

107824

BOOK 115 PAGE 786

FILED FOR RECORD  
SKAMANIA CO. WASH

BY *Kelposki & Laine*

SEP 7 4 13 PM '89

*D. Lowry*  
AUDITOR  
GARY H. OLSON

AFFIDAVIT OF HEIRSHIP  
REGARDING  
CLARENCE EMIL SPITLER  
AND  
ELSIE ANNA SPITLER

RICHARD WHITNEY SPITLER and JO ELLEN SIMLER, being first duly sworn on oath, depose and state:

1. We are the son and daughter, respectively, of CLARENCE EMIL SPITLER and ELSIE ANNA SPITLER, husband and wife. Clarence Emil Spitler's Social Security Number was 537-10-2727, and he died on the 16th day of February, 1989, being at the time of her death a resident of the County of Skamania, State of Washington, his residence being located in the City of Stevenson. Elsie Anna Spitler's Social Security Number was 535-20-7132, and she died on the 25th day of June, 1989, being at the time of her death a resident of the County of Skamania, State of Washington, her residence being located in the City of Stevenson.

2. CLARENCE EMIL SPITLER executed a Community Property Agreement with his wife, Elsie Anna Spitler, on the 9th day of August, 1979, which was recorded with the Skamania County Auditor on August 11, 1989 under Auditor's File No. 107632. Clarence Emil Spitler executed a Last Will and Testament on the 4th day of June, 1984, which has been filed with the Clerk of the Superior Court of Skamania County, Washington, on the 11th day of August, 1989, under Skamania County Probate No. 89-4-00018-0. A true and correct copy of each are attached hereto and incorporated herein by reference as though set forth herein.

*NA*  
WILMA J. CORNWALL  
TREASURER OF SKAMANIA COUNTY, WA

Registered *PK*  
Indexed *PK*  
Filed 9-8-89  
Mailed

3. The estate of CLARENCE EMIL SPITLER, deceased, was not probated, all of his property having vested in his wife, Elsie Anna Spitler, under the laws of the State of Washington. There are no unpaid debts of any nature, including death taxes, of the estate of Clarence Emil Spitler.

4. ELSIE ANNA SPITLER executed a Community Property Agreement with her husband, Clarence Emil Spitler, on the 9th day of August, 1979, which was recorded with the Skamania County Auditor on August 11, 1989 under Auditor's File No. 107632.

Elsie Anna Spitler executed a Last Will and Testament on the 4th day of June, 1984, which has been filed with the Clerk of the Superior Court of Skamania County, Washington, on the 11th day of August, 1989, under Skamania County Probate No. 89-4-00019-8. A true and correct copy of each are attached hereto and incorporated herein by reference as though set forth herein.

5. In her Last Will and Testament, ELSIE ANNA SPITLER directed that:

B. In the event that my husband, Clarence Emil Spitler, shall predecease me, or if he shall not survive me by a period of sixty (60) days (hereinafter referred to as "that event"), then and in that event I give, devise and bequeath the residue of my estate as follows:

1. To my son, RICHARD WHITNEY SPITLER, I give one-half ( $\frac{1}{2}$ ), per stirpes. . . .

2. To my daughter, JO ELLEN SIMLER, I give one-half ( $\frac{1}{2}$ ), per stirpes. . . .

6. At the date of her death, ELSIE ANNA SPITLER was survived by two children, who are of legal age, to-wit: Richard Whitney Spitler and Jo Ellen Simler. Except for said children, decedent has no other children. There are no other legal heirs of said Elsie Anna Spitler, living or deceased.

7. The estate of ELSIE ANNA SPITLER included the following described assets, to-wit:

Real property situated in the County of Skamania, State of Washington, described as follows:

Commencing at a point on the south side of Loop Road (Wills Hot Springs Alameda) said point being north  $00^{\circ}04'$  East 1081.3 feet from quarter corner on south line of Section 36, Township 3 North, Range 7 E.W.M.; thence from point of beginning north  $62^{\circ}04'$  West 150.7 feet along south side of County road; thence South  $14^{\circ}19'$  West 173.8 feet; thence South  $89^{\circ}41'$  East 176 feet to line through center of Section; thence North  $00^{\circ}04'$  East along said line 100 feet to point of beginning;

all of which became the property of ELSIE ANNA SPITLER under the aforesaid Community Property Agreement and Last Will and Testament of Clarence Emil Spitler and under the laws of the State of Washington.

8. All other assets belonging to said ELSIE ANNA SPITLER, deceased, have been distributed to the persons entitled thereto.

9. Richard Whitney Spitler and Jo Ellen Simler, the only children and heirs of Elsie Anna Spitler, deceased, have no intention of probating said Will and Estate. There exists an absence of unpaid creditor's claims, and all known claims of the decedent, including expenses of last illness and funeral, have been heretofore paid or provided for. The property of the decedent is easily identifiable, and there are no other persons other than Richard Whitney Spitler and Jo Ellen Simler interested therein. The personal properties owned by the Decedent, including items of personal and sentimental value, have been given to her children and others prior to her death.

10. More than forty (40) days have elapsed since the date of death of the decedent, ELSIE ANNA SPITLER. No application or petition for appointment of a personal representative is pending or has been granted in any jurisdiction, it being the intent of the heirs of the

decedent not to probate said estate by reason of the circumstances enumerated in the preceding paragraph.

11. There is no federal estate tax payable on this estate as said estate is within the amount provided for exemptions providing for payment of estate tax to the United States Internal Revenue Service, and there is no State of Washington inheritance tax payable on this Estate.

12. This Affidavit is made for the purpose of inducing third persons to rely on the contents hereof and the representations made relative to the no-probate estate of said ELSIE ANNA SPITLER, Deceased. Affiants covenant to indemnify and hold harmless anyone relying upon these representations against a contrary state of fact.

13. At the date of this Affidavit, Affiants' legal addresses are shown beneath their signatures.

Dated this 15th day of August, 1989.

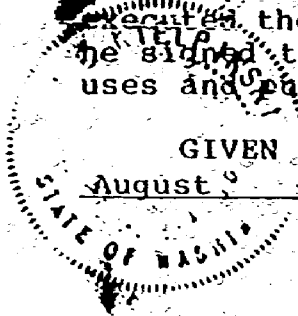
Richard Whitney Spittle  
RICHARD WHITNEY SPITLER  
9950 SW Maple Crest Court  
Beaverton, Oregon 97005

Jo Ellen Simler  
JO ELLEN SIMLER  
Pt. 2, 3150 E. 3300 W.  
Suva, July, Id. 83321

WASHINGTON )  
STATE OF OREGON )  
County of Skamania ) ss

On this day personally appeared before me RICHARD WHITNEY SPITLER, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 15th day of August, 1989.



Jan C. Zielinski  
Notary Public in and for the  
State of Washington, residing  
at Stevenson, Wa.

Commission expires 4-28-90

STATE OF IDAHO )  
County of Twin Falls ) ss

On this day personally appeared before me JO ELLEN SIMLER, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 29 day of August, 1989.



Caroleyn Hoover  
Notary Public in and for the  
State of ~~Washington~~ Idaho, residing  
at Twin Falls, ID  
Commission expires 6-10-92

UNOFFICIAL COPY

AUTHORITY TO CLAIM ON BEHALF OF SUCCESSOR

The undersigned, the successors of the above-named decedent, ELSIE ANNA SPITLER, acknowledge having read and approved the foregoing affidavit, agree to indemnify and hold harmless anyone relying thereon against a contrary state of fact, and hereby acknowledge having received full payment or delivery of the property of the decedent for the purpose of clearing said estate and all of the assets of which it is comprised.

Dated this 22<sup>nd</sup> day of August, 1989.

Richard Whitney Spittle  
RICHARD WHITNEY SPITLER

Jo Ellen Simler  
JO ELLEN SIMLER

WASHINGTON )  
STATE OF OREGON ) ) ss  
County of Skamania )

On this day personally appeared before me RICHARD WHITNEY SPITLER, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 15th day of August, 1989.

Jan P. Zielinski  
Notary Public in and for the State of Washington, residing at Stevenson, Wa.

Commission expires 4-28-90

STATE OF IDAHO )  
County of Twin Falls ) ) ss

On this day personally appeared before me JO ELLEN SIMLER, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 29 day of August, 1989.

Carolyn Hoover  
Notary Public in and for the State of Washington, residing at Twin Falls, ID

Commission expires 6-10-92

