURT

2012 APR 24 AM 10:57

BY CLERK OF COURT

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH
PROBATE DEPARTMENT

In the Matter of the Estate of)

No. 09-03922CV

Fay Elizabeth Budden,)

APPROVAL OF AMENDED THIRD AND
FINAL ACCOUNT AND GENERAL
JUDGMENT OF FINAL DISTRIBUTION

Deceased.)

The Personal Representative having filed the Amended Third and Final Account and
Petition for General Judgment of Final Distribution and the time for filing objections having
expired, the Court finds that:

1.

No bond was required to be posted by the Personal Representative in the administration
of the probate estate pursuant to order of the probate court date November 7, 2007.

2.

All Oregon income, inheritance, and personal property taxes, if any, due from this estate
or on account of this decedent and the appropriate receipts, releases and clearances have been
filed herein.

3.

No vouchers are required to be filed herein, but such vouchers shall be kept by the

1 Personal Representative for inspection by court upon request or order.

2 4.

3 The Personal Representative has waived the Personal Representative's fee.

4 5.

5 The Personal Representative has made reasonably diligent efforts to investigate the
6 financial records and affairs of the decedent, and has paid all known claims against the estate.

7 6.

8
9 Decedent died unmarried and without children or other lineal descendants and without
10 living children. Pursuant to ORS 112.045(3) the persons entitled to the Decedent's net intestate
11 estate are "the brothers and sisters of the Decedent and the issue of any deceased brother or sister
12 of the Decedent by representation". The Decedent had three siblings, Raymond G. Budden,
13 Sidney G. Budden, Jr., and Wallace A. Budden, and at the time of her death her brothers
14 Raymond G. Budden and Wallace A. Budden were surviving and her brother Sidney G. Budden,
15 Jr., was deceased. Sidney G. Budden, Jr., had four children, Shane Budden, Starla Budden,
16 Michael Budden, and Patrick Budden Smith, all of whom were alive at his death and are still
17 alive and are the individuals entitled by right of representation to a portion of the share of this
18 estate through Sidney G. Budden, Jr., as described in ORS 112.045(3). Sidney G. Budden, Jr.,
19 died in August of 1983 and a copy of his death certificate has been filed with this court.
20 Subsequent to the Decedent's death, the Decedent's brother Raymond G. Budden died April 5,
21 2007. It is the Petitioner's knowledge and belief that a probate proceeding has been initiated for
22 Raymond G. Budden and that Raymond G. Budden died while married to his only wife Rose
23 Ellen Budden and that Raymond G. Budden had eight children, all of whom are also the children
24
25
26

PAGE 2 – APPROVAL OF AMENDED THIRD AND FINAL ACCOUNT AND GENERAL JUDGMENT OF FINAL DISTRIBUTION

1 of Rose Ellen Budden. A death certificate for Raymond G. Budden has been previously filed
2 with this court.

3 A Petition for Declaratory Judgment clarifying the ownership interest in the real property
4 contained in this probate estate was filed and, as set forth in Order and Limited Judgment Re:
5 Declaratory Judgment issued August 5, 2010, the Circuit Court of the State of Oregon for
6 Klamath County determined in the matter of the Estate of Fay Elizabeth Budden, Case No. 09-
7 03922CV, and in the matter of the Estate of Lottie A. Budden, Case No. 10-00997CV, that:

9 "The deed executed by Betty Budden, Wallace A. Budden, Virginia Budden,
10 Lottie A. Budden, Raymond G. Budden, Rose Ellen Budden and Sidney G. Budden [Jr.]
11 on June 17, 1964 and recorded in the Klamath County Official records as document no.
12 89957 and the deed executed by Klamath County Title Company, an Oregon Corporation
13 on June 22, 1964 and recorded in the Klamath County Official records as document no.
14 89958 created an agreement as to the right of survivorship in all the real property
described therein as to Lottie A. Budden, Wallace A. Budden, Raymond G. Budden and
Sidney G. Budden, Jr. which agreement has not been subsequently terminated;

15 Wallace A. Budden is the last to survive as to those parties to the herein described
16 survivorship agreement and therefore owns all the interest in the real property described
in that agreement;

17 Fay Elizabeth Budden had a an (sic) undivided one-quarter interest in the real
18 property described in the Order and Decree Approving Final Accounting and
19 Supplemental Final Account; Discharging Administratrix, Exonerating Bond, and
Closing Estate in Klamath County Case No. 57-77 Probate, In the Matter of the Estate of
20 Sidney George Budden [Jr.], who was also known as S.G. Budden,, which interest was
specifically excluded from the survivorship agreement;

21 Fay Elizabeth Budden's (sic) died intestate and her interest in the real property
22 passes according to the Oregon laws of intestate succession, one-twelfth to Wallace A.
23 Budden, one-twelfth to the Estate of Raymond G. Budden and one-twelfth to Shane
24 Budden, Starla Budden, Michael Budden, and Patrick Budden Smith as the children of
Sidney G. Budden Jr."

25 The Order of Limited Judgment Re: Declaratory Judgment also clarified the legal description of
26 the real property that is correctly set forth in Paragraph 8, below, and resulted in the removal

PAGE 3 – APPROVAL OF AMENDED THIRD AND FINAL ACCOUNT AND GENERAL JUDGMENT OF FINAL DISTRIBUTION

1 from the legal description of the house and 1/2 acre, which belongs to Wallace A. Budden
2 pursuant to the terms of the survivorship agreement referenced above.

3 7.

4
5 Remaining unsatisfied claims and expenses of administration are \$24,222.00 for the
6 Personal Representative's attorney, David P.A. Seulean, as a reasonable attorney fee, and
7 \$780.79 as reimbursement to the Personal Representative's attorney for costs and expenses
8 advanced on behalf of the probate estate. Wallace A. Budden will personally pay these fees and
9 costs on behalf of the probate estate and no other heir or distributee of this probate estate shall be
10 responsible for any share of the fees and costs.

11 8.

12
13 The remaining assets of this probate estate consist of the following:

<u>Item No.</u>	<u>Item</u>	<u>Value</u>
15 1.	One-fourth (1/4) interest in real property located on Old Fort Road, 16 Klamath Falls, Oregon 97601, in Township 38 South, Range 9 East 17 of the Willamette Meridian, Klamath County, Oregon, described as 18 follows: 19 All in Twp. 38 S. R. 9 E. W.M., Klamath County, Oregon: 20 Section 9: NW1/4 SE1/4 21 Section 10: SE1/4; NE1/4; E1/2 NW1/4; S1/2 SW1/4 (excepting 22 therefrom the house and 1/2 acre in S1/2 SE1/4 of Section 10) 23 Section 15: NE1/4 NE1/4 and NW1/4 NE1/4 EXCEPT the South 24 465.44 feet thereof 25 26 EXCEPTING THEREFROM that portion thereof conveyed to Klamath County, a political subdivision of the State of Oregon, for Old Fort Road by Warranty Deed dated February 25, 1983, recorded March 19, 1983 in Volume M83, page 4585, Microfilm Records of Klamath County, Oregon.	\$ 250,000.00

Total \$ 250,000.00

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The Decedent died intestate and pursuant to Oregon Revised Statutes 112.015 through 112.115 and to the Order and Limited Judgment Re: Declaratory Judgment referenced in Paragraph 6, above, the net residue of the Decedent's estate is vested and shall be distributed as follows:

1. Wallace A. Budden is entitled to $1/3^{\text{rd}}$ of the net residue of the estate
2. The Estate of Raymond G. Budden is entitled to $1/3^{\text{rd}}$ of the net residue of the estate
3. Shane Budden, Starla Budden, Michael Budden, and Patrick Budden Smith (the children of Sidney G. Budden, Jr.) are each entitled to an equal share of $1/3^{\text{rd}}$ of the net residue of the estate

As a result of the probate estate holding a one-fourth ($1/4$) interest in the real property described in this Paragraph 8, above, the resulting interest in the subject real property passing to each heir from the probate estate is as follows:

1. $1/4 \times 1/3 = 1/12$ interest to Wallace A. Budden
2. $1/4 \times 1/3 = 1/12$ interest to the Estate of Raymond G. Budden
3. $1/4 \times 1/3 = 1/12$ interest in equal shares to the children of Sydney G. Budden, Jr., which results in the following shares:
 - a. $1/12 \times 1/4 = 1/48$ interest to Shane Budden
 - b. $1/12 \times 1/4 = 1/48$ interest to Starla Budden
 - c. $1/12 \times 1/4 = 1/48$ interest to Michael Budden

13.

The Personal Representative is allowed the sum of \$24,222.00 as just and reasonable compensation for his attorney, David P.A. Seulean, the sum of \$780.79 as reimbursement to the attorney for costs and expenses advanced on behalf of the probate estate (for a total of \$25,002.79) to be paid and applied as set forth in Paragraph 7, above.

14.

The Personal Representative is directed to make distribution of the remaining estate property to the persons and in the amounts set forth in Paragraph 9, above, and the property is hereby vested in those persons in the amounts set forth.

15.

Upon filing receipts and/or vouchers showing payment and distribution as herein directed, the Personal Representative shall be discharged, the estate closed, and the Personal Representative's bond exonerated.

DATED: April 23rd, 2012.

Circuit Court Judge

PERSONAL REPRESENTATIVE:

Wallace A. Budden
1249 Valley View Road
Ashland, OR 97520
(541) 482-4816

ATTORNEY FOR PERSONAL REPRESENTATIVE:

David P.A. Seulean
622 Siskiyou Boulevard
Ashland, OR 97520
(541) 482-8492
OSB #85326