

2024-002200

Klamath County, Oregon



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03/22/2024 03:57:57 PM

Fee: \$127.00

AFTER RECORDING RETURN TO:

Nathan J. Ratliff  
Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls, OR 97601

GRANTOR'S NAME AND ADDRESS:

Craig Fleck, Successor Trustee of the  
Lester C. Fleck Trust dated  
September 9, 1994  
1620 Ridgecrest Drive  
Klamath Falls, OR 97601

GRANTEE'S NAME AND ADDRESS:

Craig Fleck  
1620 Ridgecrest Drive  
Klamath Falls, OR 97601

SEND TAX STATEMENTS TO:

Craig Fleck  
1620 Ridgecrest Drive  
Klamath Falls, OR 97601

**CONDOMINIUM DEED**

**CRAIG FLECK, SUCCESSOR TRUSTEE OF THE LESTER C. FLECK TRUST DATED SEPTEMBER 9, 1994**, Grantor, conveys to **CRAIG FLECK**, Grantee, the following described real property situated in the County of Klamath, State of Oregon, to-wit:

**See Exhibit "A" attached hereto and incorporated herein by reference.**

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., for trust distribution purposes.

IN WITNESS WHEREOF, the grantor has executed this instrument this 21 day of March, 2024.

**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,**

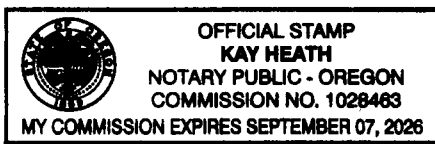
CHAPTER 424, OREGON LAWS 2007, SECTION 2 TO 9 AND 17, CHAPTER 855,  
OREGON LAWS 2009, AND SECTION 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

LESTER C. FLECK TRUST,  
uad 09-09-1994

Craig Fleck  
Craig Fleck, Successor Trustee

STATE OF OREGON, County of Klamath ) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 21<sup>st</sup> day of March, 2024,  
by Craig Fleck as Successor Trustee of the Lester C. Fleck Trust, uad 09-09-1994.



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

**EXHIBIT "A"**

Attached to and made a part of that certain  
Bargain and Sale Deed wherein  
Craig Fleck, Successor Trustee of the  
Lester C. Fleck Trust, uad 09-09-19945,  
is Grantor and  
Craig Fleck is Grantee

**REAL PROPERTY DESCRIPTION**

Unit C of Building No. 3, State II Plat of Tract 1271 - Shield Crest  
Condominiums, according to the official plat thereof on file in the office of the  
County Clerk, Klamath County, Oregon.

Together with that interest in common areas as disclosed by Declaration of  
Shield Crest Condominiums recorded April 23, 1991, and Supplemented by  
Supplemental Declaration.

Also together with an undivided interest in all those private roads shown on the  
plat and more particularly described in Declaration recorded in Volume M-84 on  
page 4256, and in Easement recorded May 23, 1990, in Volume M-90 on page  
9828, Deed Records of Klamath County, Oregon.

**SUBJECT TO:**

1. Reservations and restrictions as shown on the plat and in the dedication of Tract 1271-Shield Crest Condominiums.
2. Declaration of Conditions and Restrictions for Tract 1271-Shield Crest Condominiums, recorded January 25, 1991, in Volume M-91 on page 1591, and recorded April 23, 1991, in Volume M-91 on page 7438, Deed Records of Klamath County, Oregon, and supplemented by Supplemental Declaration recorded November \_\_\_\_, 1994 in M-94 on page \_\_\_\_\_.
3. Bylaws of Shield Crest Condominiums Unit Owners Association, recorded January 25, 1991, in Volume M-91 on page 1606, and recorded April 23, 1991, in Volume M-91 on page 7422, Deed Records of Klamath County, Oregon.
4. Liens and assessments of Shield Crest Condominium Unit Owners' Association.
5. Terms and conditions of the Easement between Shield Crest Homeowners Association and Shield Crest, Inc., recorded May 23, 1990, in Volume M-90 on page 9828, Deed Records of Klamath County, Oregon.

# STATE OF OREGON

## CERTIFICATION OF VITAL RECORD

1076243

I.D. TAG NO.

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

136-2024-002428

STATE FILE NUMBER

Legal Name	First	Middle	Last	Suffix	Death Date
Lester	Charles	Fleck			January 30, 2024
Sex	Age	Social Security Number		County of Death	
Male	101 years			Klamath	
Birthdate	Birthplace	Was Decedent Ever in U.S. Armed Forces?			
June 28, 1922	Warrego, Kansas	Yes			
Residence:			City/Town		
9336 St. Andrews Circle			Klamath Falls		
Residence County		State or Foreign Country		Zip Code + 4	
Klamath		Oregon		97603	
Marital Status at Time of Death		Spouse's Name Prior to First Marriage			
Widowed		Ida Mae Kandra			
Father's Name			Mother's Name Prior to First Marriage		
Lester Fleck			Nellie Juliet Allen		
Informant's Name		Telephone Number	Relationship to Decedent	Mailing Address	
Craig Allen Fleck		Not Available	Son	1620 Ridgecrest Drive, Klamath Falls, OR 97601	
Place of Death			Facility Name		
Decedent's Residence - Hospice					
Location of Death		City/Town or Location of Death		State	Zip Code + 4
9336 St. Andrews Circle		Klamath Falls		Oregon	97603
Method of Disposition		Place of Disposition		Location (City/Town and State)	
Cremation		Pyramid Cremation Services, Inc.		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	Funeral Director's Signature			OR License Number	
TBD	Robin J. Schwartz			FS-0729	
Registrar's Signature			Date Received	Local File Number	
Jennifer A. Woodward			January 31, 2024		
Amendment					

45-2CCS (01/06)



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.

February 01, 2024

DATE ISSUED:

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

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

JENNIFER A. WOODWARD, Ph.D.  
STATE REGISTRAR



## **CERTIFICATION OF TRUST**

### **CERTIFICATE OF TRUST (ORS 130.860)**

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

The trust was executed on September 9, 1994, and is currently in existence.

2. **Trustor/Trustee.**

a. The Trustor is: LESTER C. FLECK, aka  
JACK FLECK

b. The currently acting Trustee is: CRAIG FLECK

3. **Trust Powers.**

The powers of the Trustee are as follows:

The powers of the Trustee are as follows:

My Trustee shall have all powers conferred upon a trustee by the laws of Oregon for the orderly administration of the trust estate, including those specified in the Oregon Uniform Trustee's Powers Act in effect in Oregon as it may be amended from time to time.

#### **DUTIES AND POWERS OF TRUSTEE:**

**130.650 UTC 801. Duty to administer trust.** (1) Upon acceptance of a trusteeship, the trustee shall administer the trust in good faith, in accordance with its terms and purposes and the interests of the beneficiaries, and in accordance with this chapter.

(2) A trustee is not required to object to a modification, reformation or termination of the trust under ORS 130.045, 130.200, 130.205, 130.210, 130.215, 130.220 or 130.225, or a trust combination or division under ORS 130.230, solely because of the existence of the duty to administer the trust under subsection (1) of this section or the duty of loyalty under ORS 130.655 (1). [2005 c.348 §59; 2013 c.529 §17]

**130.655 UTC 802. Duty of loyalty.** (1) A trustee shall administer the trust solely in the interests of the beneficiaries

(2) Subject to the rights of persons dealing with or assisting the trustee as provided in ORS 130.855, a sale, encumbrance or other transaction involving the investment or management of trust property entered into by the trustee for the trustee's own personal account or that is otherwise affected by a conflict between the trustee's fiduciary and personal interests is voidable by a beneficiary affected by the transaction unless:

(a) The transaction was authorized by the terms of the trust;

(b) The transaction was approved by a court;

(c) The beneficiary did not commence a judicial proceeding within the time allowed by ORS 130.820;

(d) The beneficiary consented to the trustee's conduct, ratified the transaction or released the trustee in the manner provided by ORS 130.840; or

(e) The transaction involves a contract entered into or claim acquired by the trustee before the person became or contemplated becoming trustee.

(3) A sale, encumbrance or other transaction involving the investment or management of trust property is presumed to be affected by a conflict between the personal and fiduciary interests of the trustee if it is entered into by the trustee with:

(a) The trustee's spouse;

(b) The trustee's descendants, siblings or parents, or their spouses;

(c) An agent or attorney of the trustee; or

(d) A corporation or other person or enterprise in which the trustee, or a person that owns a significant interest in the trustee, has an interest that might affect the trustee's best judgment.

(4) Unless a trustee can establish that the transaction was fair to the beneficiary, a transaction between a trustee and a beneficiary is voidable by the beneficiary if:

(a) The transaction does not concern trust property;

(b) The trustee obtains an advantage from the transaction;

(c) The transaction is outside the ordinary course of the trustee's business or on terms and conditions substantially less favorable than those the trustee offers similarly situated customers; and

(d) The transaction occurs during the existence of the trust or while the trustee retains significant influence over the beneficiary.

(5) A transaction not concerning trust property in which the trustee engages in the trustee's individual capacity involves a conflict between personal and fiduciary interests if the transaction concerns an opportunity properly belonging to the trust.

(6) An investment by a trustee in securities of an investment company or an investment trust to which the trustee, or an affiliate of the trustee, provides services in a capacity other than as trustee is not presumed to be affected by a conflict between personal and fiduciary

interests if the investment otherwise complies with the prudent investor rule of ORS 130.750 to 130.775. In addition to compensation for acting as trustee, the trustee may be compensated by the investment company or investment trust for providing those services out of fees charged to the trust. If the trustee receives compensation from the investment company or investment trust for providing investment advisory or investment management services, the trustee at least annually shall give notice of the rate and method by which that compensation was determined to the persons entitled under ORS 130.710 to receive a copy of the trustee's annual report.

(7) In voting shares of stock of a corporation or in exercising powers of control over similar interests in corporations and other forms of business entities, the trustee shall act in the best interests of the beneficiaries. If the trust is an owner of a corporation or other form of business entity, the trustee shall elect or appoint directors or other managers who will manage the corporation or entity in the best interests of the beneficiaries.

(8) This section does not preclude the following transactions, if fair to the beneficiaries:

(a) An agreement between a trustee and a beneficiary relating to the appointment or compensation of the trustee;

(b) Payment of reasonable compensation to the trustee;

(c) A transaction between a trust and another trust, decedent's estate, custodianship or conservatorship of which the trustee is a fiduciary or in which a beneficiary has an interest;

(d) A deposit of trust money in a financial institution operated by the trustee;

(e) An advance by the trustee of money for the protection of the trust;

(f) An advance by the trustee of money to the trust for the payment of expenses, losses or liabilities sustained by the trustee in the administration of the trust or by reason of owning or possessing any trust assets; or

(g) A loan to the trustee for the protection of the trust, or for the payment of expenses, losses or liabilities sustained by the trustee in the administration of the trust or by reason of owning or possessing any trust assets. A loan under this paragraph may be from a lender operated by, or affiliated with, the trustee.

(9) A trustee is not required to object to a modification, reformation or termination of the trust under ORS 130.045, 130.200, 130.205, 130.210, 130.215, 130.220 or 130.225, or a trust combination or division under ORS 130.230, solely because of the existence of the duty of loyalty under subsection (1) of this section or the duty to administer the trust under ORS 130.650 (1).

(10) The court may appoint a special fiduciary to make a decision with respect to any proposed transaction that might violate this section if entered into by the trustee. [2005 c.348 §60; 2007 c.515 §2; 2013 c.529 §18; 2017 c.81 §3]

**Note:** Section 4, chapter 81, Oregon Laws 2017, provides:

**Sec. 4.** The amendments to ORS 130.655 by section 3 of this 2017 Act apply only to transactions occurring on or after the effective date of this 2017 Act [January 1, 2018]. [2017 c.81 §4]

**130.660 UTC 803. Impartiality.** If a trust has two or more beneficiaries, the trustee shall act impartially in investing, managing and distributing the trust property, giving due regard to the beneficiaries' respective interests. [2005 c.348 §61]

**130.665 UTC 804. Prudent administration.** A trustee shall administer the trust as a prudent person would, by considering the purposes, terms, distributional requirements and other circumstances of the trust. In satisfying this standard, the trustee shall exercise reasonable care, skill and caution. [2005 c.348 §62]

**130.670 UTC 805. Costs of administration.** In administering a trust, the trustee may incur only costs that are reasonable in relation to the trust property, the purposes of the trust and the skills of the trustee. [2005 c.348 §63]

**130.675 UTC 806. Trustee's skills.** A trustee who has special skills or expertise, or is named trustee in reliance upon the trustee's representation that the trustee has special skills or expertise, shall use those special skills or expertise in administering the trust. [2005 c.348 §64]

**130.680 UTC 807. Delegation by trustee.** (1) A trustee may delegate duties and powers that a prudent trustee of comparable skills could properly delegate under the circumstances. The trustee shall exercise reasonable care, skill and caution in:

- (a) Selecting an agent;
  - (b) Establishing the scope and terms of the delegation, consistent with the purposes and terms of the trust; and
  - (c) Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the terms of the delegation.
- (2) In performing a delegated function, an agent owes a duty to the trust to exercise reasonable care to comply with the terms of the delegation.
- (3) A trustee who complies with subsection (1) of this section is not liable to the beneficiaries or to the trust for an action of the agent.
- (4) By accepting a delegation of powers or duties from the trustee of a trust that is subject to this state's law, an agent submits to the jurisdiction of the courts of this state. [2005 c.348 §65]



**130.685 UTC 808. Powers to direct.** (1) While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.

(2) If the terms of a trust confer upon a person other than the settlor of a revocable trust power to direct certain actions of the trustee, the trustee shall act in accordance with an exercise of the power unless the exercise is manifestly contrary to the terms of the trust or the trustee knows the attempted exercise would constitute a serious breach of a fiduciary duty that the person holding the power owes to the beneficiaries of the trust.

(3) The terms of a trust may confer upon a trustee or other person a power to direct the modification or termination of the trust.

(4) A person other than a beneficiary who holds a power to direct is rebuttably presumed to be a fiduciary and is required to act in good faith with regard to the purposes of the trust and the interests of the beneficiaries. The holder of a power to direct is liable for any loss that results from breach of a fiduciary duty. [2005 c.348 §66]

**130.690 UTC 809. Control and protection of trust property.** A trustee shall take reasonable steps to take control of and protect the trust property. [2005 c.348 §67]

**130.695 UTC 810. Recordkeeping and identification of trust property.** (1) A trustee shall keep adequate records of the administration of the trust.

(2) A trustee shall keep trust property separate from the trustee's own property.

(3) Except as otherwise provided in subsection (4) of this section, a trustee shall cause the trust property to be designated so that the interest of the trust, to the extent feasible, appears in records maintained by a party other than a trustee or beneficiary.

(4) If the trustee maintains records clearly indicating the respective interests of the different trusts, a trustee may invest as a whole the property of two or more separate trusts. [2005 c.348 §68]

4. **Mailing Address.**

The mailing address of the Trustee is:  
1620 Ridgecrest Drive  
Klamath Falls, OR 97601

5. **Revocability.**

The trust is irrevocable.

6. **Modification or Amendment.**

The trust may not be modified or amended.

7. **Trust Taxpayer Identification Number.**

The Trustor's Social Security Number is: 99-6301613.

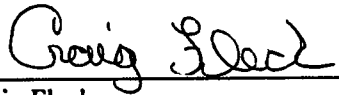
8. **Title to Trust Assets.**

Title to the Trust assets should be taken in the name of: **CRAIG FLECK, SUCCESSOR TRUSTEE OF THE LESTER C. FLECK TRUST DATED SEPTEMBER 9, 1994.**

9. **Statement of Current Status.**

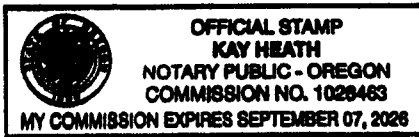
As of this date, the trust has not been revoked, modified or amended in any manner that would cause the representations contained in the Certification to be incorrect.

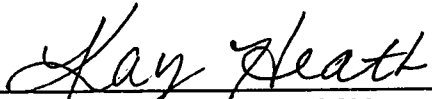
THE ABOVE IS CERTIFIED TO BE TRUE AND ACCURATE this 21 day of March, 2024.

  
\_\_\_\_\_  
Craig Fleck

STATE OF OREGON; County of Klamath ) ss.

THE FOREGOING INSTRUMENT was acknowledged before me this 21 day of March, 2024.



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

**DECLARATION OF COUNSEL**

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

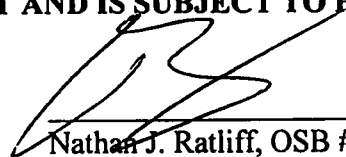
1. I am an attorney at law, practicing with the firm of Parks & Ratliff, P.C., of 620 Main Street, Klamath Falls, Oregon 97601.

2. I have examined The Lester C. Fleck Trust Dated September 9, 1994 (the "Trust Agreement").

3. I prepared the within Certification of Trust at the behest of the Craig Fleck, 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: 3-21, 2024

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