

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF CLARK

IN THE MATTER OF THE ESTATE)

OF) No. 9846

EARL W. LEE, Deceased.) ORDER APPROVING FINAL ACCOUNT AND
DECREEING DISTRIBUTION.

This matter having regularly come on for hearing before the court on Friday, December 7, 1945, at the hour of 10:00 a.m., and

It appearing to the court that this is the time and place fixed for hearing on this petition; that due notice thereof was posted and published in the manner provided by law; that the administratrix was present in court and was represented by her attorney, Louis Schaefer, of Schaefer & Hall, and that the guardian ad litem has filed herein her answer, and no objections having been made in open court; that the administratrix was sworn to testify and did testify in support of said final account; and

307

It appearing to the court from the records and files herein that due, timely and legal notice to creditors was published in the manner provided by law; that more than six months had elapsed from the date of the first publication of notice to creditors to the date of filing the final account; that no claims have been filed against the estate; that no other assets have come into the hands of the administratrix during the progress of the estate except the sum of \$ 163.75 cash which came into the possession of the administratrix subsequent to the filing of the final account, which sum is a refund from the United States Government on the income tax of the decedent, and that it is not necessary to file herein a supplemental inventory for said money; that the said account is a true, accurate and complete account of the acts and doings of the administratrix,

IT IS ORDERED, ADJUDGED AND DECREED that said account be and the same is hereby approved and confirmed in all respects.

It further appearing to the court that the decedent was killed in the course of his employment with the Oregon Electric Railway Company, a subsidiary of the Spokane, Portland & Seattle Railway Company; that the said railway company has agreed to pay the attorney's fees, but has not agreed to pay her administratrix fees, and the said railway company has likewise agreed to pay all the appraisers'

DEC 12 1945

WILLIAM J. CLARK, JR., Clerk Co.
Alma Schaefer

fees and the usual court costs in connection with the probate of this estate; that the administratrix therefore has not charged her account with these court expenses, but that the fees of the attorneys and the administratrix should be fixed; that the sum of \$300.00 for administratrix fees is reasonable, and a like sum for attorneys,

IT IS ORDERED, ADJUDGED AND DECREED that the administratrix fees be and the same are hereby fixed in the sum of \$300.00, and the attorney's fees are fixed in the sum of \$300.00, and she is further ordered and directed to pay her administratrix fees out of the assets of said estate.

It further appearing to the court that certain assets have been awarded to her in lieu of homestead, consisting of the home place of the value of \$2500.00 and household goods of the value of \$300.00; that she has also received out of cash of the estate the sum of \$ 800 ^{widow's allowance}; that since the filing of the final account she has paid the balance upon the contract wherein said administratrix and the deceased were purchasing the following described real property situated in Clark County, Washington, to-wit:

All that portion of the following described tract lying West of the Westerly line of the Pacific Highway: Beginning at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 10 in Township 4 North of Range 1 East of the Willamette Meridian, and running thence East to a small creek marking the west boundary of the Ellen Gerow tract of land; thence Southerly with the meanders of said creek to its intersection with the East line of the Northwest Quarter of said Section 10 at a point 2.50 chains, more or less, South of the Southeast corner of the Northeast Quarter of the Northwest Quarter of said Section; thence West 20.00 chains; and thence North 22.50 chains, more or less, to the place of beginning.

Excepting therefrom, however, that certain tract of land conveyed to Otto F. Meuler by deed recorded in Book 170 at page 431 of Clark County Deed Records.

Excepting, also, right to tap spring or springs and lay pipe line as conveyed by deed recorded in Book 164 at page 407 of Clark County Deed Records.

and has paid therefor the sum of \$457.⁴⁷₀₀ and the additional sum of \$12.⁰⁰₀₀ taxes, or a total of \$469.⁴⁷₀₀; that the legal title was conveyed to her in her own name, but in truth and fact she has an undivided one-half interest only in said property and that her two daughters own equally the other undivided one-half interest therein; that she has on hand the additional real property situated in Skamania County, Washington, to-wit:

308

Commencing at a point 983.29 feet south and 229.01 feet west of the NE corner of Sec. 11 Tp 1 N R 5 E.W.M., said point being on the North line of County road and 30 feet Easterly from the southeast corner of Lot 4, Block A Prindle Townsite; thence N 32° 36' W 276.2 feet; thence N 52° 29' E 207.2 feet; thence S 39° 03' E 280 feet, to county road; thence along the north line of said road S 51° 35' W to point of beginning.

also, the following described personal property:

one 1937 Dodge touring sedan, motor No. D5-267713, serial No. 4763496;
Motor boat
Cash in the sum of \$ 215.87

that all of said cash will be consumed in the payment of her fees as administratrix, and that in addition thereto she has advanced out of her own funds the sum of \$ 235.07 to pay the balance owing upon the tract of real property first above described and in the payment of taxes, and therefore there is owing as a contribution from the minors' estate of \$ 235.07; that the automobile above described was appraised at \$540.00 as of the date of the decedent's death on October 23, 1944; that said price was the OPA ceiling price at that time and represented its fair market value, and that said car has not increased in value since that date; that the motor boat was appraised at \$100.00 and said price is its fair market value at the present time; that the said automobile and the said motor boat are incapable of physical division and it is impractical and inadvisable to distribute the automobiles and motor boat one-half to Ruby I. Lee and one-half to the two minor children, and that therefore the court should make a partition in the probate proceedings herein; that the decedent died intestate and left surviving him Ruby I. Lee as surviving spouse, Norma Irene Lee, daughter, age 13, Vancouver, Washington, and Barbara Constant Lee, daughter, age 11, Vancouver, Washington,

IT IS ORDERED, ADJUDGED AND DECREED that the two tracts of real property above described be and the same are hereby distributed one-half to Ruby I. Lee, one-fourth to Norma Irene Lee and one-fourth to Barbara Constant Lee, and that there is hereby distributed to Ruby I. Lee the 1937 Dodge touring sedan, motor No. D5-267713, serial No. 4763496, and the motor boat as her sole and separate property, free and clear of any right, title or interest of said children or either of them, and that the said children's estates be and the same are hereby

relieved of any contribution of cash on their part to the administratrix fees 309
or for the advances made by said Ruby I. Lee to pay off the balance on the
contract covering the first described real property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the administratrix
filing herein receipts showing full compliance with the court's decree that she
be fully and completely discharged and her bond exonerated.

Dated this 17 day of December, 1945.

Charles W. Hall
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 28th day of April 1958

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 Phyllis Armstrong Dep.

