

WHEN RECORDED RETURN TO:

Terry D. Bush
PO Box 435
20918 Crissell Nc
Donald Or 97202

DOCUMENT TITLE(S)

Last will and testament of Jean D Bush

REFERENCE NUMBER(S) of Documents assigned or released:

☐ Additional numbers on page _____ of document.

GRANTOR(S):

Jean Delores Bush

☐ Additional names on page _____ of document.

GRANTEE(S):

Terry D. Bush Wendy, Kathy
Ron. Cheryl,

☒ Additional names on page 24 of document.

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

☐ Complete legal on page _____ of document.

TAX PARCEL NUMBER(S):

☐ 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
JEAN DELORES BUSH**

**SKAMANIA COUNTY
ORIGINAL FILED**

APR 14 2014

SHARON K. VANCE, CLERK

**ARTICLE 1
DECLARATION**

14 4 00009 9

I, JEAN DELORES BUSH, a resident of the State of Washington, revoke all my former Wills and Codicils, and declare this my Last Will and Testament.

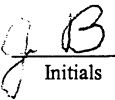
**ARTICLE 2
FAMILY**

2.1 I am the widow of HAROLD EMERALD BUSH.

2.2 My children are: LINDA ELAINE GUESS, TERRY DALE BUSH, WENDY ARRUDA, KATHLEEN GAYLE BALLARD, RONALD ALLEN BUSH, CHERYL ANNE BUSH, HAROLD DEAN BUSH, and MARLENE JEAN BUSH (deceased), who are collectively referred to in this Will as "my children". The term "child" refers to each of my children. The terms "child" or "children" shall also include any child born to or adopted by me after the date of this Will. DAVID JOHN COLVIN is the son of my deceased daughter MARLENE JEAN BUSH and shall be referred to in this Will as a "child" and is intended to be treated as one of my "children."

2.3 The term "issue" shall include any person born to or adopted during his or her minority by any of my issue.

2.4 I specifically make no provision for LINDA ELAINE GUESS in this Will, intending that such child and the issue of such child not receive any portion of or interest in my estate, directly or as a beneficiary of any trust established under this Will.


Initials

**ARTICLE 3
FIDUCIARIES**

3.1 I appoint TERRY DALE BUSH as the Personal Representative of my estate. If TERRY DALE BUSH is or becomes unable or unwilling to serve, I appoint HAROLD DEAN BUSH as the Personal Representative. A Personal Representative named in this section shall not be required to furnish any bond or other security.

The Personal Representative shall serve without the intervention of any court(s) to the fullest extent permitted by the laws of the State of Washington.

3.2 I appoint TERRY DALE BUSH the Trustee of all Trusts created by this Will. If TERRY DALE BUSH is or becomes unable or unwilling to serve, I appoint HAROLD DEAN BUSH as the Trustee. A Trustee named in this section shall not be required to furnish any bond or other security.

**ARTICLE 4
DISTRIBUTIONS**

4.1 I devise my personal and household effects, including club memberships, automobiles, jewelry, clothing and other articles of personal use or ornament (including any policies of insurance relating to such property) in accordance with a written statement signed by me or in my handwriting. I intend such statement to be the "separate writing" permitted by RCW 11.12.260. Such statement may be amended at any time by handwritten notations made by me directly on such statement or by a subsequent written statement signed by me or in my handwriting which I intend to completely replace the former statement. Such statement shall have no effect, unless it is known to the Personal Representative at the time of distribution of the property. I devise any personal and household effects not distributed in accordance with such written statement to my surviving children in equal shares, to be divided as they agree. If they do not agree within six months after

my death, the Personal Representative may sell or otherwise dispose of those personal and household effects which have no useful or sentimental value to my children and add the proceeds to the residue of my estate. Any remaining personal or household effects shall be distributed as the Personal Representative deems appropriate.

4.2 I devise to my son HAROLD DEAN BUSH any interest I may have in my principal residence and any unexpired insurance thereon by right of representation.

4.3 Except as provided in Section 2.4, the residue of my estate shall be divided into as many equal shares as there are surviving children and deceased children with issue surviving. I devise one share to each surviving child, and one share by right of representation to the surviving issue of each deceased child, except that a devise to any individual under age 18 shall be distributed to the Trustee, to be held as a separate trust for that individual's benefit as described in the Descendant's Trust.

4.4 Except as provided in Section 2.4, if there is any part of my estate or any trust established under this Will for which there is no named or described beneficiary, such part shall be distributed as follows:

4.4.1 One-half (1/2) to those persons then surviving who would be entitled to receive my property under the laws of the State of Washington then in effect governing the distribution of property of intestate persons; and

4.4.2 One-half (1/2) to those persons then surviving who would be entitled to receive the property of my spouse under the laws of the State of Washington then in effect governing the distribution of property of intestate persons.

4.5 If there is any part of my estate or any trust established under this Will for which there is no named or described beneficiary, such part shall be distributed to those persons then

surviving who would be entitled to receive my property under the laws of the State of Washington then in effect governing the distribution of property of intestate persons.

ARTICLE 5 DESCENDANT'S TRUST

5.1 Each Descendant's Trust established for each child of mine then surviving and for the then surviving issue of a deceased child of mine (the beneficiary) shall be administered as follows:

5.1.1 The Trustee shall pay to or apply for the benefit of the beneficiary such sums from the income and principal of the Trust as the Trustee deems necessary or advisable for the beneficiary's health, maintenance, support and education. Undistributed income shall be administered as principal.

5.1.2 When the beneficiary is age 21, the Trustee shall distribute the remainder of the Trust to the beneficiary and the Trust shall terminate.

5.1.3 If the beneficiary dies before attaining age 21, the Trustee shall distribute the remainder of the Trust by right of representation to the then surviving issue of the beneficiary. If the beneficiary dies before attaining age 21 without issue then surviving, the Trustee shall divide the remainder of the Trust estate into as many equal shares as there are surviving siblings of the beneficiary and deceased siblings with issue then surviving. One share shall be distributed to each sibling then surviving, and one share shall be distributed by right of representation to the then surviving issue of each deceased sibling. The distribution for any individual under age 21 shall be added to and administered as part of the Descendant's Trust established for that individual's benefit under this Will.

ARTICLE 6
GENERAL TRUST PROVISIONS

The following shall apply to all the trusts created under this Will.

6.1 Except as otherwise expressly provided, no beneficiary shall have any transmissible interest in any trust created under this Will or in the income therefrom and neither the principal nor the income of any trust shall be liable for the debts of the beneficiary. Except as otherwise expressly provided, no beneficiary may sell, assign, transfer, encumber, anticipate or dispose of such person's interest in any trust principal or income prior to its actual distribution.

6.2 No trust created under this Will shall continue longer than the lifetimes of my spouse and my descendants who are living at my death, and the survivor of all of them plus twenty-one years, at which time all principal and undistributed income shall be distributed to the persons entitled to distributions of income, in the manner and proportions herein provided, irrespective of their ages.

6.3 The Trustee may make payments of principal or income for any minor or incompetent beneficiary to: (i) the beneficiary; (ii) the guardian of the beneficiary; (iii) the conservator of the estate of the beneficiary; (iv) a relative of the beneficiary; or (v) any person or corporation furnishing maintenance, support or education to the beneficiary. The Trustee shall not be responsible for the application of the funds by any such person.

6.4 The Trustee may consolidate any trust created under this Will with any other trust held by the Trustee for the same uses, purposes and beneficiaries if it is practicable and not in conflict with the provisions of either trust. Variations in minor detail relating to management and distribution will not constitute a conflict within the meaning of this subsection.

6.5 If it is no longer economically feasible to continue a trust because of the low value of its assets, and if the termination of the trust will not be contrary to the beneficiaries' interests, the

Trustee may distribute all trust principal and income to the persons then entitled to distributions of income in the manner and proportions herein provided.

6.6 Income accrued or undistributed at the termination of any estate or interest under any trust shall go to the beneficiaries entitled to the next eventual interest in the proportions in which they take such interest.

6.7 In making discretionary distributions, the Trustee may but is not required to consider any other income or support received, or property possessed, by each beneficiary.

6.8 The Trustee may retain and operate any business or investment interests which the Trustee receives for so long as the Trustee deems it in the best interests of the trust and the beneficiaries. None of the general assets of any trust shall be used or be liable for any indebtedness of such interests. The Trustee may sell or dispose of any business and investment interests at public or private sale, and at such times, to such purchasers and for the prices, terms and conditions as the Trustee deems advisable. The Trustee shall not be required to dispose of any business or investment interests solely to achieve greater diversification of assets in any trust or to convert trust assets to the type of investments required of fiduciaries by law.

6.9 If a trust provides that when a beneficiary attains a certain age the Trustee shall distribute all or a fraction of the trust estate to the beneficiary, and if the beneficiary has attained that age at the time the trust is established or at the time new property is added to the trust, the Trustee shall immediately distribute to the beneficiary all or that fraction of the trust estate which the beneficiary would have been entitled to at the specified age had the trust been established or the property been added to the trust before the beneficiary attained that age.

ARTICLE 7 FIDUCIARIES

The following shall apply to the Personal Representative and the Trustee and their successors (who are referred to as fiduciaries):

7.1 The fiduciaries shall be the custodians of the securities, funds and records of the estate and of any trusts created by this Will and shall have authority to collect and receive in their names, as fiduciaries, all monies payable to my estate or to any trust created by this Will and to give receipts and other proper acquittances therefor.

7.2 The fiduciaries shall establish and maintain the necessary books and records for the any trusts created by this Will and prepare at least annually a statement of accounts. Each statement of account shall at least show the receipts, disbursements and distributions since the last accounting and list trust assets showing cost and current fair market value.

7.3 When there are two or more fiduciaries, checks or drafts may be signed by any or all of them as they shall determine.

7.4 Any individual fiduciary may, without liability, delegate to a corporate fiduciary the right solely to perform any duties or acts, administrative or ministerial, required to be performed in concurrence with the other fiduciaries. The delegation of responsibility may be revoked by the individual fiduciary at any time in writing.

7.5 When there are two fiduciaries, all decisions shall be upon their unanimous concurrence.

7.6 No fiduciary shall be liable for any loss sustained by my estate or any trust unless such loss is due to fraud. Only the fiduciary through whose fraudulent action the loss was sustained shall be liable.

7.7 If a corporate fiduciary is prohibited by law from taking title as a fiduciary to any property, title to such property shall be held in the name of the individual fiduciaries or the nominee of the fiduciaries.

7.8 No fiduciary shall be required to give any bond or other security.

7.9 Any individual fiduciary may, at any time while legally competent, remove a corporate fiduciary. Any individual removing a corporate fiduciary shall appoint a corporation then qualified to act under Washington law as a successor corporate fiduciary.

7.10 Any fiduciary may resign at any time.

7.11 No successor fiduciary is required to examine, question or audit books, records, accounts or transactions of any preceding fiduciary. No fiduciary shall be liable or responsible for any acts or defaults of or expense caused by any predecessor fiduciary.

ARTICLE 8 POWERS OF FIDUCIARIES

8.1 The Personal Representative shall have all the powers possessed by a personal representative under Washington law. In addition, the Personal Representative shall have the power to:

8.1.1 Sell, exchange, transfer, assign, grant options to buy, lease, including leasing beyond the period required for administration of my estate, encumber or otherwise alienate any real or personal property without notice or prior court authorization, in such manner, at such time and upon such terms as the Personal Representative selects.

8.1.2 Disregard and defer income tax liability resulting from the distribution or apportionment of assets among beneficiaries. No one shall have a claim against the Personal Representative by reason of a distribution to such person or for such person's benefit of assets

having a lower or higher income tax basis than the basis of assets distributed to or for the benefit of another.

8.1.3 Make distributions of income or principal in whole or in part, in cash or in specific property, or of an undivided interest therein, at the market value at the date of distribution, as nearly as can be determined by the Personal Representative. The judgment of the Personal Representative as to what is a just and proper division or apportionment among beneficiaries shall be binding and conclusive.

8.1.4 Exercise rights and make elections with respect to any taxes, without any obligation to make any adjustments between beneficiaries because of any such right or election including (without limitation): claiming expenses or other items as deductions for estate and inheritance tax or for income tax purposes; selecting the taxable year for income tax purposes; filing any income tax return(s) jointly or on behalf of my spouse and my estate; selecting the alternate valuation date for estate tax purposes; electing to use alternate valuation of real estate used in farming or a closely held business; electing deferred payment of estate taxes; and paying any tax payable or collecting any refund receivable in respect of such return(s).

8.2 The Trustee shall have all the powers possessed by a trustee under Washington law. In addition, the Trustee shall have the power to:

8.2.1 To invest and reinvest the trust estate in notes, mortgages, preferred and common stock or any other securities, savings accounts and certificates, and other property, real or personal including any common trust fund administered by a Corporate Trustee;

8.2.2 To appoint one or more persons as an "investment manager" as defined in Section 3(38) of the Employee Retirement Income Security Act of 1974, as amended (ERISA), to manage (including the power to acquire and dispose of) trust assets. Upon the appointment of an

investment manager, the investment manager is authorized and empowered to manage the trust to the same extent as the Trustee is otherwise authorized and empowered hereunder;

8.2.3 To purchase from my estate, whether or not the Trustee would otherwise make such an investment, any of the assets thereof at the value shown by the Inventory in order to enable the Personal Representative to convert such property into cash;

8.2.4 To manage, sell, convey, exchange, encumber, divide, subdivide, improve and maintain the trust estate or any part; to create restrictions, easements and other servitudes; to carry insurance in such amount and against such hazards as the Trustee may deem advisable; to lease, license and create such other rights, privileges and interests as the Trustee may deem advisable for terms within or extending beyond the duration of the trust;

8.2.5 To pay assessments and other sums deemed necessary by the Trustee for the protection of the Trust estate; to participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers, and liquidations, and in connection therewith to deposit securities with and transfer title to any protective or other committee or fiduciary; to give proxies, general and special, to exercise or sell stock subscription or conversion rights; to accept and retain as an investment any securities or other property, whether or not income producing or authorized by law for the investment of trust funds, received through the exercise of any of the foregoing powers;

8.2.6 To realize, by suit or otherwise, upon any Trust insurance policy, any promissory note or other chose in action of the Trust estate, and in its settlement to compromise, discount, adjust, extend or abandon it;

8.2.7 To make, execute and deliver such instruments as it may deem proper in connection with the exercise of the rights, options and privileges conferred upon it by the terms of the insurance policies;

8.2.8 To advance funds for the benefit of the Trust estate, or for the payment of any distributive share or interest, any such advance with interest at current rates to be a first lien upon the Trust estate; to borrow money for any purpose the Trustee shall deem to be for the interest of the Trust estate upon such terms and conditions as the Trustee may deem proper;

8.2.9 To pay all taxes, charges, commissions and other expenses of the Trust estate. Any Individual Trustee shall be entitled to reasonable compensation for his services. Any Corporate Trustee shall be entitled to compensation for its services in accordance with its fee schedule for like services in effect and applicable at the time the service is rendered. The Individual or Corporate Trustee shall be reimbursed for all outlays and advances and all costs and expenses incurred for the preservation, maintenance and protection of the Trust estate;

8.2.10 To hold securities and other property in the name of the Trustee or in the name of its nominee but the Trustee shall be responsible for the acts of such nominee affecting such property;

8.2.11 To employ attorneys, accountants, or agents that have discretionary powers;

8.2.12 To enter into private annuity contracts with persons including beneficiaries under this trust;

8.2.13 To distribute the trust estate according to the terms of this instrument in money or property in kind. The Trustee's judgment with respect to market value and any division of property in kind shall be conclusively binding on all parties to this instrument regardless of the adjusted basis of each property;

8.2.14 To allocate all receipts and expenses between income and principal in accord with the Washington Principal and Income Act as then in effect; provided, however, if the

Act is not then effective the Trustee in its sole discretion shall make such allocations as it deems proper;

8.2.15 To comply with the terms of any stock purchase or stock redemption agreement with any closely held corporation or its shareholders covering stock owned by the Trustee;

8.2.16 To retain, continue and operate any business received for such period as Trustee may deem expedient;

8.2.17 To transfer the situs of any trust estate to such other place, within or outside of the United States, as in their opinion shall be for the best interests of the trust estate and of the several beneficiaries hereunder. If there is a Corporate Trustee acting hereunder at the time of the transfer of the situs of the trust estate and if said Corporate Trustee is unable to continue to serve as Trustee in the jurisdiction to which the situs of the trust is transferred, then the Corporate Trustee shall resign as Trustee and the remaining Trustees shall appoint a new Corporate Trustee which is qualified to serve as Trustee in said jurisdiction;

8.2.18 To enter into mergers, recapitalizations, corporate divisions, liquidations or other forms of corporate reorganizations; to participate in corporate or partnership formations or joint ventures with respect to trust property; to amend any agreement relating thereto; or to distribute or liquidate therefrom; and

8.2.19 To do all acts, except as otherwise specified in its judgment needful or desirable for the proper and advantageous management of the trust estate, to the same extent and with the same effect as might legally be done by an individual in absolute ownership and control of the said property.

ARTICLE 9
DEBTS, EXPENSES AND TAXES

9.1 The Personal Representative shall pay my debts as they come due and my funeral and estate administration expenses as soon as practicable.

9.2 All estate, inheritance, legacy, succession or transfer taxes, and interest and penalties thereon, imposed or made payable by reason of my death, whether on account of property passing under this Will or otherwise, shall be apportioned among and paid by the persons to whom my property is transferred or to whom any benefit accrues in accordance with Washington law.

9.3 I authorize my personal representative to allocate all or any part of my available generation-skipping transfer tax exemption under applicable federal or state tax law to any property of which I am the transferor, including any property transferred by me during my lifetime as to which I made no such allocation before my death. My personal representative will in no event be liable to any beneficiary or any other person for any additional death taxes, penalties, or interest, or other losses incurred by any person (including my estate) on account of having made or refrained from making this election, unless it can be established that my personal representative acted in bad faith or with gross negligence. My personal representative shall not be required to make any compensating adjustments between income or principal or between any beneficiaries because of the results of making or refraining from making this allocation.

9.4 If by virtue of my personal representative allocating any federal generation-skipping transfer tax exemption ("GST exemption") to any trust created herein, such trust would have a generation-skipping transfer tax inclusion ratio other than one or zero, the Trustee before such allocation will create or divide such trust into two separate trusts which are fractional shares, known as the "exempt trust" and the "nonexempt trust." The exempt trust is that fractional share of the total trust fund that has a generation-skipping transfer tax inclusion ratio of zero, and the

nonexempt trust is the remaining fractional share of the trust, with a generation-skipping transfer tax inclusion ratio of one. The terms and conditions of the nonexempt trust and the exempt trust will be identical. Any reference to a trust created under this article, without a further specification or limitation shall be deemed to refer to both each exempt trust and each nonexempt trust, in proportionate amounts, where relevant. The assets of each separate exempt and nonexempt trust shall be held, administered and invested as separate trusts, and the trustee must maintain adequate accounting and records for such trusts.

**ARTICLE 10
MISCELLANEOUS**

10.1 The captions in this Will are only for convenience and shall not affect the meaning or interpretation of this Will.

10.2 Each pronoun used in this Will, and the terms Trustee and Personal Representative, shall be construed to include the masculine, feminine, neuter, singular and plural as required by the context in which used or the person to whom reference is made.

10.3 No devise in this Will shall bear interest regardless of when such devise is paid from my estate.

EXECUTED AND DATED: June 17, 2011.

Jean D Bush
JEAN DELORES BUSH

The foregoing instrument, consisting of 15 pages including this page, was on this 7 day of June 2011, in our presence signed, published and declared to be her Will by JEAN DELORES BUSH, who was at that time of sound and disposing mind and memory and not acting under any duress, undue influence or fraudulent misrepresentation. In attestation thereof, at her request, in her presence and in the presence of each other, we subscribe our names hereto as witnesses.

Elesech Sewell

Witness

~~Stevenson, WA 98648~~

Hood River, OR 97031

[Signature]

Witness

~~Stevenson, WA 98648~~

Hood River, Oregon

~~98648~~ 97031

**MEMORANDUM FOR DISPOSITION OF
CERTAIN PERSONAL PROPERTY
OF JEAN DELORES BUSH**

I hereby direct the following disposition of the designated items of my personal property upon my death:

Item

To

Attached to this page are __ pages of additional gifts.

Each item designated above or designated on the attached pages is an item of tangible personal property and is not used in a trade or business. Unless stated otherwise, such property shall pass subject to outstanding liens. If any person designated above predeceases me and another beneficiary is not named, the item(s) passing to such deceased person(s) shall pass under the provisions of my Will. This writing is referred to in my Will.

I have signed this Memorandum on _____, 2011.

JEAN DELORES BUSH

MEMORANDUM FOR DISPOSITION OF
CERTAIN PERSONAL PROPERTY
OF JEAN DELORES BUSH

I hereby direct the following disposition of the designated items of my personal property upon my death:

- | <u>Item</u> | <u>To</u> |
|--|-------------------------------------|
| 1) All household furniture, appliances, dish wear, & other household items | to my son Harold Dean Bush. |
| 2) All of the tools & other equipment, including the riding lawn mower, | to my son Harold Bush |
| 3) My Ford F-250 Pick-up | to my grandson David John Calvin |
| 4) my rifle & fishing poles | to my grandson Harold Dean Bush, Jr |

Attached to this page are ___ pages of additional gifts.

Each item designated above or designated on the attached pages is an item of tangible personal property and is not used in a trade or business. Unless stated otherwise, such property shall pass subject to outstanding liens. If any person designated above predeceases me and another beneficiary is not named, the item(s) passing to such deceased person(s) shall pass under the provisions of my Will. This writing is referred to in my Will.

I have signed this Memorandum on June 13, 2011.



JEAN DELORES BUSH

I - I want my son Harold Dean Bush to know how much I appreciate all of his years of help and support. He took good care of me & my husband. I want him to get mental health counseling or to attend church as I want to see him in heaven.

1 - MEMORANDUM FOR DISPOSITION OF
CERTAIN PERSONAL PROPERTY

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