202404160043 04/16/2024 02:23 PM Pages: 1 of 17 Fees: \$319.50 Skagit County Auditor, WA

When recorded return to:

Skagit Law Group, PLLC P.O. Box 336 Mount Vernon, WA 98273 Real Estate Excise Tax Exempt Skagit County Treasurer By Lena Thompson Affidavit No. 20240271 Date 04/16/2024

#### **AFFIDAVIT: LACK OF PROBATE**

GRANTOR:	WILLIAM WARWICK, now deceased
GRANTEE:	JANE MARTIN WARWICK, surviving spouse
LEGAL DESCRIPTION:	Tracts 19, 20, 21, and portion of Tract 17, Plat 1, Lakeview Tracts, Big Lake, Skagit Co., Wash.
ASSESSOR'S PROPERTY TAX PARCEL OR ACCOUNT NO.	3941-000-020-0002 / P67081
REFERENCE NOS. OF DOCUMENTS ASSIGNED OR RELEASED:	N/A

JANE MARTIN WARWICK, being first duly sworn, deposes and says:

The undersigned Affiant is the rightful heir, as listed in the section entitled Heirs at Law below, to the real property described below, and is the surviving spouse of **WILLIAM WARWICK**, who died on October 18, 2023, at Warrenton, Fauquier County, Virginia. A certified copy of the Death Certificate is attached hereto as Exhibit "A."

Affidavit (Lack of Probate) - 1

#### **Real Property Description**

Tracts 19, 20, and 21, and that portion of Tract 17, lying East of a line that is 68.6 feet West of and parallel with the East line of said Tract 17, "PLAT 1, LAKEVIEW TRACTS, BIG LAKE, SKAGIT CO., WASH.", as per plat recorded in Volume 5 of Plats, pages 2 and 3, records of Skagit County, Washington.

TOGETHER WITH that portion of vacated alley in "PLAT 1, LAKEVIEW TRACTS, BIG LAKE, SKAGIT CO., WASH.", as per plat recorded in Volume 5 of Plats, pages 2 and 3, records of Skagit County, Washington, lying between Tracts 17, 19, 20 and 21 of said Plat.

AND SUBJECT TO: Easements, restrictions, and reservations of record.

Situated in Skagit County, Washington.

#### Status of Will

Decedent left a Last Will and Testament dated November 25, 2019, in favor of the surviving spouse, which has not been probated or revoked, a copy of which is attached as Exhibit "B."

#### **Heirs At Law**

Affiant hereby identifies all heirs at law of the Decedent:

Name and Address	Age	Relationship to Decedent
Jane M. Warwick P.O. Box 41	Adult	Surviving Spouse
Casanova, VA 20139		
William M. Warwick IV 340 Capon Woods Resort Road	Adult	Son
High View, WV 26808		
Rebekah D. Warwick	Adult	Daughter
P.O. Box 41 Casanova, VA 20139		
Elizabeth E. Warwick	Adult	Daughter
P.O. Box 41 Casanova, VA 20139		
ffidavit (Lack of Probate) - 2		

#### 202404160043 04/16/2024 02:23 PM Page 3 of 17

	Jefferson C. Warwick	Adult	Son
Þ	334 Judy Drive		
ł	Kimball, TN 37347		
1			

The Affiant states of her own knowledge that each of the obligations of the Estate of William Massie Warwick III, including but not limited to the debts of the Decedent, last illness, funeral and burial, promissory notes, installment contracts, mortgages, income tax, and state and federal succession taxes, if any, have been paid in full or provided for by the Affiant.

This Affidavit is made as an inducement to each purchaser and each title insurer of the abovedescribed property to treat the title thereto, or title to an interest therein, relieved from interference of the said Decedent, his heirs, creditors, and the taxing authorities.

DATED this <u>4</u> day of <del>March</del>, 2024. Affiant

Commonwealth of Virginia

County of Fauquier

I certify that I know or have satisfactory evidence that **JANE MARTIN WARWICK** is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes in the instrument.

April Dated this <u>4</u> day of <del>March</del>, 2024.

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Print Name: <u>Ultherine M Clunner</u> Notary Public My appointment expires <u>09/30/2025</u>

Affidavit (Lack of Probate) - 3

### Exhibit "A" Death Certificate

Exhibit "A" Death Certificate

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202404160043 04/16/2024 02:23 PM Page 6 of 17

Dear Sir or Madam,

This document is a record of the information provided at the time of the event. This certificate is a legal document and all information should be reviewed for accuracy. If you have any questions or concerns please return the certificate (if necessary) with a letter of explanation to:

State Health Department Office of Vital Records P.O. Box 1000 Richmond, VA 23218

### Exhibit "B"

Last Will and Testament of WILLIAM MASSIE WARWICK III

Exhibit "B" Last Will and Testament of William Massie Warwick III

# Last Will and Testament

of --

\_\_\_\_

### WILLIAM MASSIE WARWICK III

MANNING HURRAY\*C

Suite 300 6045 Wilson Boulevard Arlington, Virginia 22205 703,532.5400

## Last Will and Testament

#### OF

#### WILLIAM MASSIE WARWICK III

I, WILLIAM MASSIE WARWICK III, of the Commonwealth of Virginia, being of sound and disposing mind and memory, make and declare this to be my Last Will and Testament, and I revoke any and all other wills and codicils previously made by me.

#### ARTICLE I

#### Identification of Family

I am married to JANE MARTIN WARWICK (my "wife"), and we have four children: WILLIAM MASSIE WARWICK IV, born August 5, 1976; REBEKAH DOROTHY WARWICK, born September 18, 1979; ELIZABETH ERSKINE WARWICK, born April 22, 1982; and JEFFERSON CAPERTON WARWICK, born January 28, 1985.

#### ARTICLE II

#### Payment of Debts and Other Charges

My Executor shall pay or provide for the payment of the expenses related to my funeral and the disposition of my remains, the costs of administration of my estate, and all of my legally enforceable debts, secured and unsecured; however, my Executor may cause any debt to be carried, renewed or refinanced from time to time upon such terms and with such security for its repayment as my Executor may deem advisable, taking into consideration the best interests of the beneficiaries hereunder. of WILLIAM MASSIE WARWICK,III Page 2

#### ARTICLE III

#### Payment of Taxes

My Executor shall pay or provide for the payment of all estate and inheritance taxes payable by reason of my death, if any, which taxes shall be apportioned among the beneficiaries in accordance with the Virginia apportionment statute, provided, however, no such taxes shall be charged against the tangible personal property passing under Article IV hereinafter.

#### ARTICLE IV

#### **Distribution of Tangible Personal Property**

A. Subject to the provisions of paragraph C. below, which shall take priority, I give to my wife, JANE MARTIN WARWICK, if she survives me, all of my tangible personal property of every kind including, but not limited to, furniture and furnishings, appliances, personal effects, sports and entertainment equipment, art, silverware, china, glass, books, jewelry, wearing apparel, and automobiles and other vehicles.

B. If my wife does not survive me, I give all of the aforesaid tangible personal property to those of my children, WILLIAM MASSIE WARWICK IV, REBEKAH DOROTHY WARWICK, ELIZABETH ERSKINE WARWICK, and JEFFERSON CAPERTON WARWICK, who survive me, in approximately equal shares. If my children do not agree to the division of said property among themselves, my Executor shall make such division among them, the decision of my Executor to be in all respects binding upon my children. My Executor may sell any of said property that is either not desired by my children or, in the discretion of my

#### of WILLIAM MASSIE WARWICK III Page 3

Executor, is not appropriate for distribution in kind, and my Executor shall add the proceeds of such sale to my residuary estate to be disposed of as hereinafter provided.

C. I direct that my Executor honor any written list that I may make regarding the disposition of any specific items of my tangible personal property.

#### ARTICLE V

#### Distribution of Remainder of Estate

A. I give all of the rest of my real and personal property to my wife, JANE MARTIN WARWICK, if she survives me.

B. If my wife does not survive me, then I give all of said property in equal shares to those of my children, WILLIAM MASSIE WARWICK IV, REBEKAH DOROTHY WARWICK, ELIZABETH ERSKINE WARWICK, and JEFFERSON CAPERTON WARWICK, who survive me, provided, however, that the descendants of a deceased child who survive me shall take *per stirpes* the share that my child would have taken if he or she had survived me, subject to the continuing trust provisions of Article VI below.

#### ARTICLE VI

#### **Contingent Beneficiaries**

If my wife and all of my descendants predecease me, I give all of the rest of my real and personal estate as follows:

A. One-half to my then living heirs-at-law as determined by the intestate laws of Virginia then in effect; and

B. One-half to my wife's then living heirs-at-law as determined by the intestate laws of Virginia then in effect.

#### ARTICLE VII

#### Interests Vesting in Certain Beneficiaries

If any interest in my estate vests in a beneficiary under age twenty-five who is not a child of mine, such as a grandchild, my Executor may select a Trustee who shall hold the interest in trust. My Trustee may pay to or for the benefit of the beneficiary as much of the net income or principal of the trust as my Trustee may deem appropriate for the beneficiary's support, health care and education. When the beneficiary reaches age twenty-five, my Trustee shall distribute the trust assets to the beneficiary. If the beneficiary dies before reaching that age, my Trustee shall distribute the trust assets equally to the beneficiary's then living children, or if none, to the beneficiary's estate. No Trustee who serves hereunder shall be required to furnish any security on any bond that may be required by law for the faithful performance of the Trustee's duties, nor shall my Trustee be required to file annual accounts with a court as otherwise required by Virginia law. My Trustee shall be entitled to reasonable compensation and shall have the same powers as my Executor.

#### ARTICLE VIII

#### Executor

I nominate my wife, JANE MARTIN WARWICK, as Executor of this my Last Will and Testament. If for any reason she should be unable or unwilling to serve or continue serving, then I nominate my attorney, ANDREW F. MURRAY, as Executor. If for any reason he should be

unable or unwilling to serve or continue serving, then I nominate the law firm of MANNING & MURRAY, or its successor, as Executor. No Executor who serves hereunder shall be required to furnish any security on any bond required by law for the faithful performance of the Executor's duties.

#### <u>ARTICLE IX</u>

#### Compensation of Executor

For rendering services as the Executor, my Executor shall receive reasonable compensation as provided by law and reimbursement for reasonable expenses.

#### ARTICLE X

#### - Powers of Executor

A. I give to my Executor, and any successor Executor, full power and discretion in the management and control of my estate, including the right and power to lease real estate for such term or terms as my Executor deems proper, and to sell, convey, transfer or otherwise dispose of all or any portion of any real or personal property at any time held hereunder which my Executor may deem necessary or advisable for the advantageous administration of my estate.

B. I also authorize my Executor, in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate, to exercise any or all of the powers set forth in Virginia Code Section 64.2-105, and I incorporate that section into this Will by this reference.

C. I grant my Executor authority over the content of electronic communications sent or received by me; to access, modify, delete or take down, control, transfer, or dispose of my digital assets; to take any action allowable under a Terms of Service agreement or online tool provided by a custodian; and to effect any disclosure request from a custodian; all within the meaning of Virginia Code Section 64.2-116, *et seq*. I direct that my Executor honor any letter of instruction that I may make regarding my digital assets or electronic communications.

D. My Executor may employ qualified professionals to assist my Executor with the administration of my estate, and to charge the compensation of such professionals as an expense of the estate.

E. My Executor may make all tax elections and allocations that my Executor considers appropriate, and any elections and allocations made in good faith shall not be subject to challenge by any person.

#### ARTICLE XI

#### Miscellaneous

A. No person shall be deemed to have survived me unless such person survives me by ten days.

B. The interest of a beneficiary in any trust shall be held as a "Spendthrift Trust" and shall not be liable for the debts of any beneficiary or subject to alienation or anticipation by a beneficiary.

IN WITNESS WHEREOF, I have hereunto set my hand to this, my Last Will and Testament, this 25th day of November, 2019.

The foregoing instrument was, this 25th day of November, 2019, signed, published and declared by the said WILLIAM MASSIE WARWICK III as and for his Last Will and Testament, in the presence of us, and we, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as attesting witnesses thereto, we and each of us believing the said WILLIAM MASSIE WARWICK III to be of sound and disposing mind and memory at the date hereof.

Witness Witness Van

Address: 6045 Wilson Boulevard, Suite 300 Arlington, Virginia 22205

Address: 6045 Wilson Boulevard, Suite 300 Arlington, Virginia 22205

#### COMMONWEALTH OF VIRGINIA,

#### COUNTY OF ARLINGTON, to-wit:

Before me, the undersigned authority, on this day personally appeared WILLIAM MASSIE WARWICK III, the Testator, Kella ( lark and IARA , the witnesses, whose names are signed to the attached LARSEN or foregoing instrument, and all of these persons being by me first duly sworn, WILLIAM MASSIE WARWICK III, the Testator, declared to me and to the witnesses in my presence that said instrument is his Last Will and Testament and that he had willingly signed or directed another to sign the same for him, and executed it in the presence of said witnesses as his free and voluntary act for the purposes therein expressed; that said witnesses stated before me that the foregoing Will was executed and acknowledged by the Testator as his Last Will and Testament in the presence of said witnesses who, in his presence and at his request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the day of the date of said Will, and that the Testator, at the time of the execution of said Will, was over the age of 18 years and of sound and disposing mind and memory.

AM MASSIE 

Witness Witness

Subscribed, sworn and acknowledged before me by WILLIAM MASSIE WARWICK

III, the Testator, subscribed and sworn before me by Kelly Clark and LARA LARSEN, the witnesses, this 25th day of November, 2019.

