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Skagit County Auditor

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16 10:08AM

After recording return document to:

YOUNGQUIST & BETZ  
904 South Third  
Mount Vernon, WA 98273

**DOCUMENT TITLE:** Lack of Probate Affidavit

**REFERENCE NUMBER OF RELATED DOCUMENT:**

**GRANTOR(S):** Estate of Judith Packard

**ADDITIONAL GRANTORS ON PAGE OF DOCUMENT.**

**GRANTEE(S):** The Public

**ADDITIONAL GRANTEES ON PAGE OF DOCUMENT.**

**ABBREVIATED LEGAL DESCRIPTION:** N 207.5 ft of SE ¼ SE ¼  
ELY of DK R/W Less Rd

**ADDITIONAL LEGAL DESCRIPTION ON PAGE(S) 1  
OF DOCUMENT.**

**ASSESSOR'S TAX/PARCEL NUMBER(S):** 330417-4-008-0002/P16749

**LACK OF PROBATE AFFIDAVIT**

State of Washington )

:ss

County of Skagit )

KENNETH J. PACKARD, being first duly sworn on oath depose(s) and say(s)

**FIRST**, this affidavit is for the purpose of supplying information pertaining to the estate of JUDY H. PACKARD, deceased, under the provisions of RCW 11.62 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 property described herein, none of which is real property;

**SECOND**, the following list comprises all of the claiming successors who have survived the decedent, and each of who is a "successor" as defined under RCW 11.62.005 :

as a beneficiary under the terms and provisions of the decedent's Last Will and Testament dated February 3, 2000.

by virtue of the laws of intestate succession contained in RCW Title 11.

as a surviving spouse of the decedent as to said surviving spouse's undivided one-half interest in the community property of said spouse and the decedent.

other

<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>
Kenneth J. Packard 20776 Bulson Road Mount Vernon, WA 98274	Legal	Spouse
Kenneth Hal Packard 20776 Bulson Road Mount Vernon, WA 98274	12	Son

**THIRD**, the decedent was a resident of the State of Washington on the date of her death;

**FOURTH**, the value of the decedent's entire estate subject to probate, not including any surviving spouse's community property interest in any assets which are subject to probate in the decedent's estate, wherever located, less liens and encumbrances, does not exceed \$1,000,000.00;



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**FIFTH**, the decedent died on March 18, 2004, and forty days have elapsed since the date of the decedent's death;

**SIXTH**, no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

**SEVENTH**, all debts of the decedent including funeral and burial expenses have been paid or provided for;

**EIGHTH**, the personal property of the decedent, all of which is claimed by the above listed successor, and all of which is subject to probate is described as follows:

- 1) Real property and family home located at 20776 Bulson Road, Mount Vernon Skagit County, Washington, described as follows:

That portion of the North 207.5 feet of the Southeast ¼ of the Southeast ¼ of Section 17, Township 33 North, Range 4 East W.M., lying Easterly of Diking District No. 3 Right of Way, EXCEPT Road along the East line thereof and also EXCEPT that portion thereto conveyed to Skagit County for road purposes by Deed recorded March 22, 1940, under Auditor's File No. 323200, records of Skagit County, Washington.

SUBJECT TO Schedule "B-1" attached hereto and by this reference incorporated herein.

- 2) Whidbey Island Bank Certificate of Deposit, Account No. 0914014709, n/o Judy H. Packard

**NINTH**,

other than the above named successor(s), there are no other successors of the decedent, and no notice is required to be given under RCW 11.62.010(2)(h);

the above-named successor(s) has given written notice, either by personal service or by mail, identifying his claim, and describing the property claimed, to all other successors of the decedent, and that at least 10 days have elapsed since the service or mailing of said notice;

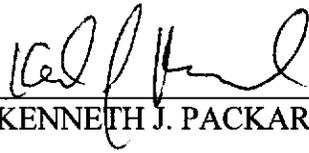
**TENTH**, the above named successor(s)

are personally entitled to full payment or delivery of the property claimed;

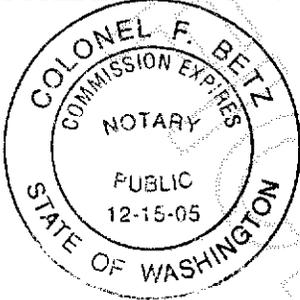
is/are entitled to full payment or delivery thereof on behalf of and with the written authority of all other successors who have an interest therein.



DATED this 5<sup>th</sup> day of August, 2004.

  
KENNETH J. PACKARD

SUBSCRIBED AND SWORN to before me this 5<sup>th</sup> day of August, 2004.



  
Notary Public in and for the State of Washington  
residing at MOUNT VERNON

**SCHEDULE "B-1"**

**EXCEPTIONS:**

**A. EASEMENT, INCLUDING THE TERMS AND CONDITIONS THEREOF:**

**Grantee:** Seattle and Northern Railway Company  
**Dated:** NOVEMBER 6, 1891  
**Recorded:** DECEMBER 23, 1891  
**Auditor's No.:** Vol. 22 Deed; page 300  
**Purpose:** To lay and maintain a water pipe line  
**Area Affected:** Easterly and Westerly direction over and across the South ½ of Section 17, Township 33 North, Range 4, East of W.M.

**B. EASEMENT AND CONDITIONS THEREIN:**

**Grantee:** Puget Sound Power & light Co.  
**Dated:** MARCH 18, 1932  
**Recorded:** MARCH 22, 1932  
**Auditor's File No.:** 249552 (Vol. 159 Deeds/Pg. 356)  
**Purpose:** Right to construct, operate, maintain, repair, replace and enlarge one or more electrical, transmission and/or distribution lines over and/or under the right of way;  
**Location:** A strip of land along the South line of the subject property. The exact width of which is not disclosed on the record.

**C. Right-of-way for Dike District No. 3 as condemned in Skagit County Superior Court Cause No. 2982.**



# Last Will and Testament

of

**JUDY H. PACKARD**

I, **JUDY H. PACKARD**, of legal age, residing at 20776 Bulson Road, Mount Vernon, Skagit County, Washington 98274, and being of sound and disposing mind and memory and not acting under duress, menace, fraud or the undue influence of any person whomsoever, do make, publish and declare this my Last Will and Testament and do hereby expressly revoke all other and former Wills and Codicils to Wills by me made.

I.

I hereby declare that I am a married woman, and that my husband's name is **KENNETH J. PACKARD**. I further declare that my husband **KEN** and I have one child whose name and birthdate is: **KENNETH HAL PACKARD**, February 16, 1992.

II.

I make no bequest, devise or gift to my child named in Paragraph I or to any other child or children hereinafter born to or adopted by me, or to any other person, except as hereinafter stated.

III.

I hereby direct and order that all just debts for which proper claims are filed against my estate, and the expenses of my last illness and funeral, be paid by my Executor or Executrix as soon after my death as is practicable; provided, however, that this direction shall not authorize any creditor to require payment of any debt or obligation prior to its normal maturity in due course.



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IV.

4.1 SPECIFIC BEQUESTS: It is my intention to execute a separate writing pursuant to RCW 11.12.260 in which I dispose of some or all of my tangible personal property. Any such writing or writings shall be effective to dispose of my tangible personal property only. I direct that my Executor or Executrix or heirs, as the case may be, shall carry out the provisions of the above-referenced separate writing or writings which I may execute during my lifetime, such that the provisions and intent of same are met. If a person named in such a writing or writings to receive property predeceases me, said property shall be disposed of and pass as part of the residue of my estate pursuant to the terms of this Last Will and Testament, unless I have made an alternate disposition in said separate writing or writings. Any property distributed pursuant to any such writing shall be considered as specific bequests and not a part of a legatee's remaining distributive share, if any.

4.2 RESIDUE:

a. All the rest, residue and remainder of my estate, wheresoever situate and howsoever held, I give, devise and bequeath to my husband, KENNETH J. PACKARD.

b. Notwithstanding the foregoing, if my spouse does not survive me or if my spouse survives me by sixty (60) days but a qualified disclaimer pursuant to the United States Internal Revenue Code in effect at my death is made by or on behalf of my spouse of any interest in property which would, but for such disclaimer, have passed to my spouse pursuant to paragraph 4.2, a. above, then I give the residue of my estate or all such interest in property so disclaimed, whichever be the case, hereinafter termed the "trust estate" to my beloved husband, KENNETH J. PACKARD, as trustee, or other successors, as provided for herein, in trust, to hold, pay and distribute as follows:



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(i) The primary purpose and intent in creating this trust is to provide a flexible plan for the financial security of my spouse and to enable him to continue, within the limitations of the funds available, the standard of living to which he has become accustomed. The rights and interests of beneficiaries and/or remaindermen to residual remainder interests are subordinate and incidental to that purpose. The provisions of this trust shall be liberally construed in the interest and for the benefit of my spouse. Further, in the exercise of discretion hereunder, especially in the use of the principal for the welfare of said beneficiary, trustee is authorized to resolve any doubts or uncertainties as to his needs in favor of my spouse.

(ii) My Trustee shall pay to my spouse during my spouse's lifetime at convenient intervals, preferably monthly, and at least annually, all of the net income from the trust estate except as provided herein. In the event my spouse is acting as trustee under this trust, I specifically direct that he may not pay to himself any such portions of the principal of the trust estate except as provided herein. Should he desire to invade the principal of this trust, he shall resign as trustee and I then nominate and appoint SYLVIA PRATT as trustee. In the event SYLVIA PRATT is unable or unwilling to serve as such trustee, I then nominate and appoint MICHAEL PACKARD, as alternate trustee to serve under the same provisions as the first alternate trustee. In the event SYLVIA PRATT or MICHAEL PACKARD is serving as trustee, he or she may pay to my spouse such portions of the principal of the trust estate as he or she shall in his or her discretion deem proper for my spouse's maintenance in health and reasonable comfort.

(iii) In the event my husband is acting as trustee hereunder, during his lifetime, he shall have the right, in any calendar year, (including the year of my death), to



withdraw a share of the trust principal which does not exceed in value the larger of Five Thousand Dollars (\$5,000.00) or five percent (5%) of the value of principal, as of the date of her written request for such share, provided said request must be made on or before January 30 of each calendar year or this right shall lapse and be of no further force or effect. Such right may be exercised once a year, by a note in writing to the trustee, and the right shall be noncumulative. This right shall exist notwithstanding the fact that my husband serves as trustee hereunder. Upon the death of my husband, the remainder of the trust estate, if any, shall be distributed as per Paragraph IV, 4.2, B (xii) below.

(iv) No share or interest in principal or income of this trust or estate shall be liable for the debts of any beneficiary nor subject to the process of seizure of any court; nor an asset in the bankruptcy of any beneficiary; and no beneficiary hereunder shall have the power to anticipate, alienate, or encumber his interest in the trust estate or the income therefrom.

(v) My trustee, in his or her sole discretion, may pay the expenses of the last illness and cost of burial of my spouse.

(vi) My trustee shall not be required to comply with the Trustee's Accounting Act, but may submit to the adult beneficiaries hereunder, an annual statement or statements at more frequent intervals, showing the receipts and disbursements since the last previous statement, and a list of all the assets comprising the trust estate.

(vii) All discretion conferred upon my trustee by this instrument shall be absolute and its exercise shall be conclusive and binding on all persons.



(viii) In the exercise of such discretion and the distribution of principal, my trustee shall take into consideration the reasonable use of all resources available to my spouse which may be known to the trustee.

(ix) If any provision or provisions hereof shall violate the Rule against Perpetuities, then the share or part of the trust assets so affected shall in any and all events not later than at least one day before the expiration of the period of said rule, be distributed outright to vest absolutely and unconditionally in each beneficiary to or for whom and in the proportion in which the net income therefrom is then being either paid or accumulated, subject however, to any earlier distribution thereof which may be made under any other provision or provisions herein applicable to such share or part. My trustee shall not be liable to any person for any payments or distributions prior to the receipt of written notice of any court decision adjudicating such provisions in violation of the rule.

(x) In the administration of this trust, my said Trustee is authorized and empowered to do any and all things necessary to carry out the purposes of this trust as fully as I might do myself if present. I authorize the Trustee to sell such assets as may come into his or her hands and to invest and re-invest in such manner that my intent, as set forth herein, is best served. My Trustee is reminded that erosion of capital by inflation is an ever-present danger and it is my desire that the buying power of the earnings of the trust be maintained and increased, if possible, by judicious investment in assets that have the potential of capital appreciation. However, this admonition does not preclude the temporary or partial investment in bonds, bank accounts, cash, etc. when, in the judgment of the Trustee, the same is prudent. My Trustee shall also have all of the



powers conferred by the Washington State Trust Act, RCW 11.97 and 11.98 as written at the time of execution of this Will. I have left certain precatory instructions with my Trustee. It is my suggestion, but I do not mandate, that these instructions be followed. I have full confidence in the judgment of my Trustee and in her/his ability to invest as conditions may make advisable.

(xi) The Trustee may pay to herself/himself such sums as are reasonable to cover his/her time and expenses in administering these trusts. My Trustee may also employ legal and investment counsel, and accountants, and may rely on their advice if, in his/her judgment, such employment is necessary.

(xii) Upon the death of my spouse, or if my spouse has predeceased me, or on our simultaneous deaths or should my husband die within sixty (60) days of the date of my death, my entire estate and any trust estate(s) then remaining shall be held, paid and distributed to my child above named, by right of representation.

Notwithstanding the foregoing, in the event my child, KENNETH HAL PACKARD, has not attained the age of thirty (30) on the date of my death, his share of my estate shall be held by my friend, SYLVIA PRATT, in trust nevertheless for the care, maintenance and education of my son, KENNETH. I direct that my trustee shall have broad discretion in the handling of said trust, making sure that my son is well provided for and that the trust estate be conserved as far as possible for the use and benefit of said child, particularly for his education beyond his high school years. My trustee may, in her sole discretion, determine what is income and what is principal and may accumulate and pay out so much of the income and/or principal as in her discretion seems proper for the above-mentioned purposes. I direct that my trustee shall not be required to be bonded,



nor shall she be required to make reports, except that she shall keep an accounting of all receipts, distributions, expenditures and transactions, including sales and purchases, and when my child reaches the age of thirty (30) years, the trust corpus shall be distributed outright to him.

In the event SYLVIA PRATT is unable or unwilling to serve as a trustee hereunder, I then nominate and appoint my brother-in-law MICHAEL PACKARD, of Seattle, Washington, as trustee hereunder.

In the handling and administration of this trust for the benefit of my son, KENNETH, I direct that the provisions of paragraph IV, 4.2, b, subparagraphs iv, vi, vii, viii, ix, x and xi shall apply and be read as if those paragraphs were written for this trust for my son, KENNETH, as opposed to my husband, KENNETH J. PACKARD.

(xiii) If, at the time of the death of my spouse, my child, KENNETH, shall not survive him, then the share he (my son KENNETH), would have taken shall go to his then surviving children, share and share alike. In the event, at the time of the death of my spouse, I leave no surviving children or grandchildren, I give, devise and bequeath my entire estate and any trust estate then remaining, together with undistributed income and accumulations thereon, as follows:

(a) \$250,000 or 15% of the estate/trust corpus (if any), whichever is lesser, to Ducks Unlimited; and

(b) The balance of my estate and any trust estate then remaining, LARRY SCOTT and PEGGY HEWES SCOTT, in equal shares, if married. In the event LARRY SCOTT and PEGGY HEWES SCOTT are divorced or are in the process of becoming divorced, the balance of my estate and any trust estate then remaining shall pass outright to LARRY SCOTT. In the event LARRY has predeceased me or dies within sixty (60) days of the date of my death, I give, devise and bequeath my entire estate and any trust estate then remaining, to my parents, in equal shares, by right of representation.



IX.

I nominate and appoint my husband, KENNETH J. PACKARD, as executor of this my Last Will and Testament and direct that he shall serve without bond. In the event KENNETH is unable or unwilling to serve as such executor, I then nominate and appoint my brother-in-law, MICHAEL PACKARD, executor hereof and further direct that he shall serve without bond. In the event MICHAEL is unable or unwilling to serve as such executor, I then nominate and appoint my friend, SYLVIA PRATT, executrix hereof and further direct that she shall serve without bond.

X.

In the event that my spouse and I are both deceased, then I request that the court appoint my friends, GIVEN KUTZ and TANYA KUTZ, of Conway, Washington, as guardians of the person and estate of my minor child, KENNETH. In the event GIVEN KUTZ and TANYA KUTZ are divorced or are in the process of becoming divorced, then TANYA KUTZ shall be appointed guardian of my minor child. In the event TANYA has predeceased me or dies within sixty (60) days of the date of my death, I then appoint my brother-in-law, MICHAEL PACKARD, of Seattle, Washington as act as guardian of my minor child.

XI.

I hereby authorize and direct that my said Executor shall pay all death taxes, debts and expenses of administration of my estate from the residue of my estate in order that any specific bequests or devises made herein shall pass without any deductions therefrom. This direction shall not include obligations to third parties on specific bequests or devises, unless provided for elsewhere herein.



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XII.

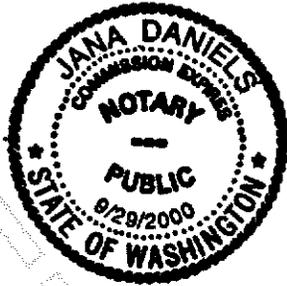
My executor, shall have full power to deal in any lawful way with the property of my estate without notice, approval or confirmation of any kind, at the time, for the consideration, and on the terms and conditions as he shall deem advisable, whether or not the exercise of the power is necessary for the purpose of paying debts of the estate, costs of administration, or making distribution of the estate. This power shall include, by way of illustration and not of limitation, the power to grant, bargain, sell, convey, deed, mortgage, encumber and liquidate any assets of my estate, real, personal or mixed; to advance funds and borrow money, to select any part of my estate in satisfaction of any distribution under this Will, and to distribute my estate in kind, in money or both, as to he may seem wise and proper in carrying out the provisions of this my Last Will and Testament, and to do such acts without the necessity of applying to the court for an order so to do or for a confirmation thereof. In making distributions hereunder, my executor may allocate particular assets or portions thereof or undivided interests therein to any one or more of the beneficiaries hereunder without regard to the income tax basis of specific property allocated to any beneficiary or any pro-rata scheme of distribution, and may further, in his sole discretion, exercise all elections with respect to allowable deductions on my estate or any necessary income tax returns, all without reimbursement either from or to my estate or any beneficiary or beneficiaries hereunder for tax payable in respect of said elections. I further direct that my estate shall be settled in the manner herein provided without the intervention of any court, all in compliance with the laws of the State of Washington, relating to nonintervention Wills.



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SUBSCRIBED AND SWORN to before me this 3rd day of February, 2000.



Jana Daniels

Notary Public in and for the State of Washington,  
residing at Sequoia Woodley,  
and as a witness.

### CERTIFICATE

I, the undersigned Judge/Court Commissioner of the Superior Court, do hereby certify that the foregoing is the evidence of the witnesses given in affidavit form at the hearing on this matter.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge/Court Commissioner



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