FILED FOR RECORD SKAMANIA CO. WASH BY **Anita Galimet**

Jun 13 9 19 AM '94

AUDITOR

GARY M. OLSON

DECLARATION RESPECTING HEIRSHIP Of

ICEL I. BENSON and WILLIAM V. BENSON

119683

STATE OF WASHINGTON ,

BOOK 743 PAGE 721

SS.

COUNTY OF BENTON

Identity of affignt: Anita Gahimer, having been first duly sworn on oath, do hereby depose and say:

I am of the age of majority; in all ways competent to give testimony in any court; and I set forth the following facts of my own personal knowledge.

My address is: 1424 Goethals Dr. Richland, Wa. 99352. My home telephone number is 509-943-0855 and while I am at work my number is 509-376-4808

I am one of the children of decedent Icel Benson named in her last will and testament and am the person named in the codicil to serve as her personal representative without bond and without intervention of court.

Identity of Decedents: Icel J. Be son who, at the time of her death was a resident of Skamania County, State of Washington, died at her home at Cooks, Washington, in April of 1994 leaving property situate in said county and state.

Prior to the death of Icel J. Benson she was married to William V.

Benson.

William v. Benson died at Cook, Washington July 9th, 1992 being at the time of his death the husband of Icel J. Benson.

Marital Status of Decedents: Decedent was a widow and unmarried at the time of her death her husband William V. Benson having preceded her in death. At the time of the death of William V. Benson these decedents were married and living together in harmony as residents of this county and state. A true and correct copy of the death certificates of both decedents are attached hereto.

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Descendants: Decedent Icel J. Benson had born to her only five children who are Anita Gahimer, Virginia Hansel, Ernest Gahimer, Jean Johanson and Frank Ganizaer. No other children were ever born to her nor had she ever adopted any children

William V. Benson had never had children born to him and had never adopted any children. His parents had predeceased him in death.

Testacy: Decedent Icel I. Benson duly executed an instrument in writing on the 29th lay of August, 1991 entitled "Last Will and Testament" which was her last will and testament, and also a codicil thereto July 8th, which was her last will and testament, and also a codicil thereto July 8th, 1993 all in due and regular form as more fully set forth in the true and correct copies thereof attached hereto the originals of which are recorded in the office of the Clerk of the Superior Court of Skamania County, Washington.

Decedent William V. Benson died intestate and without leaving any estate whatsoever except his interest in marital community with decedent Icel J. Benson.

Community Property Agreement: Decedents died without leaving any community property agreement.

Real Property: At the time of their death Decedents owned an interest in real property situated in Skamania County, State of Washington, all as more particularly described on the attached schedule. While the real property was the separate property of Icel J. Benson at the time of the death of William V. Benson, any community interest or lien therein passed to her upon his death pursuant to the statutes of descent and distribution of this state.

Heirship: Pursuant to the Last Will and Testament of decedent Icel J. Benson and at the time of her death all of her property was bequeathed and passed to her above named five children, ashare and share alike, ail of whom are now living.

Creditors: Following the Ceath of decedent Icel J. Benson affiant has made diligent search and inquiry to discover the identity of any and all

creditors of both decedents. In consequence of such search affiant hereby declares that all debts of the both decedents have been fully paid or provided for.

Statutory Liens: All expenses of both Decedent's last illnesses and burials have been paid or provided for.

State and Federal Taxes: The value of Decedents' interests in all property in which they had any interest at the time of their death did not exceed \$500,000.00 and no State or Federal Taxes were due nor were any such returns required to be filed as a result of their death.

Covenant: Affiant makes this declaration in order to induce any and all persons, agencies, authorities and entities, including but not limited to those engaged in the issuance of title insurance contracts, to roly hereon without qualification or condition and covenants to warrant and defend the facts as herein set forth upon demand by any such entity.

Attachments: I hereby attach and incorporate herein the following instruments which I declare to be true and correct copies of the originals in each case:

Death certificate of Icel J. Benson;
Death certificate of William V. Benson;
Last will and Testament of Icel J. Benson;
Codicil to Last Will and Testament of Icel J. Censon;
Schedule of Real Property.

IN WITNESS WHEREOFaffiant has set her hand this ______ day of June 1994.

Affiant Anita Gahimer

BCOK 143 PAGE 724

STATE OF WASHINGTON) ss.
COUNTY OF BENTON)

This is to certify that on this day personally appeared before me Anita Gahimer, to me flown 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 gthe day of June 1994.

NOTARY PUBLIC STATE OF WASHINGTON WENDY FLORERG Appointment Expires MAY 16, 1998 Notary Public in and for the State of
Washington, residing at Richland Klennewich

LAST WILL AND TUSTAMENT

of

ICEL J. BENSON

I, ICEL J. BENSON a resident of Cook, Skamenia County, State of Washington, declare the following provisions to be my last will and testament.

ARTITLE I Revocation of Prior Wills

me.

I hereby revoke all wills and codicils previously made by

ARTICLE II Identification of Family

I hereby declare that I am married and that my immediate family now consists of my husband, WILLTLM V. BENSON, my daughter, ANITA JEFFS, my daughter, VIRGINIA HANSEL, my son, ERNEST GAMIMER, my daughter, JEAN JOHANSON, and my son, FRANK GAHIMER. Except as provided hereinbelow, I make no provisions in this will for any child who survives me, whether named herein or hereafter born or adopted, nor for the descendants of any child who does not survive me.

ARTICLE III Payment of Debts

I hereby direct and order that all just debts for which proper claims are filed against my estate, and the expenses of my last illness and funeral be paid by my personal representative hereinafter named, as soon after my death as is practicable; provided, however, that this direction shall not authorize any creditor to require payment of any debt or obligation prior to 1/22 normal maturity in due course.

ARTICLE IV

A.1 Gift by Separate List. I may now have, or in the future may prepare a list of tangible personal property, designating the recipient of each item listed thoreon. It is my intent that such writing qualify as a testamentary disposition of these items in accordance with RCW 11.12.260 as now in effect or as amended in the future.

4.2 Specific Devises and Bequests,

(A) I hereby give, devise and bequeath to my husband, WILLIAT V. BENSON, a life estate in any real property which is owned by me as my separate property at the time of my death. The remainder of said property, after my husband's death,

Page One of Four Pages

I give, devise and bequerth to my children who survive as in equal shares, per stirpes.

- (B' I give, devise and bequeath to my husband, WILLIAM V. BENSOI, all of my interest in any community property, both real or persunal, wheresoever situated, not otherwise disposed of herein, and owned by me at the time of my death.
- (C) If my husband fails to survive me, or we should die simultaneously, then and in that event, I give, devise and bequeath all of my property both real and personal, wheresoever situated, and not otherwise disposed of herein, to my then surviving children, in equal shares, per stirpes.

ARTICLE V Appointment of Personal Representative

- 5.1 Appointment. I hereby nominate and appoint my husband, WILLIAM V. BENSON, as personal representative of this my Last Will, to act as such without furnishing bond in any jurisdiction, and I hereby declare this to be a nonintervention will.
- 5.2 Powers. My personal representative shall have full power to leal in any lawful way with the property of my estate without notice, approval or confirmation of any kind, at the time, for the consideration, and on the terms and conditions as my personal representative shall deem advisable, whether or not the exercise of the power is necessary for the purpose of paying debts of the estate, costs of administration, or making distribution of the estate. This power shall include, by way of illustration and not of limitation, the power to sell convey, mortgage and encumber any assets of my estate, to advance funds and borrow money, to select any part of my estate in satisfaction of any distribution under this Will, and to distribute my estate in kind, in money, or both.
- 5.3 Contingent Personal Representative. If for any reason my husband is unable or unwilling to act as personal representative hereunder, then and in that event I nominate and appoint my son, FRANK CARIMER, as such personal representative, with similar powers and duties.

ARTICLE VI

I direct that all estate, inheritance and succession taxes, if any, assessed by reason of my death, whether attributable to property passing under this will or ou side of it, shall be paid out of the residue of my estate disposed of by this will without apportionment, deduction or reimbursement therefor, and without adjustment thereof among the residuary hemeficiaries.

ARTICLE VII Validity

A. If a court of competent jurisdiction rules invelid or unenforcable any of the provisions hereof, each such provision shall be disregarded, but the remainder of this instrument shall be given full force and effect. All questions pectaining to the

Page Two of Four Pages

Tostatrix

validity, interpretation, construction and administration of this instrument shall be determined in accordance with the laws of the State of Washington.

B. Should any person mentioned in this will, or any person not mentioned in this will, endeavor by legal process or otherwise to change or alter the terms or conditions of this will, I hereby direct that in such event, such person or persons be each paid the sum of One Dollar (\$1.00) in full settlement of their claims to my estate.

ARTICLE VIII Witness Affidavits

I request that the attesting witnesses to my will make an affidavit before a Notary Public stating such facts as they real be required to testify to a court to prove such will.

published and daclared this my last will and testament on this 29 day of Lugues, 1990.

Subscribing Witness

Residing at Walnught A

Subscribing Witness

Residing at Vancouxer WA

STATE OF WASHINGTON) 58. AFFIDAVIT OF SUBSCRIBING WITNESSES
County of Skamania)

The undersigned, of lawful age and competent to be a witness hereof, being duly sworm, each of himself/herself, testifies as follows:

The foregoing document, consisting of four (4) pages, this being the third page, was executed in our presence by the restatrix on the cate it bears.

The Testatrix declared the document to be her Last Will and Testament and requested us to sign the same as witnesses. At the request of and in the presence of the Testatrix and in the presence of the Notary Public and each other, the other witness and I subscribed our names as witnesses hereto.

- Page Three of Three Pages

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At the time of executing the document the Teststrik and both witnesses were of the age of majority and the Teststrik appeared to be of sound and disposing mind and not acting under duress, menace, fraud, undue incluence, or misrepresentation.

Subscribing Witness

Subscribing Witness

SUBSCRIBED AND SWORN to before me this 29 day of Ququel

1994.

Wotary Public in and for the State of Washington, residing at Stevenson My Commission Expires 6.2-2

Testatrix - Page Four of Four Pages

FIRST CODICIL

TO LAST WILL AND TESTAMENT

of'

ICEL J. BENSON

I, ICEL J. BENSON, a resident of Willard, Skamania County, state of Washington, being of sound and disposing mind and memory, and not acting under duress, menace, froud or the undue influence of any person whosoever, do make, declare and publish his a first codicil to my Last Will and Testament executed on the clat day of August, 1991, with the full intent and purpose of amending said will as set out hereinbelow and revoking any provisions of any article inconsistent with this codicil.

ARTICLE V, "Appointment of Personal Representative", Paragraph 5.1 Appointment, is hereby modified to read as follows:

"I hereby nominate and appoint my daughter, ANITA R. GAHIMER, as personal representative of this my last will, to act as such without furnishing bond in any jurisdiction and, I hereby declare this to be a porintervention will."

day of _______, 1993, hereby ratifying and confirming all of the provisions of my said Last Will and Testament, except as modified by this First Codic.1.

STATE OF WASHINGTON)
County of Skamania)

AFFIDAVIT OF SUBSCRIBING WITNESSES

The undersigned, each competent to testify and being first duly sworn on oath, depose and say:

The foregoing instrument, to which this affidavit is attached, consisting of two (2) pages, of which this is the first, dated

- Page One of Two Pages -

BOOK 143 PAGE 730

the day of July 1993, and which purports to be a First codicil to the Last Will and Testament of ICEL J. EENSON, was signed and executed by her at Stevenson, Washin, on, in the presence of myself and the other witness.

The Testatrix thereupon published the instrument as and declared it to be a First Codicil to said Last Will and Testament and requested us to sign the same as witnesses and to execute this affidavit in proof thereof. In the presence of the Testatrix and at her request and direction, and in the presence of each other, the other witness and I subscribed our names as witnesses thereto.

At the time of executing this First Codicil to said Last Will and Testament, the Testatrix, the other witness and I were each of legal age, we were competent to act as witnesses, and the Testatrix appeared to be of sound and disposing mind and was not acting under duress, menace, fraud, undue influence or misrepresentation.

Residing at__

V.A.

SUBSCRIBED AND SWORN to before me this gtday of

1993.

Notary Public in and for the State of Washington, residing at Stevenson My commission expires

Testatrix - Page Two of Two Pages

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ALSO EXCEPTING A TRACT OF LAND 7.14 ACRES MORE OR LESS, IN AREA GRANTED TO SKAHANIA COUNTY BY DEED DATED FEBRUARY 14, 1967, AND RECORDED MARCH 2, 1967, AT PAGE 56 OF BOOK 57 OF DEEDS, RECORDS OF SKAHANIA COUNTY, WASHINGTON;

AND EXCEPTING THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH RANGE 9 END HORE PARTICULARLY DESCRIBED AS POLLOWS:

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PAGE 733 BOOK 143 146

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