199908110087

Kathy Hill, Skagit County Auditor B/11/1999 Page 1 of 12 4:00:40PM

| RETURN TO: | |
|--|--|
| First American Title Company | |
| 160 Cascade Place Suite 104 | |
| Mount Vernon, WA 98273 | |
| | |
| DOCUMENT TITLE(S) (or transactions contained herein): | |
| Lack of Probate Affidavit | CIPOCT ARAEDIOAN TITLE OO |
| REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELE | FIRST AMERICAN TITLE CO. ASED: 8594906E-1 |
| | |
| | CIONAL REFERENCE NUMBERS ON PAGE |
| GRANTOR(S) (Last name, first name and initials): | |
| 1. The Estate of Jean R. Nowak, decased | |
| 2. | |
| 3. | |
| 4. | |
| TIDDA!] | IONAL NAMES ON PAGE OF DOCUMENT. |
| GRANTEE(S) (Last name, first name and initials): | |
| 1. MIchael Robert Nowak and Sally Jean St | one a/k/a SallyJean Koons |
| 2. | and the second of the second o |
| 3. | |
| 4. | |
| ADDITI | ONAL NAMES ON PAGE OF DOCUMENT. |
| LEGAL DESCRIPTION (Abbreviated: i.e., lot, block, plat or quarter, quo | arter, section, township and range): |
| Lot 681 "Shelter Bay Div. 4" | |
| [] ADDITION | ONAL LEGAL(S) ON PAGE OF DOCUMENT |
| | 81-0000 L6903 |
| | · |
| | |

[| TAX PARCEL NUMBER(S) FOR ADDITIONAL LEGAL(S) ON PAGE _____ OF DOCUMENT.

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AFFIDAVIT

(Lack of Probate)

STATE OF WASHINGTON) '55 COUNTY OF SKACIT

Robert Nowak and Sally Jean * , being first culy sworm, Michael Robert Nowak and Sally Jean F. Adeposes and Says: *Koons a/k/a SALLY JEAN STONE

FIRST, that this affidavit is for the purpose of supplying information pertaining to the estate of Robert F. Nowak and Jean R. Nowak, * deceased, and it is intended that the statements set forth herein (and hereto attached, if applicable), shall be considered representations of fact which may be relied upon by all persons dealing with the following described real property:

** husband and wife

681 Shelter Bay

A Leasehold interest in the following described property:

Lot 681, "SURVEY OF SHELTER BAY DIVISION NO. 4", as recorded July 8, 1970, in Official Records of Skagit County, Washington, under Auditor's File No. 740962.

Second, that said decedent Robert F. Nowak died on or about the 23rd day of September, 1987, County of Snohomish, State of Washington, and that Jean R. Nowak claimed his interest in the above described property pursuant to a Community Property Agreement recorded as Auditor's File No. 8901190291, in Snohomish County, Washington; and that Jean R. Nowak, hereinafter decedent, died on or about the 13th day of March, 1998, County of Skagit, State of Wasnington. (See Community Property Agreement and Death Certificate attached hereto.)

THIRD, that said decedent executed no wills, agreements to convey, community property agreements, conveyances, mortgages, deeds of trust, lien agreements or other instruments for the purpose of conveying or encumbering said land, any portion thereof, or any interest therein, other than those instruments which have been duly recorded in the office of the Auditor of said county, except as follows: (enumerate if any, or indicate NONF.) or indicate NONE. Will dated November 10, 1987, a photocopy of which is attached hereto.

AFFIDAVIT, Page 3

FOURTE, that the estate of said decedent at the data of death was of the approximate value of \$ 1000 000, including the real property 00 above described, which had an approximate market raine of 27,500:00

FIFTH, that all obligations of the estate owing at the fate of death of said decedent have been paid in full, and all expenses of last sickness and for funeral services have been paid, except as follows: (enumerate if any, or indicate NONE.)

NONE

SIXTH, that the following list comprises all of the heirs at law by whom said decedent was survived: (Show age of each heir opposite name. If any heirs are under 18, this affidavit is not applicable.)

Michael Robert Nowak - legal age Sally Jean Koons - legal age

| SEVENTH, the | | | | ot the personal | résidence | |
|--------------|----------|--------------|------------|-----------------|------------------------|---------|
| Dated this_ | | day of | | , 19 | of the state of | |
| 5ubscribed a | nd sworn | to before me | this : dit | esse of the re | Accorded to the second | Russall |
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Notary Public in and for the State of

_, residing in

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Kathy Hill, Skagit County Auditor
B/11/1999 Page 3 of 12 4:00:40PM

| STATE OF WASHINGTON | AOMANA EDOLETIE AM |
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| STATE OF WASHINGTON, ss. | ACKNOWLEDGMENT - Attorney in Fact |
| County of | |
| On thisday of | , 19, before me personally |
| appeared | to me known to be the individual who executed the |
| foregoing instrument as Attorney in Fact for | |
| and acknowledged that (he/she) signed the same as (his | s/her) free and voluntary act and deed as Attorney in Fact for said principal |
| for the uses and purposes therein mentioned, and on | oath stated that the Power of Attorney authorizing the execution of this |
| instrument has not been revoked and that said principa | l is now living and is not insane. |
| NY / | |
| GIVEN under my hand and official seal the day a | nid year last above written. |
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| : | Notary Public in and for the State of Washington, residing at |
| | The state of the s |
| | My appointment expires |
| | |
| STATE OF WASHINGTON, | ACKNOWLEDGMENT - Self & Attorney in Fact |
| County of Skagit ss. | Son a Amonity in Page |
| • | |
| On this 6th day of August | , 19 99 before me personally appeared |
| | to me known to be the individual described in and who |
| executed the foregoing instrument for <u>him</u> sel | f and as Attorney in Fact for Sally Jean Stone |
| | and acknowledged that he signed and sealed the same as |
| <u>his</u> free and voluntary act and deed for <u>l</u> | nim self and also as his free and voluntary act and deed |
| as Attorney in Fact for said principal for the uses and | purposes therein mentioned, and on oath stated that the Power of Attorney |
| authorizing the execution of this instrument has not been | en revoked and that the said principal is now living; and is not incompetent. |
| GIVEN under a WIIIIIIII and the day of | and year last above written |
| GIVEN under MANNING Fricial seal the day of | and year rast above written. |
| A COUMIS TO BE | |
| | Lydia Reynolds |
| P R NO | |
| | Julia Rumide |
| Z PE C THE COMMITTEE OF THE PARTY OF THE PAR | Nogary Public in and for the State of Washington, residing at Mount Vernon |
| William Old Maria | My appointment expires 8/9/2001 |
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This jurat is page _____ of ____ and is attached to

199908110087

LAST WILL AND TESTAMENT OF

JEAN ROSELLA NOWAK

Preamble

I, Jean Rosella Nowak, of Arlington, Washington, being of lawful age and being of sound and disposing mind and memory, and not acting under duress or the undue influence of any person whomsoever, do make, publish and declare this my Last Will and Testament as follows:

ARTICLE I Revocation of Former Wills

1.1 I hereby revoke all former wills and codicils previously made by me.

ARTICLE II Identification of Family

- 2.1 I declare that I am not now married; I have two children: Michael Robert Nowak and Sally Jean Koons, and no deceased children with lineal descendants now living.
- 2.2 Except as provided below, I make no provision in this Will for any of my children who survive me, whether named herein or hereafter born or adopted, nor for the descendants of any child who does not survive me.
- 2.3 All of the provisions of this Will, regarding my children and their issue, shall apply not only to my children named herein, but also to any and all children who may hereafter be born to or adopted by me and their issue.

ARTICLE III Personal Representative

- 3.1 I appoint my son, Michael Robert Nowak, the personal representative of my estate, or in the event that my son should be unwilling or unable to act, I appoint my daughter, Sally Jean Koons, the personal representative of my estate.
- 3.2 My personal representative shall act as such without bond and without intervention of any court, except as

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may be required under the laws of the State of Washington, in the case of non-intervention wills.

ARTICLE IV Specific Bequests

- 4.1 I may in the future, pursuant to RCW 11.12.260, prepare a schedule of tangible personal property and the names of persons who are to receive that property. If such writing is in effect at the time of my death, I give such property to the persons named therein. Any such writing shall be dated and in my own hand and/or signed by me. "Tangible personal property" as defined by the laws of the State of Washington means articles of personal or household use or ornament, for example, furniture, furnishings, automobiles, boats, airplanes, jewelry, as well as precious metals in any tangible form. The term includes articles even if held for investment purposes and encompasses tangible property that is not real property. The term does not include mobile homes or intangible property, for example, money that is normal currency or normal legal tender, evidences of indebtedness, bank accounts or other monetary deposits, documents of title, or securities.
- 4.2 All items of tangible personal property not disposed of in paragraph 4.1 above, shall pass with the residue of my estate.
- 4.2.1 If any articles of personal property pass to more than one child of mine, such children shall have sixty (60) days from the date of my death to divide such property among themselves. If such children do not agree among themselves to a division within that period, or if any child is unable to make a choice because that child is under a legal disability, I give my personal representative the authority to make an equitable division of such articles and any proceeds from the sale thereof among such children. In so doing, my personal representative may direct the sale of any or all such property to one or more of my beneficiaries or to others.
- 4.2.2 With respect to the share of any child under a legal disability, my personal representative is given the authority and the sole discretion to:

4.2.2.1 Deliver all or any part to

said child;

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4.2.2.2 Place assets such as jewelry in safekeeping for the child and pay fees incurred;

4.2.2.3 Sell all or any part and distribute the proceeds to the child; or

4.2.2.4 Deliver all or any part to the guardian of the child's person or the person with whom the child resides, and the receipt of such guardian or person shall be a complete discharge of my personal representative for the property delivered.

4.2.3 The cost of storing, insuring, packing and shipping any item of personal property passing under this Article may, in the sole discretion of my personal representative, be charged as a cost of administration and not to the recipient of the property. My personal representative may exercise this power as to some items and not as to others as my personal representative deems proper.

ARTICLE V <u>Disposition of Residue</u>

- 5.1 I give all of the residue of my estate to my children and to the lineal descendants of those predeceasing me, in equal shares, per stirpes.
- 5.2 If either of my children predeceases me, I give the residue of my entire estate to the surviving child.

ARTICLE VI Taxes and Costs of Administration

6.1 My personal representative shall pay all estate, transfer, succession, inheritance or other death taxes, together with interest and penalties thereon, assessed by reason of my death, whether attributable to property passing under this Will or outside of it and all costs of administration, first from the residue of my estate and to the extent that such property is insufficient, then from the specific bequests. I waive for my estate all rights of reimbursement from the beneficiaries for any such payments.

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ARTICLE VII Definitions

- 7.1 The term "issue" means all of my lawful, lineal descendants including those persons who are lineal descendants by "adoption".
- 7.2 The term "per stirpes" means a method of determining distribution when the recipients are in an unequal degree of kinship to me and is accomplished as follows: After first determining who of those entitled to share in my estate are in the nearest degree of kinship to me, the estate is divided into equal shares, the number of shares being the number of descendants who survive me who are in the nearest degree of kinship to me and the number of persons in the same degree of kinship who died before me but who left issue surviving. Each share of a deceased person in the nearest degree of kinship shall be divided among the issue of that decedent who survive me and have no ancestor then living who is in the line of relationship between them and me, those more remote in degree taking a share which their ancestor would have taken had that person survived me. Posthumous children are considered as living at the death of their parent.
- 7.3 Unless some other meaning or intent is apparent from the context, plurals shall include the singular and vice versa, and masculine, feminine and neuter words shall be used interchangeably.

ARTICLE VIII Washington Law Applicable

8.1 Any questions of law regarding the execution of this Will or its effect shall be determined in accordance with the laws of the State of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand this day of ______, 1987.

Jens Rosella Sowall

199908110087

Each of the undersigned declares as follows:

- (1) I am competent to be a witness to the Last Will and Testament of Jean Rosella Nowak.
- (2) The testator in my presence and in the presence of the other witness whose signature appears below:
- (a) Declared this instrument, consisting of five pages, of which this is the last, to be her Will;
- (b) Requested me and the other witness to act as witnesses to her Will and to make this declaration; and
- (c) Signed such instrument at Arlington, Washington.
- (3) I believe the testator to be of sound mind, and that in so declaring and signing, she was not acting under any duress, menace, fraud or undue influence.
- (4) The other witness and I, in the presence of the testator and of each other, now affix our signatures as witnesses to the Last Will and Testament, and make this declaration.

Atkins Pkiner, residing at artington, Washington.

time tunge, residing at astington, Washington.

Testator's initials:

Date:

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Kathy Hill, Skagit County Auditor B/11/1999 Page 10 of 12 4:00:40PM

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Courthouse

Everett, Washington 98201 Dated: SEP 2 5 1987

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| | Know All Men by These Presen | ets: | 2/1 | Mai | | , E |
| 4 | That this agreement, made and er | ntered into this_ | day | 6f | <u>'</u> , 1 | 9_69., |
| 5 | by and between Robert F. No | owak | | | | |
| 2 | andJear R. Nowak | | | , h | usband and | l wife, |
| r) | ofSeattleK | ing | County, Stat | e of Washington | ı, WITNES | SETH: |
| ⊣ | That, in consideration of the love | e and affection i | that each of said | parties has for | the other, | and in |
| 5 | consideration of the mutual benefit | ts to be derived | by the parties h | ereto, it is here | by agreed, | coven- |
| D P | anted, and promised: | | | | | |
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| | That all property of whatsoever i | nature or descri | ption whether re | al, personal on | mixed and | where- |
| | soever situated now owned or here is hereby declared to be communit | eafter acquired | by them or either | r of them shall | be consider | ed and |
| -11 | is hereby declared to be communicated | | garding Aller | | | |
| RST TST | • | 711 | Ι. | | | |
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| RICA | herein defined shall immediately i | vest in fee simp | ie in the survivo | r of them. | | |
| | IN WITNESS WHEREOF, the so | mid Robert | F. Nowak | | | |
| | and Jean R. Nowak | | | have hereun | to set their | · hande |
| 0 | and seals this J day of | May | 19_69. | nube nereun | to set then | 10011003 |
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| | | , | Jean | P. Now. | eh (| SEAL) |
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| | County of_KING | ·\ · | } | | | |
| | This is to certify that on this | day of | | ر المراجعة على المراجعة المرا المراجعة | 19_69_, bef | ore me |
| | Clark R. Belknap | | a Notary Public ii | n and for the Sto | ite of Wash | ington |
| | duly commissioned and sworn, pers | sonally cameF | Robett F. No | wak | | <i></i> |
| | and Jean R. Nowak described in and who executed the and sealed the same as their free an | e within instru | ment, and acknowledge | owledged to me | that they | signed |
| | mentioned: WITNESS my hand and official | seal the day and | d year in this cer | tificate first abo | ve written. | |
| ` | | | Alla lalk | 112/1 | ma, | 1// |
| 3 | The state of the s | | S4_WY_V/f_LVfL. | 0+-1 | | |
| | Notary Public in and for the Sto | ite of Washingto | on residing at | Seattle. | | |