

WHEN RECORDED RETURN TO:

Peggy L Miller
8744 Double Eagle Drive
Las Vegas, NV 89117

DOCUMENT TITLE(S)

Will

REFERENCE NUMBER(S) of Documents assigned or released:

☐ Additional numbers on page _____ of document.

GRANTOR(S):

Peggy Lee Miller

☐ Additional names on page _____ of document.

GRANTEE(S):

Heather Lynette Hottberger
Derek Charles Bryan
Jerome Arthur Miller

☐ Additional names on page _____ of document.

LEGAL DESCRIPTION (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter):

03-08-06-00-1100/00 Lots 1 and 4 of
Bryan Short Plat AFN 2005 157409

☐ Complete legal on page _____ of document.

TAX PARCEL NUMBER(S):

03-08-06-00-1100/00

☐ Additional parcel numbers on page _____ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

LAST WILL AND TESTAMENT
OF
PEGGY LEE MILLER

I, PEGGY LEE MILLER, a resident of the State of Nevada and a citizen of the United States of America, being of sound and disposing mind and memory, declare this to be my Will and revoke any and all Wills and Codicils that I have previously made.

FAMILY

Family. I have two adult children, HEATHER LYNETTE HOFFBERGER and DEREK CHARLES BRYAN. I have no deceased children with descendants surviving. I intend that this Will shall control the disposition of my estate whether or not I am married at the time of my death.

FIDUCIARIES

Executor (Personal Representative). I appoint my husband, JEROME A. MILLER as the Executor (Personal Representative) of my estate. If at any time he is unable or unwilling to serve, then I appoint my daughter, HEATHER LYNETTE HOFFBERGER as the Executor (Personal Representative) of my estate. If at any time she is unable or unwilling to serve, then I appoint my son DEREK CHARLES BRYAN as the Executor of my estate.

No bond shall be required of any Executor (Personal Representative). I give the Executor (Personal Representative) full power to administer this Will and my estate without the intervention of any court, it being my intention to avail myself of the provisions of the nonintervention Will statutes of the State of Washington or the similar statutes of any other state.

DISPOSITIVE PROVISIONS

Tangible Personal Property. I make the following disposition of my interest in any tangible personal property, including but not limited to furniture, furnishings, household goods and equipment (including silver, china, crystal, linens, books, works of art and the like), vehicles, boats, jewelry, clothing and personal effects, but excluding tangible personal property that is used in a profession, business or trade:

Separate Gift Letter. I may leave a written letter of instructions, signed by me, describing the manner in which specific items of my tangible personal property are to be distributed. In accordance with the provisions of RCW 11.12.260, I intend that such instructions be followed as long as they do not conflict with any express provision of this Will. My letter of instructions shall have no effect if it is not located within 90 days after the appointment of the Executor (Personal Representative) or, if no Executor (Personal Representative) is appointed, within 90 days after my death. Property passing under such letter of instructions shall be deemed to pass under this Will.

Gift to Jerome. If Jerome A. Miller survives me any of my tangible personal property that is not distributed pursuant to RCW 11.12.260 as a Separate Gift Letter shall be distributed to my husband, Jerome A Miller.

Gift to Children. If Jerome A. Miller does not survive me I gift all of my tangible personal property to my children who survive me. If my surviving children cannot or do not agree on the disposition of my tangible personal property within six months after my death, then such tangible personal property shall be distributed to my children who survive me using the following selection process: my surviving children shall draw lots to determine an order for selecting items subject to this subparagraph. The child determined to select first shall select one item, then the next child in the determined order shall select one item, and so on until all such tangible personal property has been selected. If a child is under a legal disability, then his or her legal guardian or legal representative shall draw lots and make selections on his or her behalf.

Insurance. My interest in all paid property insurance policies, to the extent they concern property passing under this paragraph, shall pass to the beneficiary or beneficiaries receiving such property.

Special Gifts. I make the following special gifts:

Gift to Jerome. If Jerome A. Miller survives me and we are married, not legally separated and not living separate and apart as contemplated by RCW 26.16.140 at the time of my death and no petition for dissolution or divorce is then pending, then I give to Jerry;

- (1) All of my interest in that real property located at 602 ½ Follow Through Drive, Yakima, Washington;
- (2) All of my interest in that real property located at 8744 Double Eagle Drive, Las Vegas, NV;
- (3) All of my interest in any community property I own with Jerry; and
- (4) All of my interest in Las Vegas Pizza LLC, a Washington limited liability company and all of my interest in Spokane Valley Pizza LLC a Washington limited liability company and all of my interest in Vegas Investment Property LLC a Washington limited liability company.

I intend that the provisions for Jerry contained herein shall constitute fulfillment of any obligations I may have to him under the prenuptial agreement signed by both of us in contemplation of our marriage. Any and all provisions for Jerry contained herein, including fiduciary appointments, are conditioned on our being married to each other at the time of my death and on the fact that no legal action for the dissolution of our marriage or for our legal separation shall be pending at the time of my death.

Gift to my children, HEATHER LYNETTE HOFFBERGER AND DEREK CHARLES BRYAN:

1. All of my interest in Assessors property tax parcel or account number 03-08-06-00-1100/00 (Legal description of property gifted (including lot, block, plat, or section, township, range, county and state):

All of my interest in Lots 1 and 4 of Bryan short Plat SP-04-11 in the SW ¼ of the SE ¼ of Section 6, Township 3 North, Range 8 East of the Willamette

Meridian in the County of Skamania, State of Washington, lying southerly of the south line of Bear Creek Road.

2. All of my interest in Assessor's property tax parcel or account number 04-10-2650-0001/00 (Legal description of property gifted (including lot, block, plat, or section, township, range, county and state):

All of my interest in Lot 1 of Short Plat SPL 2004-07 in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, Township 4, Range 10 East of the Willamette Meridian in the County of Klickitat, State of Washington.

3. All of my interest in my American General Life Insurance Policy Contract
4. All of my interest in my RA (Individual Retirement Account - Charles Schwab
5. All of my interest in my Fixed Annuity - Principal Financial Group Contract

Residue of Estate: If Jerome A. Miller survives me, all the rest, residue and remainder of my estate, real, personal and mixed, in possession or in expectancy at the time of my death I give and bequeath to my husband Jerome A. Miller. If Jerome A. Miller does not survive me, I give and bequeath all the rest, residue and remainder of my estate to my children HEATHER LYNETTE HOFFBERGER AND DEREK CHARLES BRYAN. My Executor (Personal Representative) shall divide my estate into equal shares, one share for each of my then living children and one share for the then living descendant, per stripes of each of my children then deceased. Each share shall immediately vest in and be distributed to such descendants, absolute and free of trust, subject, however, to the minority and disability provisions hereinafter set forth. In the disbursement of the funds for the benefit of any beneficiary who shall be a minor or under legal disability is, in the opinion of my Executor (Personal Representative), unable to administer such funds, my Executor (Personal Representative) may make payment in such of the following ways as in its opinion will be most desirable: (1) directly to such beneficiary; (2) to the parent, guardian, or such other person as my have legal custody of the beneficiary; (3) to a custodian under a state's Uniform Gifts to Minors Act in accordance with the provisions of said Act; or (4) to the Executor (Personal Representative) using such payment directly for the benefit of such beneficiary. My Executor (Personal Representative) shall not

be liable to see to the application of said payments by any such payee, and the receipt of such payee shall be a full acquittance of my Executor (Personal Representative) as to any amounts so paid.

ADMINISTRATIVE AND TAX PROVISIONS

Estate Taxes, Debts and Expenses. I direct that all debts and expenses (including funeral expenses), as well as all estate taxes attributable to property passing under this Will, be paid out of the residue of my estate, or holding such non-probate property in accordance with RCW 83.110.

General Provisions. The following general provisions apply to this Will:

1. **Children and Issue.** Reference to children and issue shall include adopted persons and persons hereafter born or legally adopted unless the context requires otherwise, provided such adopted persons (unless adopted by me) are adopted prior to age 21.
2. **Survivorship.** A beneficiary hereunder will not be deemed to have survived me with respect to a bequest (whether outright or in trust) unless he or she survives me by at least 30 days.
3. **By Representation.** A gift "by representation" shall have the meaning set forth in RCW 11.02.005.

RCW. Any reference to "RCW" shall mean the Revised Code of Washington, as amended from time to time, or any successor statute.

Code. Any reference to "the Code" shall mean the Internal Revenue Code of 1986, as amended from time to time, or any successor statute.

Estate Taxes. The term "estate taxes" refers to all federal, state, local and foreign estate, inheritance and other similar taxes and duties, including any interest and penalties thereon, imposed by any jurisdiction by reason of my death.

Gender and Number. Unless the context requires otherwise, masculine, feminine and neuter gender may be used interchangeably, and plural or singular usage shall include the other.

Noncontractual Will. Unless expressly provided otherwise, I intend the provisions of this Will to dispose only of such property as I may own, and I do not intend to require any beneficiary to make an election in order to receive such property. Further, this Will is freely revocable by me and is not the result of a contract with any person.

Reliance on Good-Faith Actions; Liability. Every action (or omission to act) made or omitted in good faith by the Personal Representative or Trustee in the exercise of any power, authority, judgment or discretion conferred hereunder (including without limitation, disclaimers, releases, or elections with respect to taxes) shall be conclusive and binding upon all persons interested in the assets of my estate or of any trust established hereunder. Neither the Personal Representative nor Trustee shall be liable for loss caused by or resulting from an error of judgment with respect to any action taken or omitted requiring the exercise of discretion if such fiduciary has acted in good faith, nor shall the Personal Representative or Trustee be liable for loss caused by or resulting from any other act or omission in the absence of bad faith, gross negligence or fraud. The Personal Representative and the Trustee shall be fully protected in relying upon the advice of legal counsel on questions of law if reasonable care was exercised in the selection and retention of such counsel.

Dated: Dec. 19, 2011.

Peggy Lee Miller, testator
PEGGY LEE MILLER

DECLARATION OF WITNESSES
(RCW 9A.72.085, 11.20.020)

Each of us whose signature appears below declares that, on the day last above written, in the presence of each of us, Peggy Lee Miller declared this instrument to be his Will, that he executed it for such purpose, and that he requested each of us to sign this Will as an attesting witness; that we have signed as attesting witnesses in his presence and in the presence of

each other; that we know Peggy Lee Miller and that he appears to be over age 18, of sound and disposing mind and memory, competent in every respect to make this Will, and not under any restraint, duress or undue influence. Each of us is over age 18 and otherwise competent to be an attesting witness; and this certification is made at the request of Peggy Lee Miller for the purpose of being presented to a court of competent jurisdiction to prove the foregoing Will.

Each of us further declares under penalty of perjury under the laws of the State of Washington that the foregoing declaration is true and correct.

Signed at Stevenson, Washington, on

December 19, 2011.

Ashley N. Diaz
Witness

Ashley N. Diaz
Printed Name

1651 Markham Road

Hard River, OR 97031
Address

Robert Wayne
Witness

Robert Wayne
Printed Name

121 Stage Lane

Carson, WA 98610
Address

Signed and sworn to before me, Peggy Lee Miller,
the testator, and Ashley Diaz and Robert Wayne the
above witnesses, this 19th Day of December, 2011.

Shelley R. Turner
Notary Public

April 23, 2014
Expiration of Commission

