

685

(SPACE BELOW FOR FILING STAMP ONLY)

1 STICKNEY, ORTLIEB & WOODWORTH  
2 ATTORNEYS AT LAW  
3 430 SECURITY FIRST NATIONAL BANK BUILDING  
4 SAN DIEGO 1, CALIFORNIA  
5 BELMONT 9-0188

FILE/PAGE NO. \_\_\_\_\_  
RECORDED AT COUNTY OF \_\_\_\_\_

SEP. 6 1960

AT \_\_\_\_\_ MIDDLES PAST \_\_\_\_\_  
SERIES 1 BOOK 1960  
OFFICIAL RECORDERS  
SAN DIEGO COUNTY, CALIFORNIA  
ROGER NEWELL, COUNTY RECORDER

Attorneys for Executrix

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF SAN DIEGO

11 IN THE MATTER OF THE ESTATE OF )  
12 EDWIN O. ADAMS, also )  
13 known as E. O. ADAMS, )  
14 DECEASED. )

NO. 62199

ORDER APPROVING AND SETTLING FIRST  
AND FINAL REPORT, WITHOUT ACCOUNT,  
AND DECREE OF FINAL DISTRIBUTION,  
AND DECREE ESTABLISHING FACT OF  
DEATH

15  
16 RUTH GERARD ADAMS, as Executrix of the Last Will and  
17 Testament of EDWIN O. ADAMS, also known as E. O. ADAMS, deceased,  
18 having heretofore filed her First and Final Report, without  
19 account, and petition for its settlement and for final distribu-  
20 tion, and for decree establishing fact of death of joint tenant  
21 and terminating joint tenancy, and the Report and Petition coming  
22 on this day regularly for hearing, the Court finds:

23 Due notice of the hearing of the petition has been  
24 regularly given as required by law.

25 All the allegations of the petition are true.

26 EDWIN O. ADAMS, also known as E. O. ADAMS, died testate  
27 on October 26, 1958, in the City of San Diego, County of San  
28 Diego, State of California, being at the time of his death a  
29 resident thereof.

30 On November 21, 1958, Letters Testamentary were issued  
31 to RUTH GERARD ADAMS, as Executrix of decedent's Will, and ever  
32 since said date she has been and now is the Executrix of

1 decedent's Will.

2 Notice to Creditors has been duly given as required by  
3 law, the time for filing or presenting claims has expired, and the  
4 estate now is in condition to be closed.

5 All claims filed or presented against the estate have  
6 been allowed by the Executrix, approved by this Court and paid.

7 All debts of the decedent and of the estate, and all  
8 expenses of administration thereof, except closing expenses,  
9 attorneys' fees and costs advanced by said attorneys in connection  
10 with the administration of the estate, have been paid.

11 A written report of the inheritance tax appraiser  
12 appointed herein is on file, and an order fixing the inheritance  
13 tax due the State of California from this estate has been entered.  
14 The tax has been paid in full as evidenced by the receipts of the  
15 County Treasurer of the County of San Diego on file herein.

16 All personal property taxes due and payable by this  
17 estate have been paid.

18 A Federal Estate Tax Return has been filed for this  
19 estate and the tax shown to be due has been paid. The return has  
20 not yet been audited.

21 Any additional California Inheritance and/or Federal  
22 Estate taxes which hereafter may be found to be due shall be paid  
23 by the beneficiaries hereunder in accordance with their interest  
24 in the estate and as determined by California law.

25 All California state and federal income taxes due and  
26 payable by the estate have been paid.

27 By holographic Codicil to decedent's Will, a portion of  
28 real property near Jacumba, California, was directed to pass with  
29 the residue of decedent's estate. The legal description set forth  
30 in said Codicil is erroneous; the correct legal description  
31 appears as Item 3, Page 6 of EXHIBIT "A" attached hereto.

32 The Executrix has waived her right to compensation for

1 her services rendered in the administration of this estate.

2 The Executrix should be authorized and directed to pay  
3 her attorneys, STICKNEY, ORTLIEB & WOODWORTH, the sum of \$4,429.81,  
4 as their statutory fees for their services rendered in the  
5 administration of this estate, together with the sum of \$92.31,  
6 representing the amount of costs advanced by them during the  
7 administration of this estate.

8 All of the assets of the estate are the community  
9 property of the decedent and RUTH GERARD ADAMS, his surviving  
10 spouse.

11 Distribution should be ordered as prayed for.

12 IT IS ORDERED AND ADJUDGED THAT:

13 1. The First and Final Report, without account, and  
14 Petition of the Executrix are settled, allowed and approved as  
15 filed.

16 2. All acts and transactions of the Executrix relating  
17 to the matters set forth in the Petition and Report are ratified,  
18 confirmed and approved.

19 3. Executrix has waived her right to compensation for  
20 services rendered in the administration of this estate, and she  
21 is directed to pay the attorneys for the estate, STICKNEY, ORTLIEB  
22 & WOODWORTH, the sum of \$4,429.81, as their statutory fees for  
23 their services rendered in the administration of this estate,  
24 together with the sum of \$92.31, representing the amount of costs  
25 advanced by them during the administration of this estate.

26 4. Notice to Creditors has been duly given as required  
27 by law.

28 5. The California inheritance taxes due and payable by  
29 the estate have been properly allocated and paid.

30 6. The Federal Estate tax due and payable by the estate  
31 has been properly allocated and paid.

32 7. Any additional California inheritance and/or

22A

1 Federal Estate taxes which hereafter may be found to be due shall  
2 be paid by the beneficiaries hereunder in accordance with their  
3 interest in the estate and as determined by California law.

4 8. The correct legal description of the real property  
5 devised by decedent's Codicil and directed to pass with the  
6 residue of decedent's estate appears in Item 3, Page 3 of EXHIBIT  
7 "A" attached hereto.

8 9. The estate in the possession of the Executrix re-  
9 maining for distribution, is hereby ordered distributed to the  
10 persons and in the shares as set forth in EXHIBIT "A" attached  
11 hereto.

12 10. (a) The decedent died on October 20, 1958, and  
13 at the time of his death was a resident of San Diego County,  
14 California;

15 (b) The right, title and interest of the decedent  
16 in the real property described in EXHIBIT "B" which is  
17 attached hereto and made a part hereof by reference,  
18 terminated on his death and became vested in KATH GERARD  
19 ADAMS, as surviving joint tenant; and

20 (c) The State of California has no claim or  
21 lien against the property for inheritance taxes, and all  
22 inheritance taxes chargeable herein have been paid.

23  
24 DONE IN OPEN COURT this SEP 2 1960 day of September, 1960.

25  
26 **BONSALL NOON**

27 **JUDGE OF THE SUPERIOR COURT**

28  
29 The foregoing instrument is a full, true and correct copy of  
the original on file in this office.

30  
31 R. B. JAMES, County Clerk and Clerk of the Superior Court of the State  
of California in and for the County of San Diego  
32 *By [Signature] Deputy*  
*Marjorie W. Roberts*

1 THE PROPERTY ON HAND FOR DISTRIBUTION is ordered distributed as  
2 follows:

3 To GLOKIA ADAMS KETCHUM:

4 An undivided one-half interest in the following described real  
5 property located in the County of San Diego, State of California,  
6 subject to any and all encumbrances of records:

7 (a) PARCEL 1

8 Lot Two and the Southwest Quarter of the Northeast Quarter  
9 and the Southeast Quarter of the Northeast Quarter of Section  
10 Five, Township Eighteen South, Range Eight East, according  
11 to United States Government Survey approved December 17,  
12 1884; and the Southwest Quarter of the Southeast Quarter of  
13 Section Thirty-two, Township Seventeen South, Range Eight  
14 East, San Bernardino Meridian, in the County of San Diego,  
15 State of California, according to United States Government  
16 survey approved August 27, 1880;  
17 EXCEPTING from said premises that portion thereof included  
18 within the Two hundred foot strip of land conveyed by Mrs.  
19 Anna M. Anthony to San Diego and Arizona Railway Company, a  
20 corporation, by deed dated May 24, 1917, recorded in Book  
21 722, page 309 of Deeds, records of San Diego County.

22 (b) PARCEL 2

23 The Southeast Quarter of the Southeast Quarter of Section  
24 Thirty-two, Township Seventeen South, Range Eight East,  
25 San Bernardino Meridian, in the County of San Diego, State  
26 of California, according to United States Government  
27 Survey approved August 27, 1880.

28 Lot One (Northeast Quarter of Northeast Quarter) of Section  
29 Five; and Lot Four (Northwest Quarter of Northwest Quarter);  
30 South Half of Northwest Quarter; East Half of Southwest  
31 Quarter, and Northwest Quarter of Southeast Quarter of  
Section Four; in Township Eighteen South, Range Eight East,  
San Bernardino Meridian, in the County of San Diego, State  
of California, according to United States Government Survey  
approved December 17, 1884.

32 (c) PARCEL 3

33 South Half of the Southwest Quarter of Section Thirty-three,  
34 Township Seventeen South, Range Eight East, San Bernardino  
35 Meridian, in the County of San Diego, State of California,  
36 according to United States Government Survey approved  
37 August 27, 1880.

38 Lot Two (Northwest Quarter of Northeast Quarter); Lot Three  
39 (Northeast Quarter of Northwest Quarter) and Southwest  
40 Quarter of Northeast Quarter of Section Four, Township  
41 Eighteen South, Range Eight East, San Bernardino Meridian,  
in the County of San Diego, State of California, according  
to United States Government Survey approved December 17,  
1884, EXCEPTING from said Lots Two and Three and Southwest

1 Quarter of Northeast Quarter of Section Four, all coal and  
 2 other minerals, together with the rights to prospect for,  
 mine and remove the same, as excepted and reserved in  
 United States Patent.

3  
 4 (d) PARCEL 4

5 The Southeast Quarter of Southwest Quarter; Southwest Quarter  
 6 of Southeast Quarter; and Northeast Quarter of Southwest  
 7 Quarter of Section Twenty-nine, and Northwest Quarter of  
 8 Northeast Quarter, Section 32; all in Township Seventeen  
 South, Range Eight East, San Bernardino Meridian, in the  
 County of San Diego, State of California, according to United  
 States Government Survey approved August 27, 1880.

9 (e) PARCEL 5

10 Lots Seven and Eight of Section Nine, Township Eighteen South,  
 11 Range Eight East, San Bernardino Meridian, in the County of  
 San Diego, State of California, according to United States  
 Government Survey, approved April 4, 1914.

12 (f) PARCEL 6

13 The Northeast Quarter of Northwest Quarter and Southeast  
 14 Quarter of Northwest Quarter of Section Thirty-two, Township  
 15 Seventeen South, Range Eight East, San Bernardino Meridian,  
 16 in the County of San Diego, State of California, according  
 to United States Government Survey approved August 27, 1880;  
 EXCEPTING therefrom any portion thereof lying within the  
 right of way of the San Diego and Arizona Railway Company.

17 (g) PARCEL 7

18 The Southwest Quarter of the Southwest Quarter of Section  
 19 Twenty-nine, the West half of the Northwest Quarter, and  
 20 the North half of the Southwest Quarter of Section Thirty-  
 21 two, all in Township Seventeen South, Range Eight East,  
 San Bernardino Meridian, in the County of San Diego, State  
 of California.

22 The West Half of the Southwest Quarter of Section Four, the  
 23 Southeast Quarter of Section Five, the Northeast Quarter, and  
 24 the Northeast Quarter of the Northwest Quarter of Section  
 25 Eight; the West Half of the Northwest Quarter and the North-  
 west Quarter of the Southwest Quarter of Section Nine, all  
 in Township Eighteen South, Range Eight East, San Bernardino  
 Meridian, in the County of San Diego, State of California.

26 1. EXCEPTING, however, from the West Half of the Northwest  
 27 Quarter and from the North Half of the Southwest Quarter  
 28 of Section 32 hereinbefore described, that portion thereof  
 29 conveyed by William M. Ruby and Pearl Ruby to the San Diego  
 30 and Arizona Railway Company, a corporation, by that certain  
 deed dated January 4, 1918, and recorded January 18, 1918,  
 in Book 749, page 176 of Deeds, which said deed was re-  
 recorded January 25, 1918, in Book 750, page 285 of Deeds,  
 and particularly described in said deed as follows, to-wit:

31 A strip of land 100 feet in width through and across said  
 32 described real property, being 50 feet in width on each  
 side of the center of the road bed and location line of

1 railroad of said San Diego and Arizona Railway Company,  
2 which center line is particularly described as follows,  
to wit:

3 Commencing at a point known and designated on the Map and  
4 Survey of said County for said railroad at Engineer's  
5 Survey Station "H" 20 plus 32.9, which point is South  
6 2°04' West, 215.3 feet from the Northwest corner of the  
7 Southwest Quarter of the Southeast Quarter of said Section  
8 32; running thence North 44°42½' West, 979.1 feet to  
9 Engineer's Survey station "H" 16 plus 35.8, as shown on  
10 said Map and Survey; thence curving to the right on a taper  
11 curve No. ½, 450 feet to Engineer's Survey Station "H"  
12 13 plus 85.8, as shown on said Map and Survey; thence  
13 curving to the right with a radius of 1432.47 feet, a  
14 distance of 344.6 feet to Engineer's Survey Station "H" 10  
15 plus 41.2 as shown on said Map and Survey; thence curving  
16 to the right on a taper curve No. ½, 450 feet to Engineer's  
17 Survey Station "H" 5 plus 01.2, as shown in said Map and  
18 Survey; thence North 12°55½' West, 1979.9 feet to Engineer's  
19 Survey Station "K" 13 plus 88.7, as shown on said Map and  
20 Survey; thence curving to the left with a radius of 5729.61  
21 feet, a distance of 1000 feet to Engineer's Survey Station  
22 "K" 23 plus 88.7, as shown on said Map and Survey.

23 2. ALSO EXCEPTING from the Southwest Quarter of the  
24 Southwest Quarter of said Section 29, Township 17 South,  
25 Range 8 East, San Bernardino Meridian, that portion thereof  
26 included in the following description:

27 A strip of land 100 feet in width, through and across said  
28 described property, being 50 feet on each side of the  
29 following described center line:

30 Commencing at a point known and designated on the Map and  
31 Survey of said Railway Company for said right of way, as  
32 Engineer's Survey Station "H" 5 plus 005, which said point  
is South 89°43' East, distant 1587.7 feet from the North-  
west corner of said Southwest Quarter of Section 32,  
Township 17 South, Range 8 East; thence running North  
12°55.5' West, distant 1889.2 feet to Engineer's Survey  
Station "K" 13 plus 887, as shown on said Map and Survey;  
thence curving to the left with a radius of 5729.61 feet,  
a distance of 1000 feet to Engineer's Survey Station "K"  
23 plus 887, as shown on said Map and Survey; thence  
North 22°55.5' West, distant 1325.0 feet to Engineer's  
Survey Station "K" 37 plus 143, as shown on said Map and  
Survey; thence curving to the right with a radius of  
5729.61 feet, a distance of 470.8 feet to Engineer's Survey  
Station "K" 41, plus 851 as shown on said Map and Survey,  
being right of way deeded to the San Diego and Arizona  
Railway Company by the Union Trust Company, a corporation,  
recorded January 15, 1918 in Book 743, page 327 of Deeds.

33 3. ALSO EXCEPTING from the West Half of the Southeast  
Quarter of Section 5, the Northwest Quarter of the North-  
east Quarter, and the Northeast Quarter of the Northwest  
Quarter of Section 8 herein described, that portion thereof  
conveyed by Elizabeth Esbury, Executrix, and Lorene M. Mayer,  
C. M. Gifford and Arthur A. Henderson, Executors of the  
Last Will and Testament of Smith Harris Esbury, deceased,  
et al, to the San Diego and Arizona Railway Company, a

1 corporation, by deed dated August 8, 1917 and recorded in  
2 Book 744, page 393 of Deeds described as follows:

3 A strip of land 200 feet in width, being 100 feet in width  
4 on each side of the center line of the railroad of the said  
5 San Diego and Arizona Railway Company, as shown on said  
6 Map and records of said Company in the office of the  
7 Engineer, and also as shown on said strip of land by a  
8 road bed now constructioned thereon by said Railway Company,  
9 said center of said location line being described as follows:

10 Commencing at the Northeast corner of the Southeast Quarter  
11 of said Section 5; thence along the North line of the  
12 Southeast Quarter of said Section 5, South 87°19' West,  
13 1646.8 feet from the point of beginning, said point being  
14 Engineer's Survey Station "H" 68 plus 28, as shown on  
15 said Maps and records; running thence South 1°14.5' West  
16 2151 feet to Engineer's Survey Station "D" 49 plus 79;  
17 thence curving to the right on a taper curve No. 1, a  
18 distance of 330 feet to Engineer's Survey Station "D"  
19 93 plus 09; thence curving to the right with a radius  
20 of 955.04 feet, a distance of 216.1 feet to Engineer's  
21 Survey Station "D" 95 plus 25.1, said last named point  
22 being on the South line of the Southeast Quarter of  
23 Section 5, North 89°24' East 834 feet from the Southwest  
24 corner of the Southeast Quarter thereof; thence continuing  
25 on a curve to the right, with a radius of 955.04 feet, a  
26 distance of 639.5 feet to Engineer's Survey Station "D"  
27 201 plus 64.6; thence curving to the right on a taper  
28 curve No. 1, a distance of 330 feet to Engineer's Survey  
29 Station "D" 104 plus 94.6; thence South 74°22.5' West  
30 85.1 feet to Engineer's Survey Station "D" 105 plus 80.7,  
31 said point being on the West line of the Northwest Quarter  
32 of the Northeast Quarter of said Section 8, South 43' West,  
564.2 feet from the Northwest corner of the Northeast  
Quarter thereof; thence South 74°22.5' West, 1319.3 feet  
to Engineer's Survey Station "D" 119 "X" 119; thence on  
a curve to the right, with a radius of 22918.32 feet, a  
distance of 75.2 feet to Engineer's Survey Station "X"  
119 plus 75.2, said last named point being on the West  
line of the Northeast Quarter of the Northwest Quarter of  
said Section 8 and North 0°21'17" East, 413.4 feet from  
the Southwest corner of the Northeast Quarter of the  
Northwest Quarter thereof.

24 (h) PARCEL 8

25 **The East Half of the Northwest Quarter of Section 9, Town-**  
26 **ship Eighteen South, Range 8 East, San Bernardino Meridian,**  
27 **in the County of San Diego, State of California, according**  
28 **to United States Government Survey approved December 17,**  
29 **1884.**

30 To RUTH GERARD ADAMS:

31 All of the rest, residue and remainder of said estate (subject to  
32 payment of statutory attorneys' fees and costs), consisting of the  
following described property, together with any other property not



1 now known or discovered which may belong to the estate, or in which  
2 the decedent or the estate may have any interest:

3 PERSONAL PROPERTY

- 4 1. Commercial account, Bank of America National  
Trust and Savings Association, Hillcrest Branch \$2,299.33
- 5
- 6 2. Demand note dated August 1, 1960, from Ruth Gerard Adams  
to the Estate of Edwin O. Adams, also known as E. O. Adams,  
7 deceased, in the sum of \$990.75, together with interest at  
6% per annum from date until paid.
- 8 3. Demand note dated August 1, 1960, from Gloria Adams Ketchum  
to the Estate of Edwin O. Adams, also known as E. O. Adams,  
9 deceased, in the sum of \$1,854.76, together with interest at  
6% per annum from date until paid.
- 10
- 11 4. Secured Installment Promissory Note in the sum of \$59,557.14,  
executed December 5, 1953, by A & M Farms Company, a  
12 corporation, payable to E. O. Adams, a married man, and  
William J. McKay, a married man, principal payable in in-  
13 stallments of \$500.00 a month. This Note is secured by a  
Trust Deed and Chattel Mortgage. On January 28, 1954, Note  
14 was assigned by William J. McKay to E. O. Adams. Deed of  
Trust recorded December 31, 1953, in Book 5100, Pages 587 to  
15 590, inclusive, in the office of the Recorder of San Diego  
County.
- 16 5. Unsecured Promissory Note in the sum of \$15,000.00, executed  
on January 5, 1958 by Wm. J. McKay and Marietta McKay, pay-  
17 able to E. O. Adams and Ruth G. Adams - due one year after  
18 date, with 6% interest payable monthly.
- 19 6. 1953 Ford Station Wagon, Eng. #B3L4169300.
- 20 7. Cert. No. 225 of Membership in Mountain Empire Electric  
Cooperative, Inc.
- 21 8. Household furniture and personal effects in residence at  
22 3714 Eighth Avenue, San Diego, California.

23 REAL PROPERTY

- 24 1. Lots forty-three (43) and forty-four (44) in Block Seven (7)  
of Crittenden Addition, in the City of San Diego, County of  
25 San Diego, State of California, according to Map thereof  
No. 303, filed in the office of the County Recorder of  
26 San Diego County, October 5, 1886.
- 27 KNOWN AS 3718 to 3720 Eighth Avenue, San Diego, California.
- 28 2. Lots forty-five (45) and forty-six (46) in Block Seven (7)  
of Crittenden's Addition, in the City of San Diego, County of  
29 San Diego, State of California, as per official map thereof  
on file in the office of the Recorder of said San Diego County.
- 30 KNOWN AS 3714-3714½ Eighth Avenue, San Diego, California.
- 31



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

3. The Northeast Quarter of the Southeast Quarter of Section 4, Township 18 South, Range 5 East, San Bernardino Meridian, excepting therefrom that portion thereof described as follows:

Beginning at the Northeast Corner of the Southeast Quarter of Section 4, thence South 528 feet; thence West 165 feet, to the true point of beginning; thence South 204 feet; thence West 82.5 feet; thence North 204 feet; thence East 82.5 feet to the true point of beginning.

4. Lot Fifteen, in Block Three, of Cleveland Heights, according to Map thereof No. 621, filed in the office of the County Recorder of said San Diego County February 4, 1890.

KNOWN as 3844 Front Street, San Diego, California.

EXHIBIT "B"

The real property in the City of San Diego, County of San Diego, State of California, described as follows:

Lots 47 and 48, Block 7, Crittenden Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 303, filed in the office of the County Recorder of San Diego County, October 5, 1886.

ALSO that portion of Pennsylvania Avenue, formerly Thomson Avenue, adjoining said Lot 48, Crittenden Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 303, filed in the office of the County Recorder of San Diego County, October 5, 1886, on the South as vacated by City Ordinance No. 2899, described as follows:

Commencing at the Southeast corner of said Lot 48 in said Block 7, of Crittenden Addition; thence West on the South line of said 48, 140 feet; thence at right angles South 30 feet; thence at right angles East 140 feet; thence at right angles North 30 feet to a point of commencement.

KNOWN AS 730 Pennsylvania Avenue, San Diego, California