

245794

LEMHI COUNTY DISTRICT COURT
FILE 1-6-2000
TIME 9:00am
LEMHI COUNTY CLERK
BY BMG DEPUTY

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Salmon, Idaho 83467
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Attorney for Petitioner

****THIS IS BEING RE-RECORDED TO CORRECT PARAGRAPH
6 ON PAGE 2 AND TO CORRECT THE LEGAL DESCRIPTION.**

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

In the Matter of the Estate of:	)	Case No. 00 - 93
	)	
	)	DECREE DETERMINING
WILLIAM ROOSEVELT MAXWELL,	)	SURVIVING SPOUSE
	)	IS THE SOLE BENEFICIARY
aka Bill Maxwell Sr.	)	
	)	
Deceased.	)	

The verified Petition of **Gertrude Maxwell** came on regularly to be heard by the
Court, and after review the Court makes the following findings:

1. Notice of the time and place of hearing has been given as required by law.
2. No objections to the Petition have been filed and no persons appeared in opposition to the Petition.
3. The Petitioner is Gertrude Maxwell, the surviving spouse of William
Roosevelt Maxwell.

Decree to Surviving Spouse - page one

State of Idaho) SS No. 245718
County of Lemhi)
This instrument was filed for record at the request
of Fred Snook
at 11:25 clock A m. 11-6-2000
and duly filed and indexed in the records of Lemhi
County
Terri J. Norton
Ex-Officio Recorder
By Brenda Antionio Deputy
For 1800
Return to _____

4. William Roosevelt Maxwell died on the 19th day of April, 2000 while domiciled in Lemhi County, Idaho, and left a surviving spouse, Gertrude Maxwell of PO Box 1016, Salmon, Idaho.

5. William Roosevelt Maxwell and Gertrude Maxwell were married on July 3, 1943 and were husband and wife on the date of the decedent's death.

6. That the Decedent died intestate survived by his wife.

7. The Decedent owned or had an interest in the following community property at the date of his death.

REAL PROPERTY:

Home and acreage consisting of about 96 acres located near Carmen, Lemhi County, Idaho the exact legal description of which is set forth in Exhibit A attached hereto and incorporated herein as though set forth at large; Said land and home having a combined value of \$195,000.

PERSONAL PROPERTY:

All personal property including, but not limited to, furniture, clothes, personal effects, miscellaneous equipment, vehicles, any and all cash, US savings bonds, certificates of deposits and bank accounts.

Decree to Surviving Spouse - page two

8. The Petitioner, **Gertrude Maxwell**, is the surviving spouse and as the sole heir is entitled to receive the Decedent's interest in all of said property, subject to any valid claim or indebtedness that might be a lawful claim the estate.

IT IS THEREFORE DECREED:

1. William Roosevelt Maxwell and Gertrude Maxwell were married on July 3, 1943 and were husband and wife on April 19, 2000, the date of the Decedent's death.

2. **Gertrude Maxwell** is the sole heir of the Decedent and is entitled to the distribution of the Real Estate and Personal Property heretofore described on page two of this Decree.

3. Gertrude Maxwell shall assume and be liable for any indebtedness that might be a valid claim against the estate of the Decedent, William Roosevelt Maxwell.

Dated this 6th day of November, 2000.

aho)
Lamhi) SS No. **245794**
ument was filed for record at the request
William J. Little
clock Am 11-16 2000
filed and indexed in the records of Lemhi
Terri J. Morton
Ex-Officio Recorder
inda Antione Deputy
800
AT

Jerry R. Meyers
JERRY R. MEYERS, MAGISTRATE JUDGE

Decree to Surviving Spouse - page three

245794

**LEGAL DESCRIPTION
EXHIBIT 'A'**

THE SE1/4NW1/4, LOTS 3, 4, 5, 6, 7, 8, 9, 11 AND 13 IN SECTION 6, TOWNSHIP 22 NORTH, RANGE 22 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO. EXCEPTING THEREFROM THE FOLLOWING VII TRACTS OF LAND TO-WIT:

TRACT I: TAX NO. 1564

A FRACTION OF LOT 13, SECTION 6, TOWNSHIP 22 NORTH, RANGE 22 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE MEANDER CORNER ON THE LINE BETWEEN SECTIONS 6 AND 7, RUN THENCE NORTH 22° 09' WEST 716.92 FEET TO THE POINT OF BEGINNING, AND THE SOUTHWESTERLY CORNER OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH 11° 09' EAST 358.28 FEET; THENCE NORTH 6° 10' WEST 304.58 FEET; THENCE NORTH 67° 35' EAST, 293.72 FEET; THENCE SOUTH 1° 10' EAST 261.8 FEET; THENCE SOUTH 13° 54' EAST 509.95 FEET; THENCE SOUTH 88° 45' WEST 436.0 FEET TO THE POINT OF BEGINNING.

TRACT II: TAX NO. 1788

A TRACT OF LAND LYING AND BEING IN LOTS 6 AND 7, AND IN THE SE1/4NE1/4 AND THE NE1/4SW1/4 OF SECTION 6, TOWNSHIP 22 NORTH, RANGE 22 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID SECTION 6, THENCE NORTH ALONG THE WESTERLY BOUNDARY OF SECTION 6 A DISTANCE OF 1672.8 FEET TO THE POINT OF BEGINNING AND THE SOUTHWESTERLY CORNER OF THE TRACT OF LAND HEREIN DESCRIBED; CONTINUING THENCE NORTH 1637.0 FEET; THENCE SOUTH 76° 13' EAST 1348.3 FEET; THENCE SOUTH 1135.8 FEET; THENCE SOUTH 82° 10' WEST 1321.9 FEET TO THE POINT OF BEGINNING.

ALSO:

AN EASEMENT FOR A ROAD FOR PURPOSES OF INGRESS AND EGRESS, ALONG AN EXISTING ROAD ACROSS A PORTION OF THE NE1/4SW1/4 OF SAID SECTION 6, BEGINNING AT A POINT WHICH LIES NORTH 27° 13' EAST 2869.5 FEET FROM THE SOUTHWESTERLY CORNER OF SECTION 6, AND ENDING AT A POINT IN THE COUNTY ROAD, WHICH POINT LIES

NORTH 44° 40' EAST 3589.4 FEET FROM THE SOUTHWESTERLY CORNER OF SECTION 6.

TRACT III: TAX NO. 2109

A PARCEL OF LAND LOCATED IN LOT 3 AND LOT 9, SECTION 6, T. 22 NORTH, R. 22 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6, FROM WHICH THE NORTHWEST CORNER BEARS S. 89° 34' 21" W., A DISTANCE OF 277.20 FEET ON A BEARING OF S. 24° 15' E., THENCE S. 28° 45' E., 204.60 FEET; THENCE S. 50° 30' EAST 410.59 FEET TO THE REAL POINT OF BEGINNING.

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE EXISTING WEST BANK OF THE SALMON RIVER:

S. 12° 42' 00" E., 278.14 FEET;
S. 7° 04' 05" E., 312.34 FEET;
S. 6° 40' 25" E., 498.16 FEET;
S. 4° 26' 32" W., 105.84 FEET;

S. 31° 15' 08" W., 74.35 FEET;

S. 21° 24' 13" W., 84.58 FEET;

THENCE N. 88° 05' 34" E., 105.94 FEET TO A POINT ON THE ORIGINAL GOVERNMENT MEANDER LINE;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE SAID MEANDER LINE:

N. 17° 15' E., 234.33 FEET;
N. 7° 30' 00" E., 277.20 FEET;
N. 7° 45' E., 125.40 FEET;
N. 13° 00' W., 257.40 FEET;
N. 28° 30' W., 495.00 FEET;
N. 50° 30' W., 18.41 FEET TO THE REAL POINT OF BEGINNING.

TRACT IV: TAX NO. 3315

A PARCEL OF LAND LOCATED IN THE SE1/4NW1/4 AND LOT 9, SECTION 6, T. 22 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE SE CORNER OF LOT 15, DIAMOND CREEK SUBDIVISION, RUN THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID SUBDIVISION THE FOLLOWING COURSES AND DISTANCES:

N. 09° 22' 56" W. A DISTANCE OF 92.71 FEET;
N. 52° 16' 15" E. A DISTANCE OF 351.87 FEET;
N. 84° 45' 05" E. A DISTANCE OF 232.42 FEET;
S. 86° 38' 57" E. A DISTANCE OF 217.26 FEET;
S. 15° 56' 16" E. A DISTANCE OF 242.00 FEET TO THE SW CORNER OF LOT 1;
THENCE S. 00° 33' 38" W. A DISTANCE OF 274.20 FEET;
THENCE N. 76° 47' 10" W. A DISTANCE OF 279.96 FEET;
THENCE N. 75° 46' 24" W. A DISTANCE OF 518.79 FEET TO THE POINT OF BEGINNING.

TRACT V: TAX NO. 3559

A PARCEL OF LAND LOCATED IN GOVERNMENT LOTS 11 AND 13, SECTION 6, T. 22 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 2, TRACT 37, RUN THENCE S. 75° 23' 19" E. ALONG LINE 2-1, TRACT 37, A DISTANCE OF 49.18 FT. TO A POINT IN THE CENTER OF EXISTING ROAD AND THE POINT OF BEGINNING;
 THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID CENTERLINE;
 N. 13° 53' 33" E., 113.12 FT.; THENCE 230.78 FT. ALONG A CURVE TO THE LEFT HAVING A DELTA OF 18° 07' 44", A RADIUS OF 729.36 FT., A TANGENT OF 116.36 FT.; THENCE 168.98 FT. ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 23° 09' 47", A RADIUS OF 417.99 FT., A TANGENT OF 85.66 FT.; N. 18° 55' 36" E., 155.34 FT.; THENCE 236.37 FT. ALONG A CURVE TO THE LEFT HAVING A DELTA OF 36° 39' 58", A RADIUS OF 369.37 FT., A TANGENT OF 122.39 FT.; N. 17° 44' 22" W., 268.72 FT.; THENCE 185.31 FT. ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 17° 40' 53", A RADIUS OF 600.50 FT., A TANGENT OF 93.40 FT.; N. 00° 03' 29" W., 146.67 FT.; THENCE 173.77 FT. ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 21° 52' 23", A RADIUS OF 455.18 FT.; A TANGENT OF 87.96 FT.; N. 21° 48' 54" E., 173.25 FT.; THENCE 331.18 FT. ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 41° 21' 51", A RADIUS OF 458.74 FT., A TANGENT OF 173.18 FT.; THENCE S. 48° 15' 23" E. A DISTANCE OF 204.30 FT. TO A POINT ON THE WESTERLY BANK OF THE SALMON RIVER;
 THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID BANK;
 S. 31° 03' 54" W., 116.41 FT.; S. 16° 49' 09" W., 461.68 FT.; S. 08° 43' 51" W., 596.44 FT.; S. 05° 01' 09" W., 456.10 FT.; S. 30° 41' 16" E., 89.93 FT. TO THE NORTHERLY POINT OF GOVERNMENT LOT 15; THENCE S. 19° 37' W. ALONG THE WESTERLY BOUNDARY OF SAID LOT A DISTANCE OF 242.22 FT.; THENCE S. 37° 04' 38" W. A DISTANCE OF 43.09 FT. TO CORNER NO. 1, TRACT 37; THENCE N. 76° 23' 19" W. ALONG LINE 1-2, TRACT 37, A DISTANCE OF 95.68 FT. TO THE POINT OF BEGINNING.

TRACT VI: TAX NO. 4004

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 11, SE1/4NW1/4, SECTION 6, T. 22 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID SECTION 6 FROM WHICH THE W1/4 CORNER OF SAID SECTION BEARS N. 00° 20' 37" E., 2642.81 FEET, THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N. 27° 21' 21" EAST A DISTANCE OF 2853.79 FEET TO THE POINT OF BEGINNING; THENCE N. 00° 02' 22" EAST A DISTANCE OF 453.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF DIAMOND CREEK SUBDIVISION; THENCE N. 78° 08' 46" EAST ALONG SAID BOUNDARY A DISTANCE OF 950.06 FEET TO THE SOUTHEASTERLY CORNER OF LOT 15 OF THE DIAMOND CREEK SUBDIVISION; THENCE SOUTH 75° 42' 12" EAST ALONG THE SOUTHERLY BOUNDARY OF R.O.S. INSTRUMENT NUMBER 216711 AS RECORDED IN THE LEMHI COUNTY COURTHOUSE A DISTANCE OF 423.81 FEET TO A POINT ON THE CENTERLINE OF DIAMOND CREEK ROAD EXTENDED; THENCE S. 13° 26' 50" WEST ALONG SAID CENTERLINE 562.51 FEET; THENCE N. 78° 46' 55" WEST A DISTANCE OF 332.20 FEET; THENCE S. 81° 22' 38" WEST A DISTANCE OF 260.17 FEET; THENCE S. 85° 06' 38" WEST A DISTANCE OF 283.81 FEET; THENCE N. 89° 38' 25" WEST A DISTANCE OF 344.13 FEET TO THE POINT OF BEGINNING.

TRACT VII:

LOTS 1 THRU 21 INCLUSIVE OF DIAMOND CREEK SUBDIVISION ACCORDING TO THE OFFICIAL PLAT RECORDED IN BOOK 5 OF PLATS AT PAGE 45, RECORDS OF LEMHI COUNTY, IDAHO.