

WHEN RECORDED RETURN TO: <u>MICHAEL R CREIGHTON</u> <u>P.O. Box 905</u> <u>CARSON, WA. 98610</u>
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DOCUMENT TITLE(S) <u>LACK OF PROBATE AFFIDAVIT</u>
REFERENCE NUMBER(S) of Documents assigned or released:
<input type="checkbox"/> Additional numbers on page _____ of document.
GRANTOR(S): <u>NADA IRENE CREIGHTON</u>
<input checked="" type="checkbox"/> Additional names on page <u>1 & 2</u> of document.
GRANTEE(S): <u>MICHAEL RAY CREIGHTON</u>
<input type="checkbox"/> Additional names on page _____ of document.
LEGAL DESCRIPTION (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter): <u>S20R3R8</u>
<input checked="" type="checkbox"/> Complete legal on page <u>7</u> of document.
TAX PARCEL NUMBER(S): <u>03-08-2044-0601/00</u>
<input type="checkbox"/> 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.

LACK OF PROBATE AFFIDAVIT (STATE OF WASHINGTON)
FOR SEPARATE PROPERTY, COMMUNITY PROPERTY OR JOINT TENANCY PROPERTY
Title Insurance Commitment No: _____, County: Skamania

STATE OF WASHINGTON)
)
COUNTY OF SKAMANIA)

MR MICHEAL RAY
The undersigned, ~~MICHAEL RAE~~ CREIGHTON, executes this affidavit relating to the estate of NADA IRENE CREIGHTON, (herein "Decedent"), who died on May 15, 2011, in the County of Skamania State of Washington, then being a resident of the City of Carson, County of Skamania, State of Washington. (A copy of the Death Certificate is attached hereto.)
The undersigned, being duly sworn, on oath deposes and says:
That the undersigned is (check one):

- ☐ The lawful surviving spouse of the Decedent
 - ☐ Surviving child of the Decedent
 - ☐ Registered domestic partner of the Decedent
 - ☐ One of the joint tenants named in that certain instrument creating a joint tenancy with a right of survivorship identified in that certain deed recorded on _____ [mm/dd/yyyy], under Recording No. _____, in _____ County, Washington.
- SON
- ☒ Other (identify): _____

That the undersigned has listed below all of the heirs at law and next of kin of Decedent, including but not limited to:

1. Spouse or registered domestic partner and
2. Children, adopted children, the issue of any predeceased child or adopted child (if decedent left no surviving children, then the undersigned has listed below all of the surviving parents, brothers and sisters of decedent); and
3. **All parties who would have been heirs at law if the decedent had not been married or a registered domestic partner on the date of death:**

That the heirs at law and next of kin of the decedent are (list all parties, using the reverse side or attaching a list if necessary):

MR MICHEAL RAY
Name and Relationship: ~~Michael Rae~~ Creighton (son) **REAL ESTATE EXCISE TAX**
Address: 191 Metzger Road, P.O. Box 905, Carson, Washington 98610 *N/A*

Name and Relationship: Gary Owen Creighton (son)
Address: 400 N.E. 2nd Avenue, Apt. #4, P.O. Box 1401, Visalia CA 93279
PAID See excise # 27446
Vikki Delland, DPT
SKAMANIA COUNTY TREASURER

Lack of Probate Affidavit—State of Washington
(Community Property, Separate Property, Joint Tenancy Property)

Name and Relationship: Mark Jeffrey Creighton (son)
Address: 1531 Bear Creek Road, P.O. Box 105, Carson, Washington 98610

Name and Relationship: Gina Rene ~~Neider~~ ^{NIEDERT} ~~OR~~
Address: 9423 N.E. Presott, P.O. Box 55072, Portland, Oregon 97238

That immediately prior to the date of death the Decedent was an owner of the real estate in the above referenced Title Insurance Commitment (herein the “Real Estate”), and that the Decedent’s ownership interest was [check one]:

- ☐ Community Property
- ☒ Separate Property
- ☐ Joint Tenancy Property

CHECK ALL BOXES WHICH APPLY IN EACH SECTION

1. That on the date the Real Estate was purchased the Decedent was:
WIDOWED
☐ Married to _____
☐ Unmarried, not a registered domestic partner
☐ Unmarried. A registered domestic partner of _____.
2. That on the date of death the Decedent was:
WIDOWED
☐ Married to _____
☐ Unmarried, not a registered domestic partner
☐ Unmarried. A registered domestic partner of _____.
3.
☒ That the decedent left a Will, *a copy of which is attached hereto.*
☐ That the decedent left no Will.
☐ That the decedent executed a Community Property Agreement. It was recorded under _____ County recording number _____. (If unrecorded, attach a copy.)
4.
☒ That the decedent’s estate is not being probated.

[] That the decedent's estate is subject to probate proceedings in _____ County, State of _____, under Probate No. _____.

5.

[X] That the estate of the decedent is exempt from State and/or Federal succession or inheritance taxes.

[] The State and/or Federal succession or inheritance taxes in the amount of \$_____ have been paid. Copies of the release/discharge are attached hereto.

[] That State and/or Federal succession or Inheritance taxes are due, but have not been paid.

6.

[X] That the decedent has not received assistance from the State of Washington for medical care.

[] That the decedent has received assistance from the State of Washington for medical care.

[] That the State of Washington has been fully reimbursed for assistance for medical care.

(This paragraph applies only if the Real Estate referred to above was owned by the Decedent in joint tenancy):

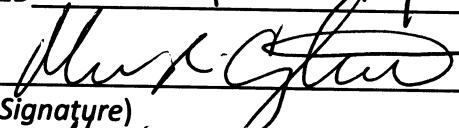
That at all times from the date on which the joint tenancy was created to the death of the Decedent, each of the joint tenants recognized that the Real Estate was held in joint tenancy, and that the interest of no one or more of the joint tenants has ever been independently conveyed, encumbered, or otherwise separated from the interest of the other joint tenant(s), either voluntarily or involuntarily, whether by specific act or by operation of law; and that the joint tenancy continued in full force until the death of the Decedent and, if there are two or more surviving joint tenants, including the undersigned, the joint tenancy continues in effect as to the interests of the surviving joint tenants.

That the undersigned knows of his/her own knowledge, and so states, that each and all of the obligations against the estate of the Decedent (including, but not limited to: all the debts of decedent; all the expenses of Decedent's last illness, funeral and burial; promissory notes; installment contracts and mortgages; and state and federal succession taxes upon Decedent's estate, if applicable) have been paid in full, except as follows (use reverse side or attach a list if necessary):

That the value of the Decedent's estate at date of death, including all real and personal property, was approximately \$ 180,000.00 including the value of community property of Decedent and Decedent's surviving spouse or domestic partner, if any, of approximately \$ N/A, and including the full value of all other property, if any, held by the Decedent in joint tenancy of approximately \$ N/A.

This affidavit is made to induce SKAMNIA TITLE INSURANCE COMPANY (the Company) to insure real property covered by the Company's commitment for title insurance number set forth above, in which Decedent held an interest at the time of the Decedent's death. The undersigned urges the Company to issue its policy of insurance in full reliance upon the representations set forth herein. The undersigned for himself/herself and for the undersigned's heirs, executors and administrators, indemnifies the Company or any other person, including a purchaser of the Real Estate, for any loss arising from reliance on any misstatement of fact herein.

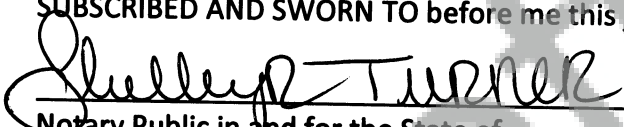
DATED 19 FEBRUARY, 2012.


(Signature)

MICHAEL RAY CREIGHTON
(Print or Type Full Name)

P.O. Box 905 Carson, WA 98610 (509) 679-6503
(Full address and telephone number)

SUBSCRIBED AND SWORN TO before me this 19th day of February, 2012.


Notary Public in and for the State of
Washington, residing at Carson, WA

SHELLEY RENAE TURNER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
APRIL 23, 2014

138

STATE-PI NUMBER

ORIGINAL - VITAL RECORDS COPY

45-2 (06/08)

DATE ISSUED:

MAY 4 9 2011

Kathi Hall
KATHI HALL
COUNTY REGISTRAR
WASCO COUNTY, OREGON



LAST WILL AND TESTAMENT

OF

NADA IRENE CREIGHTON

KNOW ALL MEN BY THESE PRESENTS:

That I, **NADA IRENE CREIGHTON**, of legal age, being of sound and disposing mind and memory and not acting under menace, fraud, duress or the undue influence of any person or persons, but realizing the uncertainties of life, do make, publish and declare this to be my Last Will and Testament, revoking all other Wills and Codicils thereto by me at any time made.

ARTICLE I

I declare that I am a single person and that I have as issue of a former marriage four children, **MICHEAL RAY CREIGHTON**, **GARY OWEN CREIGHTON**, **MARK JEFFREY CREIGHTON**, and **GINA RENE NIEDERT**, of whom I speak when I speak of my children.

ARTICLE II

I direct that all my just debts for which proper claims are filed against my estate and the expense of my last illness and funeral be paid by my executor hereinafter named as soon after my death as convenient; provided, however, that this direction shall not require the payment of any debt or obligation prior to its maturity in due course.

ARTICLE III

I may leave a list, signed by me or in my handwriting, in which I dispose of some or all of my tangible personal property. My executor shall carry out the provisions of the list. I give any insurance policy on property contained in the list to the person named to receive such property. If a person named in the list to receive property dies before me, the property will be disposed of under this Will unless I have made an alternate disposition.

ARTICLE IV

I give, devise and bequeath to my son, **MICHEAL RAY CREIGHTON**, as his sole and separate property, the real property as well as any interest I may have in personal property thereon, commonly known as 191 Metzger Road, Carson, Washington and more particularly described as:

Skamania County Tax Parcel No. 03-08-2044-0601/00; Lot 1 **HARRINGTON** Short Plat, Book 3, Page 3, Skamania County Short Plat Records.

ARTICLE V

I give, devise and bequeath to my son, MARK JEFFREY CREIGHTON, as his sole and separate property, the 2006 Fleetwood Manufactured Home, as well as all of the contents thereof, located at 1381 Bear Creek Road, Carson, Washington, which address is legally described as:

Skamania County Tax Parcel No. 03-08-0800-0226/80;
WA License No. +376676; VIN No. 531A18971CY13

ARTICLE VI

1. I give, devise and bequeath the proceeds of that annuity I own, i.e., that Nationwide Annuity, contract #01-6038431, to my son, MARK CREIGHTON, IN TRUST for GARY OWEN CREIGHTON and GINA RENE NIEDERT, to be distributed as follows:

I direct that the proceeds be segregated with Twenty-five percent (25%) of the funds to be for the benefit of GARY OWEN CREIGHTON and Seventy-five percent (75%) of the funds to be for the benefit of GINA RENE NIEDERT. I further direct that one half (1/2) of each beneficiary's share be distributed, free of trust, to the beneficiary as soon as practicable after my death and thus after completion of probate if my will is probated, and the other respective halves to be distributed, free of trust, to the respective beneficiary one year after the initial distributions.

2. No interest of any beneficiary in the income or principal of any trust created by this Will may be anticipated, assigned, or encumbered, or be subject to any creditor's claims or legal process prior to its actual distribution to the beneficiary.

ARTICLE VII

I give, devise and bequeath the sum of Five Hundred Dollars and No Cents (\$500.00) unto each of my grandchildren.

ARTICLE VIII

All the residue and remainder of my property, but for the personal property disposed of pursuant to Article III above, of which I may die possessed, whether real, personal or mixed, of whatsoever kind or nature and wheresoever situated, I give, devise and bequeath to my children, MICHEAL RAY CREIGHTON, GARY OWEN CREIGHTON, MARK JEFFREY CREIGHTON, and GINA RENE NIEDERT, equally, as their sole and separate property, and in accordance with Article IX and Article X, below.

ARTICLE IX

If my daughter, GINA RENE NIEDERT, shall not survive me by a period of sixty days, then I direct that her share be divided equally among my then surviving children.

ARTICLE X

If my son, GARY OWEN CREIGHTON, shall not survive me by a period of sixty days, then I direct that his share be given to MARK JEFFREY CREIGHTON, IN TRUST, for the benefit of my grandchild, ANDREW CREIGHTON. Said Trust shall be for the following uses and purposes and on the following terms and conditions:

1. The Trustee shall have and exercise exclusive management and control of the Trust Assets.
2. The Trustee shall pay from the income and principal of the Trust such sums as the Trustee in his discretion shall deem proper and necessary for the care, education and welfare of my grandchild, ANDREW CREIGHTON.

3. I request that the assets In Trust not be distributed free of trust except at the discretion of the Trustee as follows:

When ANDREW CREIGHTON reaches the age of eighteen years, I direct that the Trust assets be distributed to ANDREW CREIGHTON free of trust.

4. If ANDREW CREIGHTON should die before becoming entitled to receive his entire trust share, I direct that the trust assets be distributed to his heirs as if he had died without a Will at such time and was domiciled in the State of Washington.

4. No interest of any beneficiary in the income or principal of any Trust created by this Will may be anticipated, assigned or encumbered, or be subject to any creditor's claims or legal process prior to its actual distribution to the beneficiary. This provision shall not limit a beneficiary's exercise of the right to disclaim.

5. Notwithstanding any provisions above regarding the time of termination, if at any time the entire Trust res is less than Five Thousand Dollars (\$5000.00), the fund may be distributed to the surviving beneficiary or beneficiaries at the Trustee's discretion. If there are assets in the Trust but no beneficiaries then living, the Trustee shall immediately distribute such assets to my heirs as if I had died without a Will at such time and was domiciled in the State of Washington.

In the event the said MARK JEFFREY CREIGHTON fails or refuses or for any reason is unable to act as Trustee, I nominate MICHEAL RAY CREIGHTON to act as Alternate Trustee.

ARTICLE XI

I nominate and appoint my son, MARK JEFFREY CREIGHTON, as executor of this my Last Will and Testament and I direct that he shall serve as such without bond or other undertaking being required of him and without the intervention of any court or courts and without compensation.

In the event my said son, MARK JEFFREY CREIGHTON, fails or refuses or for any reason is incapable of acting in such trust, then I nominate and appoint my son, MICHEAL RAY CREIGHTON, as executor, to serve as such without bond, without court intervention and without compensation

IN WITNESS WHEREOF, I have hereunto set my hand to the five (5) pages constituting this my Last Will and Testament the 10th day of MAY, 2010.

Nada Irene Creighton
Nada Irene Creighton, Testatrix

The foregoing instrument consisting of five (5) pages, including this, was at the date thereof by NADA IRENE CREIGHTON, the testatrix named therein, signed, sealed and published as and declared by her to be her Last Will and Testament in the presence of us, who at her request and in her presence, and in the presence of each other, and who being of the opinion that NADA IRENE CREIGHTON at the time of executing this Will was of sound and disposing mind and memory and was not acting under duress, menace, fraud or the undue influence of any person or persons, have subscribed our names as witnesses thereto.

Rebecca Winnie Residing at White Salmon, WA
Witness

Kathleen A Butcher Residing at Cooks, Skamania County, WA
Witness

