

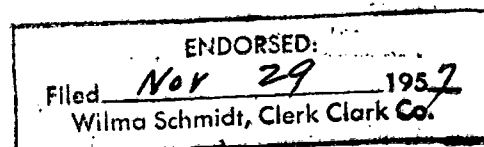
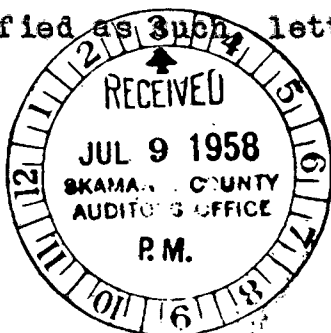
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

IN THE MATTER OF THE ESTATE)	
)	
OF)	No. 14503
)	
WILLIAM R. PRICE, Deceased.)	DECREE OF DISTRIBUTION

The matter above entitled came on to be heard before the court this 29th day of November, 1957, upon the final account and petition for distribution heretofore filed herein by the administratrix of said estate; and said administratrix being present and represented by her attorneys, J. C. Price and L. M. Burnett, and Thomas William Price and John LeBaron Price, minor children of the decedent, being represented by Morris Swan, their guardian ad litem; and it appearing that notice of the time and place of hearing upon the said account and petition has been duly and regularly given for the time and in the manner provided by law, and that notice of the time and place of said hearing has been mailed to each of the parties interested in said estate, as required by Rule 41, Rules of Pleading, Practice and Procedure. The court proceeds to hear the evidence in support of said petition and account, and having considered the same, finds as follows:

I.

That William R. Price died intestate in Clark County, Washington, on August 31, 1955. That thereafter, Carrie M. Price was appointed administratrix of his estate, and having duly qualified as such, letters of administration were issued to her



on September 29, 1955, since which date she has been and now is the duly appointed, qualified and acting administratrix of the estate above entitled.

II.

That thereafter, said administratrix caused notice to creditors to be given by publication thereof once a week for three consecutive weeks in the Columbia Valley Advocate, a newspaper published and of general circulation in Clark County, Washington, and a legal newspaper for purposes of said publication. That the date of first publication of notice to creditors was October 13, 1955, and that proof of said publication is now on file herein.

III.

That thereafter, said administratrix prepared an inventory of all of the assets of the estate of William R. Price, deceased, and caused the same to be appraised by the appraisers appointed by the court for that purpose, and that a copy of said inventory and appraisement has been furnished to the Inheritance Tax Division of the State of Washington, which has certified that there is no inheritance tax due from this estate to the State of Washington.

IV.

That more than six months have elapsed since the date of first publication of notice to creditors, and that no claims have been proved or filed against this estate.

V.

That in his lifetime, the said William R. Price was a member of a partnership composed of him and W. G. Keller, which carried on business under the style and firm name of

Keller & Price, each owning a half interest in the assets of said partnership. That the affairs of said partnership have been wound up, and that W. G. Keller, the surviving partner, has purchased the outstanding interest of decedent in the partnership aforesaid, as more fully appears by a certain stipulation settling the partnership affairs dated November 21, 1956, and approved by an order of this court duly made and entered on March 22, 1957, the parties to said stipulation being Carrie M. Price, as administratrix of the estate above entitled, and W. G. Keller.

VI.

That in the settlement of said partnership affairs, your petitioner received from W. G. Keller cash in the sum of \$4,366.16 and a conveyance of all of the right, title and interest of W. G. Keller and Frances M. Keller, his wife, in and to a certain tract of real estate in Clark County, Washington, described as follows:

That certain portion of the John Calder Donation Land Claim located in Section 11, Township 2 North, Range 2 East of the Willamette Meridian, being more particularly described as follows:

Beginning at the Southeast corner of the John Calder Donation land Claim and running thence North $89^{\circ}13'$ West a distance of 1993.2 feet; thence North $1^{\circ}10'29''$ East 1349.17 feet; thence North $1^{\circ}15'23''$ East 328.63 feet to the true point of beginning; running thence North $1^{\circ}15'23''$ East a distance of 1576.0 feet; thence South $88^{\circ}47'$ East a distance of 75.00 feet; thence North $1^{\circ}15'23''$ East a distance of 208.00 feet to the South line of State Secondary Highway #8-A; thence South $88^{\circ}47'$ East along said Highway, a distance of 300.00 feet; thence South $1^{\circ}15'23''$ West a distance of 1784.00 feet; thence North $88^{\circ}47'$ West a distance of 375.00 feet to the true point of beginning; said tract containing 15 acres.

said real estate having formerly been owned by the partnership of Keller & Price.

VII.

That the following is a statement of all receipts and disbursements made or received by said administratrix in the administration and settlement of this estate:

RECEIPTS:

	Cash on hand at date of death, Bank of Stevenson.....	\$ 292.00
12/ 1/55	Received from W. G. Keller, surviving partner of Keller & Price.....	2,500.00
2/15/56	Received from W. G. Keller, surviving partner of Keller & Price.....	1,000.00
4/ 5/57	Received from W. G. Keller, surviving partner of Keller & Price.....	4,366.16
8/23/57	Received from W. G. Keller, settlement of Mary Price Note.....	1,454.23
	Total.....	\$9,612.39

DISBURSEMENTS:

2/ 1/56	Carrie M. Price, allowance in lieu of homestead	\$3,500.00
3/ 7/56	Columbia Valley Advocate, publication of notice to creditors.....	9.00
3/22/56	Swan General Agency, bond premium.....	20.00
4/27/56	Skamania County Treasurer, taxes.....	159.46
4/ 3/57	J. M. Greenwood 1/2 survey charges as per order 3/22/57.....	262.75
4/17/57	Carrie Price.....	1,450.00
4/23/57	Carrie Price.....	446.00
6/18/57	Swan General Agency, bond premium.....	20.00
9/21/57	Swan General Agency, bond premium.....	20.00
	Total.....	\$5,887.21

RECAPITULATION:

Receipts.....	\$ 9,612.39
Disbursements.....	5,887.21
Balance.....	\$ 3,725.18

That there is now on deposit with the Vancouver Branch of the Seattle-First National Bank the sum of \$3,421.64. That there is a discrepancy between the amount of receipts and disbursements and the cash on hand in said bank account in the sum of \$303.54, the reason therefor being as follows: That at the time of

decedent's death, there was on deposit in the Bank of Stevenson, as shown in the foregoing record of receipts, the sum of \$292.00. That from said sum your petitioner expended for publication of notice to creditors, bond premium and Skamania County taxes the sum of \$188.46, which sum deducted from \$292.00 leaves a balance of \$103.54, for which the administratrix is unable to produce any vouchers, the same having been lost or destroyed. That under the item of receipts dated August 23, 1957, the amount reported is \$1,454.23. The cash actually received was \$1,254.23. The difference of \$200.00 having been withheld and retained by W. G. Keller in satisfaction of a personal obligation owing by Carrie M. Price to him, and that in the distribution of this estate, the sum of these two items, namely: \$303.54, should be charged against Carrie M. Price.

VIII.

That the assets of said estate available for distribution and the payment of the expenses of administration, all of which was the community property of decedent and Carrie M. Price, consist of the following:

Cash in the sum of \$3,421.64.

Real Estate in Clark County, Washington:

Real Estate described in Paragraph VI of this Decree.

Real Estate in Skamania County, Washington:

All of that portion of the West Half of the Southwest Quarter of Section 34, Township 2 North, Range 6 East of the Willamette Meridian, lying South of Evergreen Highway or State Road No. 8.

Also Lot 2 of Section 3, and Lots 1, 2, 3, and 4, and all that portion of the North Half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 4, lying South of the Evergreen Highway, or

State Road No. 8, in Township 1 North, of Range 6 East of the Willamette Meridian, excepting the right of way conveyed to Spokane, Portland & Seattle Railway Co., the right of way conveyed to Northwestern Electric Co., and State and County roads.

Also Tax Lot No. 2, Section 4, Township 1 North of Range 6 East of the Willamette Meridian, commencing at the meander corner of fractional Sections 4 and 5, Township 1 North of Range 6 East of the Willamette Meridian, which Meander corner is 42 chains South of the corner of Sections 5 and 4 in the North boundary of Township 1, running thence North 300 feet; thence North 80° East 2.50 chains; thence South 60° East 2 chains; thence East 4.50 chains; thence North 83½° East 24.40 chains; thence North 77½° East 10.20 chains; thence North 68½° East 4/10 of a chain; thence South 300 feet to an intersection with the meander line of said fractional Section 4 on the Columbia River; thence following the meander line of said fractional Section 4, 44 chains to the place of beginning, being a strip of land 300 feet wide and 2904 feet in length off the South side of the premises of P. J. McGowan and Sons, and lying immediately North of the seining grounds of William Price.

Also Tax Lot 3, Section 4, Township 1 North of Range 6, East of the Willamette Meridian, commencing at the Government meander corner on the Columbia River which is the Southeast corner of the 20 acre tract conveyed to Thomas N. Strong and Mary E. Strong by deed recorded in Volume 1, at page 39, Skamania County Records, thence easterly and northerly along said meander line up said Columbia River 600 feet; thence North 300 feet; thence Westerly and Southerly on a line parallel with said meander line 600 feet to a point 300 feet North of the place of beginning, and being the Northeast corner of the 20 acre tract aforesaid; thence South 300 feet to the place of beginning.

Also: All second class tideland from ordinary high to extreme low abutting upon said Tax Lots 2 and 3, in Section 4, Township 1 North of Range 6 East of the Willamette Meridian.

Also, All second class tide land from ordinary high to extreme low in front of, adjacent to or abutting upon real property on record in Skamania County, Washington, in the name of William Price in Sections 4 and 5, said Township and Range.

IX.

That the said William R. Price was survived by Carrie M. Price, who is his surviving spouse, and two children whose names and ages are as follows: Thomas William Price, who is 9 years of age, and John LeBaron Price, who is 6 years of age, and that they and no others are the sole and only heirs at law of William R. Price, deceased.

X.

That the real estate of decedent as described in Paragraphs VI and VIII hereof is situated in Clark and Skamania Counties, Washington, and is so located and possesses such different physical characteristics and uses that it is impractical to distribute the same as between the widow and minor children of the decedent in undivided interests; that the real estate in Skamania County was appraised at \$6,000.00, which the court finds to be the value thereof, and that the 15 acres of land in Clark County (described in Paragraph VI hereof) with the improvements thereon, the court finds to be of the value of \$13,500.00, and that the total value of decedent's real estate is the sum of \$19,500.00; that the widow of decedent has proposed a partition of decedent's real estate as follows:

To Thomas William Price and John LeBaron Price:

The lands in Skamania County, described in Paragraph VIII hereof, valued at.....	\$6,000.00
15 acres of land in Clark County, described in Paragraph X of the Petition for Distribution, valued at.....	3,900.00
Total.....	<u>\$9,900.00</u>

To Carrie M. Price:

2 acres of land in Clark County, described in Paragraph X of the Petition for Distribution, Valued at.....	\$ 600.00
The improvements thereon, valued at.....	<u>9,000.00</u>
Total.....	<u>\$9,600.00</u>

That viewers were heretofore appointed by the court to view said real estate and to report to the court upon the fairness and propriety of the proposed partition; that their report is on file herein and their testimony has been received and considered; that there is error in the report of the viewers in that the appraised value of the Skamania lands were assumed to be \$6500.00, when the

correct appraised value was \$6000.00, and that the correct areas of the lands in Clark County proposed for partition between the widow and minor children of the decedent was 2 and 13 acres respectively instead of 3 and 12 acres, as set forth in their report; that said errors largely offset each other and do not materially affect the ultimate conclusions of the viewers on the matters submitted to them; that the court finds that the lands in Skamania County, plus 13 acres of unimproved land in Clark County, as described herein, is of substantially the same value as the 2 acre tract in Clark County with the improvements thereon, and that the proposed partition is fair, just and equitable, as between the parties thereto.

XI.

That a reasonable fee to be allowed the administratrix of this estate is the sum of \$1,100.00.

XII.

Said administratrix has been compelled to employ counsel to assist her in the legal matters pertaining to the administration and settlement of this estate, and that a reasonable compensation to be allowed said attorneys for their services in this matter is the sum of \$500.00.

XIII.

That the expense of closing this estate consisted of the following items:

Appraiser's Fee, Elmer Rufener.....	\$	15.00
For filing petition for distribution and account,		
Clerks fee.....	\$	6.00
Publication of Notice thereon.....		7.00
Filing closing order.....		1.50

Total.....	\$	29.50
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and that the administratrix is entitled to credit therefor in the settlement of her account.

WHEREFORE, it is ORDERED, ADJUDGED and DECREED:

1. That the final account of the administratrix is hereby approved.

2. That the fees of the administratrix are hereby fixed and allowed in the sum of \$ 1,100⁰⁰, and the fees of her attorneys at \$ 500⁰⁰.

3. That the fees of the viewers are hereby fixed in the sum of \$ each.

4. That no fee be allowed the guardian ad litem, he having waived the same.

5. That there is no inheritance tax due from this estate to the State of Washington.

6. That all debts of the decedent have been paid or are barred.

7. That the personal estate of the decedent, including any assets recovered under the stipulation of November 21, 1956, less the fees and the allowances herein made, are hereby distributed as follows:

To Carrie M. Price, one-half (1/2) thereof, less the sum of \$303.54, to be charged against her as provided in Paragraph VII hereof.

To Thomas William Price and John LeBaron Price one-half (1/2) thereof.

8. To Thomas William Price and John LeBaron Price, all of the real estate in Skamania County, Washington, as described in Paragraph VIII hereof, and 13 acres of land in Clark County, Washington, described as follows:

Beginning at the Southeast corner of the John Calder Donation Land Claim, in Section 11, Township 2 North of Range 2 East of the Willamette Meridian, and running thence North 89°13' West a distance of 1993.2 feet; thence North 1°10'29" East 1349.17 feet; thence North 1°15'23" East

328.63 feet to the true point of beginning; thence North $1^{\circ}15'23''$ East 1410 feet; thence South $88^{\circ}47'$ East, 275 feet; thence North $1^{\circ}15'23''$ East, 374 feet to the South line of State Secondary Highway No. 8A; thence South $88^{\circ}47'$ East along said Highway 100 feet; thence South $1^{\circ}15'23''$ West, 1784 feet; thence North $88^{\circ}47'$ West 375 feet to the place of beginning.

9. To Carrie M. Price, 2 acres of land in Clark County, Washington, with the improvements thereon described as follows:

Beginning at the Southeast corner of the John Calder Donation Land Claim in Section 11, Township 2 North of Range 2 East of the Willamette Meridian, and running thence North $89^{\circ}13'$ West a distance of 1993.2 feet; thence North $1^{\circ}10'29''$ East, 1349.17 feet; thence North $1^{\circ}15'23''$ East, 1738.63 feet to the true point of beginning; thence North $1^{\circ}15'23''$ East 166 feet; thence South $88^{\circ}47'$ East a distance of 75 feet; thence North $1^{\circ}15'23''$ East a distance of 208 feet to the South line of State Secondary Highway No. 8A; thence South $88^{\circ}47'$ East along said Highway, 200 feet; thence South $1^{\circ}15'23''$ West a distance of 374 feet; and thence North $88^{\circ}47'$ West, 275 feet to the place of beginning.

10. That when said administratrix shall have filed herein receipts showing payment of the fees herein allowed, and distribution of this estate as provided herein, the estate shall be closed, the administratrix discharged of her trust, and the surety upon her bond exonerated of further liability in the premises. Pending the appointment and qualification of a guardian for the estates of Thomas William Price and John LeBaron Price, such sums of money as they shall be entitled to receive hereunder may be paid to the Clerk of this Court, to be by her paid to such guardian when appointed and qualified.

Dated this 29th day of November, 1957.

Presented by:

15/ L M Burnett

Attorneys of Record.

J. Arthur Lundberg
JUDGE
The foregoing instrument has been compared and is a true and correct transcript of the original thereof on file in the records of my office.

Dated this 29 day of Nov 1957

WILMA SCHMIDT

County Clerk and Ex-Officio Clerk of the Superior Court of the State of Washington in and for the County of Clark.

By Wilma Schmidt Dep.