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10-12-75

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
2 SLOAN, CLERK FOR THE COUNTY OF MULTNOMAH  
3 DEPUTY Department of Probate

4  
5 In the Matter of the Estate  
6 of  
7 HARRY H. CLAYBERGER, ✓  
8 Deceased.

No. 109184

PETITION FOR PROBATE OF WILL

10 Comes now your petitioner and respectfully represents  
11 to the court as follows:

12 That the above named decedent died testate on the 10th  
13 day of August, 1965, in Portland, Multnomah County, Oregon, and at the  
14 time of his death was of the age of 75 years, and a resident and inhabi-  
15 tant of Multnomah County, Oregon, and left an estate therein consisting  
16 of personal property of the approximate value of \$2,500.00;

17 That the names ages and residences of the heirs-at-law and  
18 legatees under the Last Will and Testament of said decedent are as  
19 follows:

- 20 LUCILLE CLAYBERGER, widow, 2166 N. E. Clackamas Street,
- 21 Portland, Oregon, legal age;
- 22 MARJORIE C. DIXON, age 49, 1215 S. W. 16th Avenue,
- 23 Portland, Oregon; daughter
- 24 EARL H. CLAYBERGER, son, age 42, 4126 N. E. 62nd Ave.
- 25 Portland, Oregon.

26 That said decedent died leaving a Will in writing said  
27 will bearing date of March 15, 1944, and is in the possession of your  
28 petitioner herein, which your petitioner believes and therefore alleges  
29 to be the Last Will and Testament of said decedent, and which is here-  
30 with presented for probate; that LUCILLE CLAYBERGER is named as Execu-  
31 trix of said will, and your petitioner herein is in all respects compe-  
32 tent and qualified to act as Executrix of the Estate of Harry H. Clay-  
berger, deceased, and that she be allowed to serve in such capacity with-  
out furnishing bond for the faithful performance of her trust as such.

1 That the subscribing witnesses to said will are J. B. Ofner  
 2 and Bessie Ofner, who were at that time residing in Portland, Oregon,  
 3 and which witnesses, as your petitioner is advised and therefore  
 4 alleges were at the time of the execution of said will competent to  
 5 attest the execution of said will, but both of whom have since the  
 6 execution of said will now deceased; that attached hereto are affidavits  
 7 to the effect that Glen McCarty knew said witness, J. B. Ofner, in his  
 8 lifetime, and of Mrs. Marjorie C. Dixon stating that the handwriting  
 9 on said will was that of her father, Harry H. Clayberger; that at the  
 10 time said will was executed, to-wit: March 15, 1944, said testatrix  
 11 was over the age of 21 years, and was of sound and disposing mind and  
 12 was not under restraint, undue influence or fraudulent misrepresenta-  
 13 tions and was in every respect competent by last will to dispose of his  
 14 estate.

15 WHEREFORE, petitioner prays for an order of this court  
 16 admitting said will to probate, and that letters testamentary be  
 17 issued to LUCILLE CLAYBERGER, appointing her Executrix of the estate  
 18 of Harry H. Clayberger, deceased, and that she be allowed to serve  
 19 without bond.

20  
 21 STATE OF OREGON )  
 22 COUNTY OF MULTNOMAH ) ss

Mrs Lucille Clayberger  
 Petitioner

23 I, Lucille Clayberger, being first duly sworn, depose and  
 24 say: That I am the petitioner named herein, that I have read the fore-  
 going petition and the same is true as I verily believe.

Mrs Lucille Clayberger

25  
 26 Subscribed and sworn to before me this 25 day of August, 1965.

J. B. Ofner  
 Notary Public for Oregon  
 My commission expires Oct. 8, 1966

27  
 28  
 29 Address of Petitioner:  
 30 Mrs. Lucille Clayberger  
 31 2166 N. E. Clackamas Street  
 32 Portland, Oregon

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