

WHEN RECORDED RETURN TO:

John R. Brink Family Trust
10951 Emily Ln
Burlington, WA 98233

LAND TITLE AND ESCROW
01-175996-OE

DOCUMENT TITLE(S):
Last Will and Testament

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

GRANTOR:
John R. Brink

GRANTEES:
Rhonda Lee Brink Brown and John Ralph Brink ('JR'), as Co-Trustees of the John R. Brink Family Trust, dated February 3, 2009

ABBREVIATED LEGAL DESCRIPTION:

Lot 3, 96-0107 AF #200109050094; Being A Ptn SW 1/4 SW 1/4, 27-35-3 E W.M.

TAX PARCEL NUMBER(S):
350327-3-002-0213, P34865

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SKAGIT COUNTY, WA
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LAST WILL and TESTAMENT
of
JOHN R. BRINK

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KNOW ALL PERSONS BY THESE PRESENTS:

That I, JOHN R. BRINK, being a resident of Skagit County, State of Washington, do hereby make and declare this my Last Will and Testament and revoke all former Wills and Codicils.

IDENTIFICATION OF FAMILY

My immediate family now consists of my wife, TWYLA A. BRINK, and our five (5) children, DENIECE ANN BRINK BALLENGER, born April 23, 1956; LAURISE ELLEN BRINK BURD, born October 24, 1958; RHONDA LEE BRINK BROWN, born January 15, 1961; PENNY LAVERN BRINK ROODZANT, born August 29, 1962; and JOHN RALPH BRINK [a/k/a "JR"], born March 31, 1965.

Except as stated below, I make no provision in this Will for my children who survive me, whether named here or later born or adopted, nor for the descendants of any child who does not survive me.

BURIAL

My wife and I own burial plots at Burlington, Washington. After my death, I desire that my body be buried and that a memorial service be held at such place and in such manner as my personal representative hereinafter named may direct.

RESIDUARY BEQUEST

If my wife survives me by thirty (30) days, I give the tangible personal property of my estate to her outright and I give the residue of my estate to TWYLA ANN BRINK

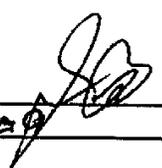
Testator's initials: JB
Date: 2/3/09

1 as Trustee of the Family Trust created by this Will, to be held, invested, reinvested and
 2 administered, so that all income is distributed to my wife during the lifetime of my wife,
 3 as provided in the Family Trust Article and other applicable provisions of this Will. If
 4 my wife does not survive me by thirty days (30), I give the residue of my estate to our
 5 five (5) children in accordance with the Alternate Bequest Article of this Will.

6 FAMILY TRUST

7
 8 A. Funding. I give to the Family Trust any interest I may own in policies of
 9 insurance on the life of my wife, and the minimum pecuniary amount necessary to
 10 exhaust the otherwise unused unified credit for transfers at death after taking into
 11 account other property of my gross estate and adjusted taxable gifts which exhaust such
 12 credit allowed by the Internal Revenue Code of 1986, as amended from time to time (the
 13 "Code"); PROVIDED, however, that such pecuniary amount shall be limited so as not to
 14 increase the state or federal estate tax otherwise payable due to my death. In calculating
 15 the foregoing amount, the Personal Representative shall take into account all property
 16 included in my gross estate for federal estate tax purposes, whether or not such property
 17 passes under this Will, but only to the extent that it does not result in an increase in state
 18 death taxes payable. I authorize non pro-rata distribution of assets to fund this Family
 19 Trust.

20
 21 B. Beneficiaries. My wife shall be the sole beneficiary of this Trust during
 22 her lifetime. The purpose of this trust shall be to provide income for my wife's health,
 23 support, and maintenance in her accustomed standard of living to the extent income of
 24 the Trust and my wife's other resources are insufficient to maintain my wife's
 25 accustomed standard of living. I authorize payments from principal of this Trust. My

Testator's initials: 

Date: 2/3/20

1 children, and descendants of deceased children, shall be remainder beneficiaries of the
2 Family Trust and RHONDA LEE BRINK BROWN and JOHN RALPH BRINK ["JR"],
3 jointly, are named Alternate co-Trustees if my wife is unable or unwilling to serve.

4 C. Disposition of Family Trust Estate Upon Death of Spouse. Upon the
5 death of my wife, the Family Trust shall terminate provided that all income shall be paid
6 to my wife or to her estate and remaining Trust assets shall pass to my five (5) children
7 in equal shares, namely: DENIECE ANN BRINK BALLENGER, LAURISE ELLEN
8 BRINK BURD, RHONDA LEE BRINK BROWN, PENNY LAVERNE BRINK
9 ROODZANT and JOHN RALPH [a/k/a "JR"] BRINK.

11 D. Marital Deduction Savings Clause. If the granting of any right, power,
12 privilege, authority, or immunity to the Trustee and the imposition of any duty upon the
13 Trustee by any provision of this instrument would disqualify any share or interest of a
14 beneficiary hereunder from qualifying for the marital deduction provided by Section
15 2056 of the Code, or as a qualified domestic trust under Section 2056A of the Code,
16 such provision shall be ineffective if and to the extent that the same, if effective, would
17 so disqualify such share or interest from such deduction. The provisions of this section
18 shall apply to my probate estate, Personal Representative and all beneficiaries, devisees,
19 and legatees.

20
21 **TRUSTEE'S POWERS**

22 A. In addition to the duties, powers, and rights imposed and granted by law, the
23 trustee shall have the power and the exercise of discretion to:

24 1. Determine the allocation of receipts and expenses between income and
25 principal in accordance with the Washington Principal and Income Act; provided, there

Testator's initials: JB
Date: 2/3/09

1 is reserved to the trustee the power to make an equitable allocation as may nevertheless
2 be contrary to the terms of the said act to underproductive property, depreciation, and
3 trade or business operations.

4 2. Rely with acquittance on advice of counsel on questions of law.

5 3. Merge or combine any trust hereunder with a trust or trusts otherwise
6 established for the same person or class of persons and with substantially the same
7 provisions, and thereafter to administer and distribute such combined estate as one.
8

9 4. Appoint an ancillary trustee or agent to facilitate management of assets
10 located in another state or foreign country.

11 5. Make payments to beneficiaries under a disability by payments directly
12 to such beneficiaries or their parents, custodian, persons with whom they reside, or legal
13 guardian, or expend such payments for their benefit.

14 6. At any time, to resign as trustee of any or all trusts created by this
15 instrument without court proceedings, by delivering a written notice of resignation to the
16 beneficiaries who are then entitled to trust income or for whom income is then being
17 accumulated and to RHONDA LEE BRINK BROWN and JOHN RALPH ["JR"]
18 BRINK, jointly, who are hereby appointed Alternate Co-Trustees, with all powers and
19 discretion herein conferred on the Trustee.
20

21 7. Take such action as it deems best to collect the proceeds of life insurance
22 payable to the trustee, paying the expenses of collection from the trust estate, but the
23 trustee need not enter into or maintain any litigation to enforce payment on any policy
24 until indemnified to its satisfaction against all expenses and liabilities to which it might
25 be subjected. The trustee may release the insurance company from liability under any

Testator's initials:

Date: 2/23/09

1 policy and make any compromise which the trustee deems proper.

2 B. My trustee shall have the powers listed below with respect to any
3 business or financial interest which I owned or in which I was engaged at the time of my
4 death, whether organized as a sole proprietorship, partnership, or corporation. During
5 the period of settlement of my estate, my executor shall have the same powers.

6 1. To hold, retain, and continue to operate such business solely at the risk
7 of the trust or estate and without liability on the part of the executor or trustee for any
8 losses resulting therefrom.

9
10 2. To dissolve, liquidate, sell, exchange, or merge said business at such
11 time and upon such terms as the trustee deems advisable.

12 3. To enlarge, diminish, or change the scope or nature of the activities of
13 the business.

14 4. To incorporate such business and hold the stock as an asset of the trust
15 or estate without regard to its specific qualification as a trust quality asset.

16 5. To authorize the participation and contribution of any business in any
17 form of employee benefit plan whether or not qualified as being tax deductible, as may
18 be desirable from time to time. The actions taken by the trustee in regard to this matter
19 shall be final and conclusive.

20 6. To use the general assets of the estate or trust for the purpose of the
21 business; to invest additional capital and/or make or guarantee loans to such business,
22 regardless of the speculative nature of such investment or loan and without regard to
23 diversification of investments.

24 7. To employ such officers, managers, employees, or agents as it deems
25

Testator's initials

Date: 2/9/09

1 advisable in the operation of such business, including electing or employing officers or
2 employees of the trustee to take part in the management of such business as directors or
3 officers or otherwise, and to pay reasonable compensation for such service without
4 regard to the fees payable to the trustees.

5
6 8. To satisfy contractual and tort liabilities arising out of unincorporated
7 business, first out of the business and, second out of the estate or trust. It is intended that
8 in no event should there accrue any liability to the executor or trustee, and if such
9 liability occurs, said executor or trustee is entitled to indemnification from the business
10 and the estate or trust in the order named.

11 9. To receive such additional compensation as is commensurate with
12 time, effort, and responsibility involved in the performance of services by the trustee
13 with respect to any business interest.

14 C. Trustee's Compensation. It is my intent and direction that any trustee of
15 mine receive reasonable and ordinary compensation for his services on a quarterly basis
16 and shall pay all reasonable expenses incurred to carry out the trust responsibility,
17 including fees of such attorneys and accountants as he may engage to assist him. These
18 and other reasonable costs of administration shall be deducted from gross income of the
19 trust to determine net income available for distribution.

20 RESTRICTION ON ALIENATION

21 Neither the income nor the principal of the trust created by this Will shall be
22 alienable by any beneficiary, whether income beneficiary or remainderman, either by
23 assignment or by any other method, and the same shall not be subject to be taken by his
24 creditors or by any representative thereof, by any process whatever, including, but not
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Testator's initials:

Date: 2/5/09

1 limited to, proceedings in bankruptcy. This provision shall not limit the exercise of any
2 power of appointment or the right to disclaim.

3 **ALTERNATE BEQUEST**

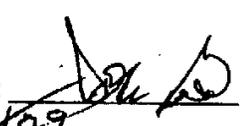
4 In the event that my spouse, TWYLA A. BRINK, shall predecease me or die
5 within thirty (30) days following the date of my death, then I give the residue of my
6 estate to my five (5) children, namely: DENIECE ANN BRINK BALLENGER,
7 LAURISE ELLEN BRINK BURD, RHONDA LEE BRINK BROWN, PENNY
8 LAVERN BRINK ROODZANT, and JOHN RALPH BRINK [a/k/a "JR"], and who
9 survive me, all of my children to share and share alike; provided, further, that in the
10 event any child predeceases me and leaves issue surviving me, their issue shall take by
11 right of representation the share of my deceased child.

12 **APPOINTMENT OF PERSONAL REPRESENTATIVE**

13
14 I hereby nominate and appoint my spouse, TWYLA A. BRINK, personal
15 representative of this, my Last Will and Testament and ask that she serve without bond
16 or giving other security. In the event that she should fail, refuse, neglect or be unable to
17 act as my personal representative, I nominate and appoint RHONDA LEE BRINK
18 BROWN and JOHN RALPH BRINK ["JR"] to act jointly as co-personal representatives
19 of my estate, also to serve without bond or other security.

20 **NONINTERVENTION POWERS**

21
22 My estate shall be administered by the above-named personal representative, or
23 her alternate, without the intervention of any court and with all powers granted in this
24 Will and by law to a personal representative acting with nonintervention powers, and I
25 direct that such powers be unrestricted.

Testator's initials: 

Date: 2/3/09

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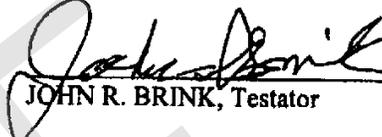
ESTATE TAXES

My personal representative shall pay all estate, inheritance, and succession taxes assessed by reason of my death, and which are attributable to property passing under this Will, from the residue of my estate disposed of by this Will. I waive for my estate all rights of reimbursement for any such payments.

INTERPRETATION

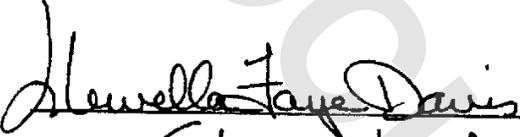
In the interpretation of the foregoing Will, all references to children, issue, and descendants shall include adopted persons. Unless some other meaning and intent is apparent from the context, the plural shall include the singular and vice-versa, and masculine, feminine, and neuter words shall be used interchangeably.

DATED this 3rd day of February 2009.

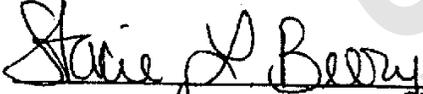


JOHN R. BRINK, Testator

The foregoing instrument was signed by the Testator, who was then of sound and disposing mind and memory, and was published and declared by him to be his Last Will in the presence of us, who, at his request and in his presence and in the presence of each other, have attested the same and affixed our signatures as witnesses.



Residing at Stanwood, WA



Residing at Anacortes, WA

AFFIDAVIT OF ATTESTING WITNESSES

I request the attesting witnesses to the attached Will to make the following affidavit.

John R. Brink
JOHN R. BRINK, Testator

5 STATE OF WASHINGTON)
6 COUNTY OF SKAGIT) ss

7 The undersigned, being first duly sworn, deposes, each for themselves, that they are a
8 competent witness, knows the above-named Testator and is one of the subscribing witnesses to
9 the attached Will. The said Will was signed by the Testator on the date it bears, in the presence
10 of the undersigned, and the Testator published the instrument as, and declared the same to be, his
11 Last Will and requested us, in attestation thereof, to subscribe our names as witnesses thereto.
12 The undersigned, in the presence of the Testator and in the presence of each other, subscribed
13 our names as witnesses to said Will.

14 At the time of executing the said instrument the said Testator was over the age of
15 twenty (21) years, was of sound and disposing mind and not acting under duress, menace, fraud
16 or undue influence.

17 Hewell Taylor Davis residing at Stamwood, WA
18 Stacie L Berry residing at Anacortes, WA

SUBSCRIBED AND SWORN to before me this 3rd day of February 2009.



Gary T. Jones
Notary Public in and for the state of
Washington, residing at Mount Rainier
My Commission Expires: 3/10/2010

CERTIFICATE

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

24 DATED this _____ day of _____, _____.

25 _____
JUDGE/COURT COMMISSIONER

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY**

In the matter of the Estate of:) NO. 13 4 00342 2
JOHN R. BRINK (a/k/a John Ralph Brink),) ORDER ADMITTING WILL TO
Deceased) PROBATE; APPOINTING PERSONAL
) REPRESENTATIVE; ADJUDICATING
) ESTATE TO BE SOLVENT; DIRECTING
) ADMINISTRATION WITHOUT COURT
) INTERVENTION

2

THIS MATTER having come before the court on the petition of TWYLA A. BRINK, personal representative named in the Will of JOHN R. BRINK, dated February 3, 2009, and the Court having examined the Will and being fully advised in the premises; now therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

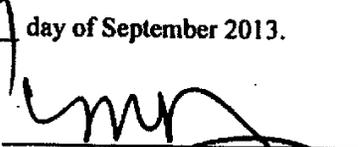
1. That the Will of JOHN R. BRINK, dated February 3, 2009, be, and it is hereby, admitted to probate;
2. TWYLA A. BRINK is appointed to serve without bond as Personal Representative of the deceased, and the clerk is directed to issue Letters Testamentary; and
3. The estate of the decedent is declared to be fully solvent, and further administration shall be performed in accordance with the laws of this state pertaining to the settlement of estates without court intervention.

ORDER - 1

ORIGINAL

Jones & Smith
Attorneys at Law
415 Pine Street
P.O. Box 1245
Mount Vernon, WA 98273
(360) 336-6608

1
2 **DONE IN OPEN COURT** this 17 day of September 2013.

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4 
5
6 **JUDGE/COURT COMMISSIONER**

7 **Presented by:**

8 **JONES & SMITH**

9 **BY:** 
10 **GARY T. JONES, WSBA #5217**
11 **Attorney for the Estate**

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ORDER - 2

Jones & Smith
Attorneys at Law
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