

2022-013926

Klamath County, Oregon



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12/02/2022 02:22:44 PM

Fee: \$117.00

**RECORDING COVER SHEET** (Please print or type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, and does NOT affect the instrument. ORS 205.234

**AFTER RECORDING RETURN TO:** ORS 205.234(1)(c)

PARKS & RATLIFF, P.C.

620 Main Street

Klamath Falls, OR 97601

**SEND TAX STATEMENTS TO:** ORS 205.234(1)(e)

No Change

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**1. Title(s) of the transaction(s)** ORS 205.234(1)(a)

BARGAIN AND SALE DEED

**2. Direct party(ies) / grantor(s)** Name(s) & Address(es) ORS 205.234(1)(b)

ELENA G. COOPER, SUCCESSOR TRUSTEE OF THE SYDNEY KERNS GIACOMINI 1994 TRUST, u/t/d  
8/8/1994; 13221 Crystal Springs Road, Klamath Falls, OR 97603

**3. Indirect party(ies)** Name(s) & Address(es) ORS 205.234(1)(b)

ELENA G. COOPER, 13221 Crystal Springs Road, Klamath Falls, OR 97603

**4. True and actual consideration:**

ORS 205.234(1) Amount in dollars or other;

\$0.00

Other: Trust Administration Purposes

**5. Satisfaction of lien, order, or warrant:**

ORS 205.234(1)(f): \_\_\_\_\_ FULL \_\_\_\_\_ PARTIAL

**6. The amount of the monetary obligation imposed by the lien, order, or warrant:** ORS 205.234(1)(f)

NA

**7. Previously recorded document reference:** 2022-013868

**8. If this instrument is being re-recorded complete the following statement:** ORS 205.244(2)

Rerecorded at the request of Parks & Ratliff, P.C., to correct the legal description of the subject property set forth in Bargain and Sale Deed previously recorded as Instrument No. 2022-013868, to read as follows, to-wit:

A parcel of land situated in Klamath County, State of Oregon, more particularly described as:

All that portion of the N1/2 SW1/4 SE1/4 of Section 22, Township 39 South, Range 10 EWM, lying Northwesterly of the Crystal Springs Road and Easterly of the existing irrigation canal.

**2022-013868**  
**Klamath County, Oregon**

AFTER RECORDING RETURN TO:  
Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls OR 97601

00309258202200138680070074

12/01/2022 01:17:30 PM

Fee: \$112.00

GRANTOR'S NAME AND ADDRESS:  
Elena G. Cooper, Successor Trustee of the  
Sydney Kerns Giacomini 1994 Trust,  
u/t/d/ 8/8/1994  
13221 Crystal Springs Road  
Klamath Falls, OR 97603

GRANTEE'S NAME AND ADDRESS:  
Elena G. Cooper  
13221 Crystal Springs Road  
Klamath Falls, OR 97603

SEND TAX STATEMENTS TO:  
Elena G. Cooper  
13221 Crystal Springs Road  
Klamath Falls, OR 97603

**BARGAIN AND SALE DEED**

**ELENA G. COOPER, SUCCESSOR TRUSTEE OF THE SYDNEY KERNS GIACOMINI 1994 TRUST, u/t/d/ 8/8/1994**, hereinafter referred to as grantor, conveys to **ELENA G. COOPER**, hereinafter referred to as grantee, the following described real property situated in the County of Klamath, State of Oregon, to-wit:

All that portion of the N½SE¼SE¼ of Section 22, Township 39 South, Range 10 E.W.M., lying Southeasterly of the Crystal Springs Road.

Property ID No.: 600790  
Map Tax Lot No.: 3910-02200-01500

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration; i.e., trust administration purposes.

IN WITNESS WHEREOF, the grantor has executed this instrument this 29 day of November, 2022.

**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 SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 SECTIONS 5 TO 11,**

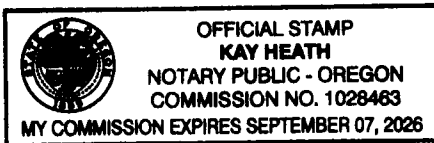
CHAPTER 424, OREGON LAWS 2007, SECTION 2 TO 9 AND 17, CHAPTER 855,  
OREGON LAWS 2009, AND SECTION 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

SYDNEY KERNS GIACOMINI 1994 TRUST,  
u/t/d/ 8/8/1994

By Elena G. Cooper  
Elena G. Cooper, Successor Trustee

STATE OF OREGON; County of Klamath ) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 29 day of  
November, 2022, by Elena G. Cooper as Successor Trustee of the Sydney Kerns Giacomini  
1994 Trust, u/t/d 8/8/1994.



Kay Heath  
NOTARY PUBLIC FOR OREGON  
My Commission expires: 9-7-2026

## CERTIFICATION OF TRUST

### CERTIFICATE OF TRUST (ORS 130.860)

1. **Date of Existence and Execution of Trust.**

The trust was executed on August 18, 1994, and is currently in existence.

2. **Trustor/Trustee.**

a. The Trustor is: SYDNEY KERNS GIACOMINI

b. The currently acting Trustee is: ELENA G. COOPER

3. **Trust Powers.**

The powers of the Trustee are as follows:

The Trustee is empowered to do all things appropriate for the orderly administration of the trust subject to the Trustee's power and control, unless otherwise specifically provided herein. Without limiting this general power, and without limitation of other powers hereby granted or otherwise possessed by the Trustee, including those specified in the Uniform Trustees' Powers Act in effect in Oregon as it may be amended from time to time, the Trustee shall have the following powers and discretion, which the Trustee shall exercise in such manner and upon such terms and conditions as the Trustee shall deem necessary, desirable or convenient:

(a) **MANAGE AND DISPOSE OF ASSETS.** Manage, maintain, improve, lease, grant options on, encumber, sell, exchange, or otherwise dispose of part or all of the trust estate in any manner and on any terms my trustee considers beneficial to the trust estate.

(b) **RETAIN ASSETS.** Retain any property and continue to operate any business for so long as my trustee considers retention of probable benefit to the trust estate and the trust beneficiaries.

(c) **MAKE INVESTMENTS.** Invest and reinvest the trust estate in common or preferred stocks, bonds, mutual funds, common trust funds, secured and unsecured obligations, mortgages, and other property, real or personal, which my trustee considers advisable and in the best interest of the trust estate, whether or not authorized by law for the investment of trust funds.

(d) **RECEIVE COMPENSATION.** Receive reasonable compensation for my trustee's own services and reimbursement for expenses incurred in administering the trust estate.

(e) **ADVANCE FUNDS OR BORROW.** Advance my trustee's own funds to the trust for any trust purpose at prevailing rates of interest (with any advance to be a lien on the trust estate) and borrow money for those purposes and upon those terms and conditions which my trustee considers to be in the best interest of the trust estate.

(f) PURCHASE ASSETS AND MAKE LOANS. Purchase assets at their fair market value (as determined by my trustee) from my probate estate, and make secured or unsecured loans to my probate estate, for any reason my trustee believes will benefit my probate estate.

(g) COMBINE MANAGEMENT OF SEPARATE TRUSTS. Hold the trust estate as an undivided whole without separation into any separate trusts for as long as my trustee considers suitable and allot undivided interests in any asset to any separate trusts, but no undivided holding shall defer vesting or distribution under the trusts.

(h) CHOOSE MANNER OF MAKING DISTRIBUTIONS. Make any distribution in any of the following ways to a beneficiary who is a minor, incapacitated, under legal disability, or considered by my trustee to be unable to handle property if paid to the beneficiary directly, without liability to my trustee:

(1) Direct to the beneficiary.

(2) To the extent permitted by Oregon law, to a custodian for that person under the Oregon Uniform Transfers to Minors Act until the person attains the age of 25 years.

(3) To the beneficiary's guardian, conservator, or any other fiduciary for the beneficiary.

(4) To any person or organization furnishing health care, education, support, or maintenance.

(5) To the trustee of a receptacle trust for the lifetime of a beneficiary with a disabling condition and receiving, or likely to receive, public benefits, so long as such trust is a supplemental needs trust, to protect the eligibility of the beneficiary for needs-based public benefits. The remainder beneficiaries of the receptacle trust must be the remainder beneficiaries set out in this instrument for that beneficiary's distribution, had the beneficiary died. I anticipate that the receptacle third party special needs trust will be created at that time by an interested person, and funded with the distribution.

(i) DEAL WITH ENVIRONMENTAL MATTERS. Inspect and monitor property to determine compliance with environmental laws, take action to prevent or remedy violations, settle environmental claims, decline to accept property which could result in liability under environmental laws or impair the value of the trust estate, and disclaim any power which could cause my trustee to incur personal liability for violation of environmental laws. My trustee shall not be liable to any trust beneficiary for any decrease in the value of the trust estate as a result of these actions.

(j) UNPRODUCTIVE PROPERTY. My partner, if an income beneficiary of a trust under this instrument, may require that the Trustee not retain in the trust beyond a reasonable time any property that may be or become unproductive and may require that the Trustee not invest the property of such trust fund in unproductive property.

(k) DO OTHER ACTS. Except as otherwise provided in this instrument, do all acts that might legally be done by an individual in absolute ownership and control of property and which in my trustee's judgment are necessary or desirable for the proper and advantageous management of the trust estate.

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4. **Mailing Address.**

The mailing address of the Trustee is:  
13221 Crystal Springs Road  
Klamath Falls, OR 97603

5. **Revocability.**

The trust is irrevocable by the Trustor.

6. **Modification or Amendment.**

The trust may not be modified or amended.

7. **Trust Taxpayer Identification Number.**

The Trustor's Social Security Number is: **XX-XXX9818.**

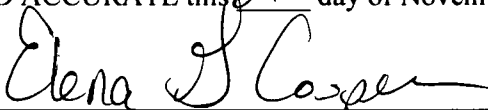
8. **Title to Trust Assets.**

Title to the Trust assets should be taken in the name of: **ELENA G. COOPER,  
SUCCESSOR TRUSEE OF THE SYDNEY KERNS GIACOMINI 1994 TRUST, utd  
8/8/1994**

9. **Statement of Current Status.**

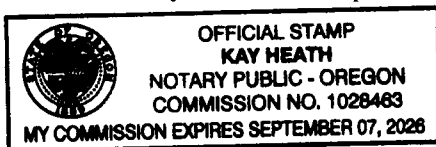
As of this date, the trust has not been revoked, modified or amended in any manner that would cause the representations contained in the Certification to be incorrect.

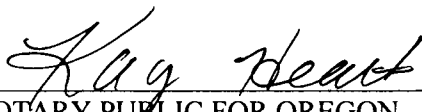
THE ABOVE IS CERTIFIED TO BE TRUE AND ACCURATE this 29 day of November, 2022.

  
\_\_\_\_\_  
Elena G. Cooper

STATE OF OREGON; County of Klamath ) ss.

THE FOREGOING INSTRUMENT was acknowledged before me this 29 day of November, 2022, by Elena G. Cooper.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission expires: 9-7-2026

(Declaration of Counsel appears on Page 5)

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**DECLARATION OF COUNSEL**

I, NATHAN J. RATLIFF, under penalty of perjury, hereby declare that:

1. I am an attorney at law, practicing with the firm of Parks & Ratliff, P.C., of 620 Main Street, Klamath Falls, Oregon 97601.
2. I have examined the Sydney Kerns Giacomini 1994 Trust, utd 8/8/1994 (the "Trust Agreement").
3. I prepared the within Certification of Trust at the behest of the Elena G. Cooper, Successor Trustee, after determining that it was appropriate to do so under the terms and conditions of the Trust Agreement, and in accordance with Oregon law.

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

DATED: November 29, 2022.

  
\_\_\_\_\_  
Nathan J. Ratliff, OSB #034269

# STATE OF OREGON

## CERTIFICATION OF VITAL RECORD

932494

I.D. TAG NO.

### OREGON HEALTH AUTHORITY CENTER FOR HEALTH STATISTICS CERTIFICATE OF DEATH

136-2021-020707

STATE FILE NUMBER

Legal Name First Sydney		Middle L.	Last Giacomini		Suffix	Death Date July 10, 2021	
Sex Female	Age 87 years		Social Security Number [REDACTED]		County of Death Klamath		
Birthdate July 17, 1933		Birthplace Klamath Falls, Oregon			Was Decedent Ever in U.S. Armed Forces? No		
Residence: 13221 Crystal Springs Road				City/Town Klamath Falls			
Residence County Klamath		State or Foreign Country Oregon		Zip Code + 4 97603		Inside City Limits? No	
Marital Status at Time of Death Widowed		Spouse's Name Prior to First Marriage John Anthony Giacomini					
Father's Name Earl Kems			Mother's Name Prior to First Marriage Elaine Hunt				
Informant's Name Elena Cooper		Telephone Number Not Available		Relationship to Decedent Daughter		Mailing Address 13221 Crystal Springs Road, Klamath Falls, OR 97603	
Place of Death Licensed Assisted Living Facility			Facility Name Rogue River Place				
Location of Death 2437 Kane Street #121			City/Town or Location of Death Klamath Falls		State Oregon		Zip Code + 4 97603
Method of Disposition Cremation		Place of Disposition Pyramid Cremations			Location (City/Town and State) Klamath Falls, Oregon		
Name and Complete Address of Funeral Facility O'Hair - Wards Funeral Chapel					515 Pine Street, Klamath Falls, Oregon 97601		
Date of Disposition TBD		Funeral Director's Signature M Jason Ward			Electronic Signature [Signature]		OR License Number CO-3678
Registrar's Signature Jennifer A. Woodward			Date Received July 13, 2021		Local File Number		
Amendment							

45-2CCS (01/06)

\*20210714361\*

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORDS FACTS ON FILE IN THE OREGON CENTER FOR HEALTH STATISTICS.

DATE ISSUED: July 13, 2021

THIS COPY IS NOT VALID WITHOUT INTAGLIO STATE SEAL AND BORDER.

JENNIFER A. WOODWARD, PH.D.  
STATE REGISTRAR

