

Doc # 2006160401
Page 1 of 10
Date: 01/31/2006 11:44A
Filed by: BRADFORD A DAPONT
Filed & Recorded in Official Records
of SKAMANIA COUNTY
J. MICHAEL GARVISON
AUDITOR
Fee: \$41.00

Return Address:

Bradford A. DaPont
PO Box 1399
Freeland, WA 98249-1399

<i>Document Title(s) or transactions contained herein:</i> Affidavit of Successor Trustee and Memorandum of Trust Certificate of Death	
BD	
<i>GRANTOR(S) (Last name, first name, middle initial)</i> Bringuel, Edward C., Trustee	
BD	
<input type="checkbox"/> Additional names on page _____ of document.	
<i>GRANTEE(S) (Last name, first name, middle initial)</i> DaPont, Gail E	
BD	
<input type="checkbox"/> Additional names on page _____ of document.	
<i>LEGAL DESCRIPTION (Abbreviated: i.e., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)</i> Lot 4 of Buhman Heights according to the plat thereof recorded in Book B of Plats on Page 20, Records of Skamania County, Washington.	
BD	
<input type="checkbox"/> Complete legal on page _____ of document.	
<i>REFERENCE NUMBER(S) of Documents assigned or released:</i>	
<input type="checkbox"/> Additional numbers on page _____ of document.	
<i>ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER</i> 02-05-29-0-0-0603-00	
<input type="checkbox"/> Property Tax Parcel ID is not yet assigned	
<input type="checkbox"/> Additional parcel numbers on page _____ of document.	
The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.	

VC supports
Class #25674
01/31/2006

R-131

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

NOV 08, 2001 08:01 AM

Doc No(s) 2001-175649

/s/CARL T. WATANABE
ACTING
REGISTRAR OF CONVEYANCES

LAND COURT SYSTEM

REGULAR SYSTEM

RETURN BY MAIL (X) PICKUP () TO:

Bradford A DaPont
PO Box 1399
Freeland, WA 98249

0000M

TG. 311770-C
RS

Total No. of Pages: 7 /

**AFFIDAVIT OF SUCCESSOR TRUSTEE
AND MEMORANDUM OF TRUST**

STATE OF HAWAII

)

) SS.

COUNTY OF MAUI

)

EDWARD C. BRINGUEL, being first duly sworn, deposes and says that:

1. On September 22, 1995, BEVERLY E. BRINGUEL, as Grantor and Trustee, entered into an unrecorded Trust Agreement, under which was created a Revocable Trust, which Trust was amended on July 6, 2001, and which Trust, as amended, has ever since continued and is now in full force and effect.

2. Pursuant to the terms of Section 1(a) of Article VIII of said Trust (a true copy of which section is attached hereto as Exhibit "A"), in the event of the death of BEVERLY E. BRINGUEL, EDWARD C. BRINGUEL automatically becomes the trustee thereunder, with all powers granted to the original trustee.

3. BEVERLY E. BRINGUEL died on September 27, 2001. A certified copy of her death certificate is attached hereto as Exhibit "B."

4. By reason of the death of BEVERLY E. BRINGUEL, the Trust is now irrevocable.

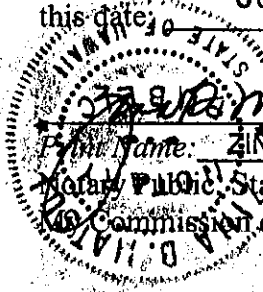
5. Based upon the foregoing, EDWARD C. BRINGUEL now serves as the Successor Trustee under the said Trust of BEVERLY E. BRINGUEL, with all power and authority originally bestowed upon the initial trustee thereunder, including, but not limited to, the power to buy, sell, lease, encumber and otherwise deal with real and personal property. The powers of said trustee are more particularly set forth in Section 2 of Article VIII of said Trust, a true copy of which is attached hereto as Exhibit "C."


EDWARD C. BRINGUEL

Subscribed and sworn to before me

OCT 26 2001

this date


Notary Name: ZINA B. MATSUI

Notary Public, State of Hawaii

Commission expires: APR 17 2003

EXHIBIT "A"

SUCCESSOR TRUSTEE

Section 1(a) of Article VIII under the Declaration of Revocable Trust of BEVERLY E. BRINGUEL dated September 22, 1995:

1. **Successor Trustee(s).**

(a) The term "trustee" as used herein shall apply to **BEVERLY E. BRINGUEL** so long as said person serves as the trustee, and during such time said person alone shall have all the powers granted to the trustee herein.

In the event that **BEVERLY E. BRINGUEL** dies, resigns, becomes indefinitely incapacitated or is otherwise unable or unwilling to act, **EDWARD C. BRINGUEL** shall become trustee without court order or other action other than delivery of written notice to the then living current beneficiaries of income hereunder, and said **EDWARD C. BRINGUEL** shall thereafter have the right to nominate a co-trustee or an alternate trustee. If **EDWARD C. BRINGUEL** dies, resigns, becomes indefinitely incapacitated or is unable or unwilling to act, and if the right of nomination granted herein is not exercised, **GAIL E. DaPONT** and **YVONNE M. BRINGUEL-SCHARDT**, or the survivor of them, shall become trustee, and said **GAIL E. DaPONT** and **YVONNE M. BRINGUEL-SCHARDT**, or the survivor of them, shall thereafter have the right to nominate a co-trustee or an alternate trustee.

If both **GAIL E. DaPONT** and **YVONNE M. BRINGUEL-SCHARDT** die, resign, become indefinitely incapacitated or are unable or unwilling to act, and if any right of nomination granted herein is not exercised, a majority in number of the beneficiaries to whom the trustee is to, or may, distribute the income at the time of appointment shall appoint a successor trustee, which successor trustee may be a bank or trust company licensed to do business in the United States.

EXHIBIT "B"

STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF HEALTH STATUS MONITORING

CERTIFICATE OF DEATH

STATE
FILE NO. 151

1. DECEASED — FIRST NAME Beverly		MIDDLE NAME Elaine		LAST NAME Bringuel		2. SEX Female		3. DATE OF DEATH (MONTH, DAY, YEAR) September 27, 2001					
4a. RACE Portuguese		4b. IS PERSON OF SPANISH ORIGIN? 1. <input type="checkbox"/> Puerto Rican 2. <input type="checkbox"/> Mexican 3. <input type="checkbox"/> Cuban 4. <input type="checkbox"/> Central-S. American 5. <input type="checkbox"/> Other & Unknown Spanish Origin NO. 5		5a. AGE—LAST BIRTHDAY (Years) 78		5b. UNDER 1 YR. MOS. DAYS HOURS MIN.		6. DATE OF BIRTH (MONTH, DAY, YEAR) October 8, 1922		7a. COUNTY OF DEATH Maui			
7a. ISLAND OF DEATH Maui		7b. CITY, TOWN OR LOCATION OF DEATH Wailuku		7c. HOSPITAL OR OTHER INSTITUTION NAME (IF NOT IN EITHER, GIVE STREET AND NUMBER) 240 Waiale Road				7d. IF HOSP. OR INST. INDICATE DDA, OPERER, RM., INPATIENT (SPECIFY) None					
8. STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) Hawaii		9. CITIZEN OF WHAT COUNTRY USA		10. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY) Married		11. SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME) Edward C. Bringuel				12. WAS DECEDENT EVER IN U.S. ARMED FORCES? (Specify Yes or No) No			
13. SOCIAL SECURITY NUMBER [REDACTED]		14a. USUAL OCCUPATION (GIVE KIND OF WORK DONE DURING MOST OF WORKING LIFE, EVEN IF RETIRED) Salesperson		14b. KIND OF BUSINESS OR INDUSTRY Retail Sales		15a. INSIDE CITY LIMITS (SPECIFY YES OR NO) Yes		15b. NUMBER, STREET AND ZIP 240 Waiale Road 96793		14c. EDUCATION (Specify highest grade completed) 12			
15a. RESIDENCE-STATE Hawaii		15b. COUNTY Maui		15c. CITY, TOWN OR LOCATION Wailuku									
16. FATHER — FIRST NAME John				MIDDLE NAME M.		LAST NAME Feiteira		17. MOTHER — FIRST NAME Flora				MIDDLE NAME Medeiros	
18a. INFORMANT — NAME Edward C. Bringuel				18b. MAILING ADDRESS (STREET OR P.O. BOX, CITY OR TOWN, STATE, ZIP) 240 Waiale Road, Wailuku, Hawaii 96793									
19a. BURIAL, CREMATION, REMOVAL (SPECIFY) Cremation		19b. CEMETERY OR CREMATORY-NAME Ballard Family Crematory				19c. LOCATION Kahului, Hawaii							
19d. DATE (MONTH, DAY, YEAR) September 28, 2001		19e. PERMIT NUMBER 592		20a. FUNERAL HOME-NAME Ballard Family Mortuary				20b. FUNERAL DIRECTOR-SIGNATURE <i>Rolyn Pen</i>					
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) and circumstances stated and described below (Items #21b through #27g where applicable) (Signature and Title) <i>Roger Clow</i></p> <p>21b. DATE SIGNED (MO., DAY, YR.) September 28, 2001</p> <p>21c. TIME OF DEATH 6:50 a.m.</p> <p>21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (TYPE OR PRINT) [REDACTED]</p> </div> <div style="width: 48%;"> <p>22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and circumstances stated and described below (Items #22b through #27g where applicable) (Signature and Title) <i>Rolyn Pen</i></p> <p>22b. DATE SIGNED (MO., DAY, YR.) [REDACTED]</p> <p>22c. TIME OF DEATH [REDACTED]</p> <p>22d. PRONOUNCED DEAD (MO., DAY, YR.) [REDACTED]</p> <p>22e. PRONOUNCED DEAD (TIME) [REDACTED]</p> </div> </div>													
23. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, MEDICAL EXAMINER OR CORONER) (TYPE OR PRINT) Roger Clow M.D., 80 Mahalani Street, Wailuku, Hawaii 96793													
24a. REGISTRAR - SIGNATURE <i>Deputy Registrar</i>						24b. DATE RECEIVED BY LOCAL REGISTRAR OCT 1 2001			24c. DATE FILED BY STATE REGISTRAR OCT - 5 2001				
PART I. DEATH WAS CAUSED BY: ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c)													
<div style="display: flex;"> <div style="width: 15%;"> <p>25. CONDITIONS, IF ANY, WHICH GAVE RISE TO IMMEDIATE CAUSE (a), STATING THE UNDERLYING CAUSE LAST</p> </div> <div style="width: 85%;"> <p>(a) metastatic breast cancer</p> <p>(b) [REDACTED]</p> <p>(c) [REDACTED]</p> </div> </div>													
PART II. OTHER SIGNIFICANT CONDITIONS: CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN PART I (a)													
HTN													
Essential Tremor													
27a. ACCIDENT, SUICIDE, HOMICIDE, OR UNDETERMINED (SPECIFY)		27b. DATE OF INJURY (MONTH, DAY, YEAR)		27c. TIME OF INJURY		27d. DESCRIBE HOW INJURY OCCURRED							
27e. INJURY AT WORK? (SPECIFY YES OR NO)		27f. PLACE OF INJURY-AT HOME, FARM, STREET, FACTORY, OFFICE BLDG., ETC (SPECIFY)											
27g. LOCATION (STREET OR R.F.D. NO., CITY OR TOWN, STATE)													

DC # 2006160401
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OCT 11 2001

I CERTIFY THIS IS A TRUE COPY OR
ABSTRACT OF THE RECORD ON FILE IN
THE HAWAII STATE DEPARTMENT OF HEALTH

Alvin T. Onaka, Ph.D.
STATE REGISTRAR

EXHIBIT "C"

POWERS OF THE TRUSTEE

Section 2 of Article VIII of the Declaration of Revocable Trust of BEVERLY E. BRINGUEL dated September 22, 1995:

2. **Powers.** Subject to any limitations expressly set forth herein, the trustee, its successor or substitute shall have the following powers with respect to any and all trust property and with respect to each trust created hereunder, together with any other powers that may be granted by law, to be exercised always in a fiduciary capacity and as the trustee in its discretion determines to be to the best interest of the beneficiaries:

(a) To acquire, purchase, invest, reinvest, own and/or sell any form of real or personal property, including but not limited to real estate and any interest in real estate, interests in general and limited partnerships, gems, metals, stocks, securities, options, cash reserves or money market accounts, bonds, notes, and interests in trusts, including common trust funds, or in any other property or undivided interests in property, wherever located; to buy, sell and trade in securities of any nature, including options and short sales, commodities, commodity futures contracts and commodity futures options, on margin or otherwise, and for such purposes to maintain and operate margin accounts with brokers; to pledge or hypothecate any securities, commodities, commodity futures contracts and commodity futures options held or purchased by it with such brokers as security for loans and advances made to the trustee; and to delegate authority to agents to enter orders in securities and commodities transactions;

(b) To lease or otherwise encumber any real property for such term or terms as it may deem advisable, without the authorization of any court and whether or not any such term may extend beyond the period of any trust, and in connection with any such lease to enter into any agreements and covenants which it may deem advisable with respect thereto or with respect to any improvements which may then or thereafter be erected thereon; to submit any real property or interest therein to a condominium property regime or other condominium, cooperative or interval ownership or shared use plan; to make repairs, alterations and improvements on any real property, including the right to demolish and replace buildings, and to erect new buildings and employ architects and contractors in connection therewith; to execute and deliver consents to the assignment of leases or to the placing of mortgages on leases; to subdivide real estate, to grant easements, and to accept the surrender of any leases or leasehold interests and buildings or improvements thereon; to purchase buildings on any real property and the right, title and interest of tenants in such buildings; to demand, receive, collect, sue for, and compromise rents, debts, claims and demands of any nature in connection with any real property, and to execute and deliver releases, discharges and other instruments relating thereto, including satisfaction of any judgment recovered therefor; to institute summary proceedings for the recovery of any real property or possession thereof; to prosecute or defend any actions, claims or proceedings affecting any real property, and to compromise, settle and discontinue the same; to insure such real properties against fire and any other risk whatsoever, and to make proof of loss under such insurance; to adjust losses and collect the proceeds; to mortgage for such amounts, rates of interest, rates of amortization and terms as may be deemed wise, including the right to mortgage for terms which may extend beyond the period of any trust, and to receive the proceeds of such mortgages; to extend the time of payment of any mortgages and to make agreements modifying, assigning or satisfying such mortgages; to file protests against the taxes or assessments on such real property; to make applications for reduction of assessed valuations thereon, and to bring certiorari proceedings to obtain the reduction of such assessed valuations; and to adjust and compromise any real estate taxes or tax valuations;

(c) To sell any trust property, including both real and personal, for cash or on credit (including but not limited to an agreement of sale or purchase money

mortgage) at public or private sales; to exchange any trust property for other property; to grant options to purchase or acquire any trust property; and to determine the prices and terms of sales, exchanges and options;

(d) To borrow money for any purpose from the trustee or from others, and to mortgage or pledge any trust property;

(e) To make loans in such amounts, upon such terms, secured or unsecured, at such rates of interest and to such persons, firms or corporations as it may deem advisable, provided, however, that no loan shall be made to any trustee unless adequately secured and unless interest is paid thereon at fair market rates;

(f) To employ attorneys, accountants, auditors, depositories and agents, with or without discretionary powers; to exercise in person or by proxy all voting and other rights with respect to stocks or other securities; and to keep any property in bearer form or in the name of a trustee or a nominee, with or without disclosure of any fiduciary relationship;

(g) To select and employ any person, firm or corporation engaged in rendering investment counsel or real estate brokerage or management services; to be advised by them in making investments, managing securities or making decisions with reference to the purchase, retention, sale or other disposition of real property, securities or other property held by the trustee; however, nothing herein shall be construed to require the trustee to follow the advice of any such counsel;

(h) To determine the allocation or apportionment of all receipts and disbursements between income and principal in accordance with "The Revised Uniform Principal and Income Act";

(i) To take any action with respect to conserving or realizing upon the value of any trust property and with respect to foreclosures, reorganizations or other changes affecting the trust property; to collect, pay, contest, compromise or abandon demands of or against the trust estate wherever situated; and to execute contracts, notes, conveyances and other instruments, including instruments containing covenants and warranties binding upon and creating a charge against the trust estate and containing provisions excluding personal liability;

(j) To receive additional property from any source and add it to the trust estate;

(k) To keep any or all of the trust property at any place or places in the United States or abroad or with a depository or custodian at such place or places and, in connection therewith or furtherance thereof, to open, establish and maintain, in the name of the trust, one or more safe deposit boxes or other place(s) of storage or safekeeping, governmental or private; and to execute and deliver any release, voucher, receipt, shipping ticket, certificate or other instrument necessary or convenient for such purpose;

(l) To enter into any transaction authorized by this Article with trustees, personal representatives or administrators of other trusts or estates in which any beneficiary has any interest, even though any such trustee or representative is also trustee under this instrument; and in any such transaction to purchase property or make loans on notes secured by property, even though similar or identical property constitutes all or a large proportion of the balance of the trust estate, and to retain any such property or note with the same freedom as if it had been an original part of the trust estate;

(m) To hold, manage, invest and account for the separate trusts in one or more consolidated funds, in whole or in part, as it may determine; and with respect to the divisions (of each consolidated fund) into the various shares comprising such fund to maintain such divisions only on the trustee's books of account, in which each trust shall be allotted its proportionate part of the principal and income of the fund, and be charged with its proportionate part of the expenses thereof. In no event, however, shall such holding defer the vesting in possession of any estate created herein; and

(n) To establish out of income and credit to principal reasonable reserves for the depreciation of tangible and intangible property.

Unofficial
Copy

**EXERCISE OF LIMITED POWER OF APPOINTMENT
AND DISCLAIMER**

WHEREAS, on September 22, 1995, BEVERLY E. BRINGUEL, as Grantor and as Trustee, created the BEVERLY E. BRINGUEL TRUST, which Trust remains in full force and effect; and

WHEREAS, on September 27, 2001, BEVERLY E. BRINGUEL died; and

WHEREAS, by reason of the death of BEVERLY E. BRINGUEL, the Trust is now irrevocable; and

WHEREAS, EDWARD C. BRINGUEL is the Successor Trustee of the aforesaid BEVERLY E. BRINGUEL TRUST; and

WHEREAS, pursuant to the terms of the BEVERLY E. BRINGUEL TRUST, the undersigned EDWARD C. BRINGUEL became the sole beneficiary of said Trust for his entire lifetime; and

WHEREAS, EDWARD C. BRINGUEL wishes to exercise his limited power of appointment granted to him under subsection 2(b)(iii) of Article VI of the BEVERLY E. BRINGUEL TRUST, and hereby directs that any and all interest held by the trust in that certain real property being Lot 4 of Buhman Heights, situate at 52 Barbara Lane, Washougal, Skamania County, State of Washington, be distributed to GAIL E. DaPONT, and it is his intention that she not be under any expectation or obligation to make said property available to CURTIS E. BRINGUEL.

WHEREAS, EDWARD C. BRINGUEL also wishes to terminate his interest in said real property situate at 52 Barbara Lane, Washougal, Washington, in said Trust in order to accelerate the transfer of said property to GAIL E. DaPONT; and

WHEREAS, Section 3 of Article IX of the Trust permits the disclaimer of part or all of any asset or interest passing to or for the benefit of any beneficiary; and

NOW, THEREFORE, EDWARD C. BRINGUEL, individually, as a beneficiary of the said Trust, hereby disclaims his right to said real property held by said Trust, effective this date.

Further EDWARD C. BRINGUEL hereby consents to the conveyance of said real property now held by said Trust out of the Trust to GAIL E. DaPONT.

IN WITNESS WHEREOF, EDWARD C. BRINGUEL has signed this instrument this date: Dec. 1, 2005.


EDWARD C. BRINGUEL

Delivery and Receipt of this Exercise of Limited Power of Appointment and Disclaimer is hereby acknowledged.

BEVERLY E. BRINGUEL TRUST dated
9/22/95

Date: Dec. 1, 2005

Edward C. Bringuel
EDWARD C. BRINGUEL, Trustee

Unofficial
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