

C A S E   R E G I S T E R   R E P O R T

Status: CL                      Closed Date: 01/12/1999  
 File Number: DP-10-1998-2      From Seq #: 1.0                  Filing Date: 01/14/1998  
 Title: IN THE MATTER OF THE ESTATE OF: FREDERIC Last      Opened Date: 01/14/1998  
 Action Text: INFORMAL INTESTATE                      First Closed Date: 01/12/1999  
 JUDGE TRIAL

Type	Stat	NType	Name	AStat	Attorneys
<hr/>					
<u>Other</u>					
DEC	ACT	AKA	FREDERICK, PERCY G. FREDERICK, PERCY	ACT	GALLAGHER, FRANCIS E
CPR	ACT		FREDERICK, CLAUDE	ACT	GALLAGHER, FRANCIS E
CPR	ACT		FREDERICK, MARK L.	ACT	GALLAGHER, FRANCIS E

Judge	Dept	Start Dt	Status
<hr/>			
DAVID J. CYBULSKI	1	01/14/1998	ACTIVE JUDGE IN CASE

Seq#	Ent Dt	File Dt	Register Text	Amount	Book	Film
<hr/>						
1.0	01/15/98	01/14/98	DECLINATION AND NOMINATION			
2.0	01/15/98	01/14/98	APPLICATION FOR INFORMAL APPOINTMENT OF P. R. IN INTESTACY	\$95.00		
3.0	01/15/98	01/14/98	ORDER OF INFORMAL APPOINTMENT OF P. R.			
4.0	01/15/98	01/14/98	LETTERS ISSUED & FILED AND 2 C/C	\$6.00		
5.0	01/06/99	01/06/99	CERTIFICATE OF INHERITANCE TAX			
6.0	01/12/99	01/12/99	NOTICE & INFORMATION TO HEIRS & DEVISEE(S)			
7.0	01/12/99	01/12/99	AFFIDAVIT OF MAILING			
8.0	01/12/99	01/12/99	NOTICE TO CREDITORS			
9.0	01/12/99	01/12/99	AFFIDAVIT OF PUBLICATION			
10.0	01/12/99	01/12/99	INVENTORY & APPRAISEMENT			
11.0	01/12/99	01/12/99	APPLICATION FOR DETERMINING INHERITANCE TAX			
12.0	01/12/99	01/12/99	DEED OF DISTRIBUTION			
13.0	01/12/99	01/12/99	INSTRUMENT OF DISTRIBUTION			
14.0	01/12/99	01/12/99	WAIVER OF ACCOUNTING			
15.0	01/12/99	01/12/99	CO-P.R. SWORN STATEMENT TO CLOSE ESTATE			
16.0	01/12/99	01/12/99	AFFIDAVIT OF MAILING			

1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representatives

Jan. 14 19 98  
PATRICIA McDONNELL  
Clerk of District Court  
By Patricia McDonnell  
Deputy

8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY

9 IN THE MATTER OF THE ESTATE

Cause No. DP-10-1998-2

10 OF  
11 PERCY G. FREDERICK, s/p/a  
12 PERCY FREDERICK,  
13 Deceased.

14 APPLICATION FOR INFORMAL  
15 APPOINTMENT OF PERSONAL  
16 REPRESENTATIVES IN  
17 INTESTACY

18 Applicants respectfully show:

19 1. Applicants are surviving sons of decedent. Decedent's  
20 wife, Alyce Mae Frederick has declined to act as personal repre-  
21 sentative and has nominated the undersigned to act as co-personal  
22 representatives of decedent's estate.

23 2. PERCY G. FREDERICK died on December 4, 1997 at the age  
24 of 76 years. At the time of death, the decedent was domiciled in  
25 Daniels County, State of Montana.

26 3. The names and addresses of the spouse, children, heirs  
27 and devisees and the ages of any who are minors, so far as is  
28 known or ascertainable with reasonable diligence by applicant,  
are:

<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP</u>	<u>AGE</u>
ALYCE MAE FREDERICK Box 913 Scobey MT 59263	wife	Legal

1 LEE M. FREDERICK son Legal  
911 West Wheelock Parkway  
2 St. Paul MN 55117

3 JAN R. FREDERICK son Legal  
6220 Meadowcrest Dr Apt. 101  
4 Johnston IA 50131

5 MARK L. FREDERICK son Legal  
Box 29  
6 Flaxville MT 59222

7 CLAUDE FREDERICK son Legal  
Box 35  
8 Flaxville MT 59222

9 4. Venue for this proceeding is in Daniels County, Montana,  
10 because decedent was domiciled in said county and owned assets in  
11 said county.

12 5. The name and address of a personal representative of the  
13 decedent whose appointment has not been terminated is: None.

14 6. Applicants have not received a demand for notice and are  
15 not aware of a demand for notice of any probate or appointment  
16 proceeding concerning the decedent that may have been filed in  
17 this state or elsewhere.

18 7. Applicants exercised reasonable diligence to determine  
19 if decedent died testate, and are unaware of any unrevoked tes-  
20 tamentary instrument relating to property having a situs in  
21 Montana.

22 8. Applicants are entitled to be appointed as co-personal  
23 representatives. Their priority under Section 72-3-502, M.C.A.  
24 is that they are surviving sons of decedent and the nominees of  
25

1 Alyce Mae Frederick, the surviving wife of decedent. Other  
2 persons having a prior or equal right to the appointment under  
3 Section 72-3-502, M.C.A., are as follows: NONE.

4 DATED this 13 day of Jan. 1998.

5 X Claude Frederick  
6 CLAUDE FREDERICK, Applicant  
7 Box 35  
8 Flaxville MT 59222

9 X Mark L. Frederick  
10 MARK L. FREDERICK  
11 Box 29  
12 Flaxville MT 59222

13 STATE OF MONTANA )  
14 County of Valley ) ss

15 CLAUDE FREDERICK and MARK L. FREDERICK, being first duly  
16 sworn, upon oath, depose and say:

17 That the undersigned have read the foregoing and that the  
18 facts and matters contained therein are true, accurate and  
19 complete to the best of the undersigned's knowledge and belief.

20 Claude Frederick  
21 CLAUDE FREDERICK

22 Mark L. Frederick  
23 MARK L. FREDERICK

24 Subscribed and Sworn to before me this 13 day of Jan,  
25 1998.

26 Jessie Michie  
27 Notary Public for State of Montana  
28 Residing at Glasgow, Montana  
My commission expires 11-16-98

1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representatives

Filed Jan. 14 19 98  
PATRICIA McDONNELL  
Clerk of District Court  
By Patricia McDonnell  
Deputy

6 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY  
7 IN THE MATTER OF THE ESTATE

8 OF Cause No. DP-10-1998-2  
9 PERCY G. FREDERICK, s/p/a DECLINATION  
10 PERCY FREDERICK, AND  
11 Deceased. NOMINATION

12 **PERCY G. FREDERICK** died intestate on December 4, 1997, being  
13 at that time a resident of Daniels County, Montana.

14 The undersigned is the surviving wife of decedent and there-  
15 fore has priority to act as personal representative of decedent's  
16 estate. The undersigned declines to act as such personal represen-  
17 tative, and hereby nominates CLAUDE FREDERICK and MARK L.  
18 FREDERICK of Flaxville, Montana, to act as co-personal represen-  
19 tatives of the estate of PERCY G. FREDERICK, deceased.

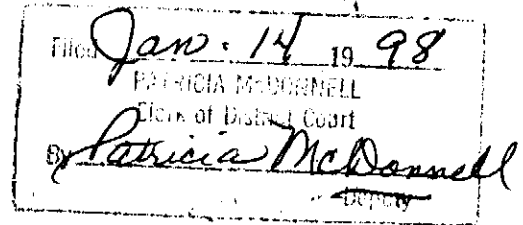
20 DATED this 13 day of Jan, 1998.

21 Alyce Mae Frederick  
22 ALYCE MAE FREDERICK

23 Subscribed and sworn to before me this 13 day of  
24 Jan, 1998.

25 Francis McGhie  
26 Notary Public for State of Montana  
27 Residing at Glasgow, Montana  
28 My commission expires 11-16-98

1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representatives



8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY

9 IN THE MATTER OF THE ESTATE

Cause No. DP-10-1998-2

10 OF

ORDER OF INFORMAL APPOINT-  
MENT OF PERSONAL REPRESENTATIVES

11 PERCY G. FREDERICK, s/p/a  
12 PERCY FREDERICK,  
Deceased.

13 The application of CLAUDE FREDERICK and MARK L. FREDERICK, for  
14 the informal appointment of co-personal representatives having come  
15 on for hearing, and it appearing that the application is complete  
16 and contains the applicants' oath or affirmation that the state-  
17 ments contained therein are true to the best of applicants' knowl-  
18 edge and belief, the Clerk makes the following findings based upon  
19 said application:

- 20 1. PERCY G. FREDERICK died on December 4, 1997, and at least  
21 120 hours have elapsed since decedent's death.
- 22 2. Applicants are interested persons by reason of the fact  
23 that they are surviving sons of decedent.
- 24 3. Venue is proper for the reason stated in the application.
- 25 4. No personal representative of the decedent has been  
26 appointed in this state or elsewhere.

1           6. Any notice required by Section 72-3-106, M.C.A. and  
2 Section 72-3-221, M.C.A. has been given.

3           7. No Will of the decedent has been offered for probate in  
4 this state or elsewhere, and the applicants are not aware of any  
5 Will of the decedent.

6           8. Applicants are entitled to be appointed co-personal  
7 representatives in intestacy of the estate of the decedent because  
8 applicants' priority is as stated in the application and applicants  
9 are otherwise qualified.

10           NOW, THEREFORE, IT IS ORDERED as follows:

11           1. The application for informal probate is hereby granted and  
12 applicants are hereby informally appointed as co-personal repre-  
13 sentatives of the estate of the above named decedent without bond.

14           2. Letters shall be issued to applicants upon qualification  
15 and acceptance.

16           DATED this 14<sup>th</sup> day of January, 1998.

17           Patricia McDonnell  
18           CLERK OF THE DISTRICT COURT

19           BY: \_\_\_\_\_  
20           Deputy Clerk



1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representatives

Filed Jan. 14 19 98  
PATRICIA McDONNELL  
Clerk of District Court  
By Patricia McDonnell  
Deputy

8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY  
9 IN THE MATTER OF THE ESTATE

Cause No. DP-10-1998 2

10 OF

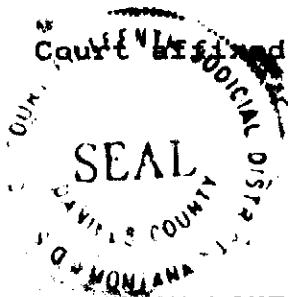
LETTERS

11 PERCY G. FREDERICK, s/p/a  
12 PERCY FREDERICK,  
13 Deceased.

14 The application by CLAUDE FREDERICK and MARK L. FREDERICK for  
15 appointment as co-personal representatives in intestacy of the  
16 estate of the above named decedent having been made and granted by  
17 order in the above proceeding dated January 14, 1998.

18 Letters of appointment as such co-personal representatives are  
19 hereby issued, as provided by law.

20 WITNESS the Clerk of the Court above named and the seal of the  
21 Court this 14th day of January, 1998.



Patricia McDonnell  
CLERK OF THE DISTRICT COURT

22 BY: \_\_\_\_\_  
23 Deputy Clerk

24 STATE OF MONTANA )  
25 : ss  
26 County of Valley )

27 The undersigned hereby accept the duties of co-personal repre-  
28 sentatives of the Will and estate of the above named deceased and



1 do solemnly swear that the undersigned will perform, according to  
2 law, the duties of co-personal representatives of the Will and  
3 estate of said deceased.

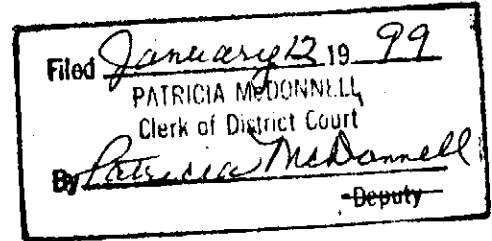
4 X *Claude Frederick*  
5 CLAUDE FREDERICK

6 X *Mark L. Frederick*  
7 MARK L. FREDERICK

8 Subscribed and Sworn to before me this 13 day of Jan.  
1998.

9 *Jason M. Liskie*  
10 Notary Public for State of Montana  
11 Residing at Calgary, Montana  
12 My commission expires 11-16-98

1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representatives



6 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY  
7 IN THE MATTER OF THE ESTATE

8 Cause No. DP-10-1997-2

9 OF

10 PERCY G. FREDERICK, s/p/a  
11 PERCY FREDERICK,  
12 Deceased.

13 NOTICE AND INFORMATION TO  
14 HEIRS AND DEVISEES

15 TO THE HEIRS AND DEVISEES OF THE ABOVE ENTITLED ESTATE:

16 1. The above named decedent died on or about December 4,  
17 1997.

18 2. This notice is being sent to persons who have or may have  
19 some interest in the estate being administered.

20 3. CLAUDE FREDERICK of Box 35, Flaxville MT 59222 and MARK  
21 L. FREDERICK of Box 29, Flaxville MT 59222 were appointed co-  
22 personal representatives of said estate on January 14 1998,  
23 without bond.

24 4. Papers and information relating to the estate are on file  
25 in the District Court of the Fifteenth Judicial District of the  
26 State of Montana, in and for the County of Daniels, at Scobey,  
27 Montana.

28 DATED January 12 1998.

29 Claude Frederick  
30 CLAUDE F. FREDERICK  
31 Personal Representative

32 Mark L. Frederick  
33 MARK L. FREDERICK  
34 Personal Representative

1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representatives

Filed Jan 12 1999  
PATRICIA McDONNELL  
Clerk of District Court  
By Patricia McDonnell  
Deputy

8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY  
9 IN THE MATTER OF THE ESTATE

10 OF Cause No. DP-10-1997-2  
11 PERCY G. FREDERICK, s/p/a AFFIDAVIT OF MAILING  
12 PERCY FREDERICK, Deceased.

13 STATE OF MONTANA )  
14 : ss  
15 County of Valley )

16 Frances M. Leckie, being first duly sworn, deposes and says:

17 That she is a Clerk in the office of GALLAGHER &  
18 ARCHAMBEAULT, P.C., attorneys at law, 605 3rd Avenue South, P.O.  
19 Box 512, Glasgow, MT 59230; that on the 17 day of Jan,  
20 1998, she deposited in the United States Post Office at Glasgow,  
21 MT 59230, a copy of the Notice and Information to Heirs and  
22 Devisees, in the above entitled matter, in a sealed envelope,  
23 postage thereon fully prepaid and addressed to:

24 Alyce Mae Frederick, Box 913, Scobey MT 59263  
25 LEE M. FREDERICK, 911 West Wheelock Parkway, St. Paul MN 55117  
26 JAN R. FREDERICK, 6220 Meadowcrest Dr Apt. 101, Johnston IA 50131  
27 MARK L. FREDERICK, Box 29, Flaxville MT 59222  
28 CLAUDE FREDERICK, Box 35, Flaxville MT 59222

Frances M. Leckie

29 Subscribed and sworn to before me this 17 day of  
30 Jan, 1998.

31 Shelby Bryan  
32 Notary Public for State of Montana  
33 Residing at Glasgow, Montana  
34 My commission expires 9/3/98

35 E:\Estates\APPOINT.PGF\122297

1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representatives

FILED Jan 12 19 99  
PATRICIA McDONNELL  
Clerk of District Court  
*Patricia McDonnell*  
Deputy

8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY  
9 IN THE MATTER OF THE ESTATE

Cause No. DP-10-1997-2

10 OF

NOTICE TO CREDITORS

11 PERCY G. FREDERICK, s/p/a  
12 PERCY FREDERICK,  
13 Deceased.

14 NOTICE IS HEREBY GIVEN, that the undersigned have been  
15 appointed co-personal representatives of the above named estate.  
16 All persons having claims against the said deceased are required  
17 to present their claims within four (4) months after the date of  
18 the first publication of this notice or said claims will be  
19 forever barred. Claims must be mailed to the undersigned at the  
20 following address:

21 GALLAGHER & ARCHAMBEAULT, P.C.  
22 605 3rd Avenue South  
23 P.O. Box 512  
24 Glasgow, MT 59230  
25 Telephone: (406) 228-9331

26 return receipt requested, or filed with the Clerk of the above  
27 named Court.

28 DATED January 17, 1998.

*Claude Frederick*  
29 CLAUDE FREDERICK  
30 Personal Representative

*Mark L. Frederick*  
31 MARK L. FREDERICK  
32 Personal Representative

AFFIDAVIT OF PUBLICATION

DANIELS COUNTY LEADER

Box 850

Scobey, Montana 59263

STATE OF MONTANA )  
COUNTY OF DANIELS )

Burl Bowler, Being first  
duly sworn, deposes and says: That        he is the  
manager, principal clerk, foreman of the Daniels  
County Leader, a newspaper of general circulation  
published weekly at Scobey, in the County of  
Daniels, State of Montana, that a copy of the

Notice to Creditors

as hereto attached, was published weekly in the  
regular and entire issues of said newspaper for  
3 successive weeks;

That the first publication of said notice  
was on the 22<sup>nd</sup> day of January, 1998;

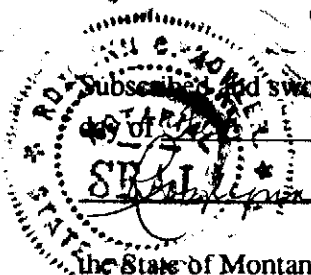
at the second publication of said notice  
was on the 29<sup>th</sup> day of January, 1998;

that the third publication of said notice  
was on the 5<sup>th</sup> day of February, 1998;

that the fourth publication of said         
was on the        day of       , 19   ;

that the fifth publication of said         
was on the        day of       , 19   ;

Burl Bowler  
Manager, Principal Clerk, Foreman



Subscribed and sworn to before me this 5<sup>th</sup>  
1998

Shirley C. Bowler  
Notary Public in and for  
the State of Montana, residing at Scobey, Montana.

My Commission expires Jan 24, 2002  
7 folios, 3 issues, \$ 58.80

Attorney for Plaintiff

NOTICE TO CREDITORS

Francis Gallagher  
GALLAGHER &  
ARCHAMBEAULT, P.C.  
605 3rd Avenue South  
Glasgow, MT 59230  
Telephone: 406-228-9331  
ATTORNEYS FOR PERSONAL  
REPRESENTATIVES

MONTANA FIFTEENTH  
JUDICIAL DISTRICT COURT,  
DANIELS COUNTY

IN THE MATTER OF THE ES-  
TATE OF PERCY G.  
FREDERICK, s/p/a PERCY  
FREDERICK,

Deceased

Cause No. DP-10-1997-2

NOTICE IS HEREBY GIVEN  
that the undersigned have been ap-  
pointed co-personal representatives  
of the above-named estate. All per-  
sons having claims against the said  
deceased are required to present their  
claims within four (4) months after  
the date of the first publication of  
this notice or said claims will be  
forever barred.

Claims must be mailed to the  
undersigned at the following ad-  
dress:

GALLAGHER &  
ARCHAMBEAULT, P.C.  
605 3rd Avenue South  
P.O. Box 512  
Glasgow, MT 59230  
Telephone: 406-228-9331

return receipt requested, or filed with  
the Clerk of the above named Court.  
DATED January 17, 1998

/S/CLAUDE FREDERICK  
Personal Representative  
/S/MARK L. FREDERICK  
Personal Representative

Appointment 10 19 98

Jan 12 19 99  
PATRICIA McDONNELL  
Deputy



**RECAPITULATION**

Schedule	Description	Fair Market Value as of Date of Death
A	Real Estate	\$ 8,700.00
B	Stocks and Bonds	-0-
C	Mortgages, Notes and Cash	\$142,937.07
D	Life Insurance & Annuities (Less \$50,000.00 Exclusion)	-0-
E	Jointly Owned Property (decedent's taxable interest)	\$315,153.82
F	Other Miscellaneous Property	\$ 7,410.69
G	Transfers During Decedent's Life	-0-
H	Powers of Appointment	-0-
I	Annuities	\$ 24,224.82
	<b>Total Value of All Property</b>	<b>\$498,426.40</b>

1 PERCY G. FREDERICK ESTATE  
2 INVENTORY AND APPRAISEMENT  
3 REAL ESTATE

4 SCHEDULE A:

- 5 1. The following described property situated in Dawson  
6 County, Montana:

7 SEXSEX of Section 33, T16N, R55E, MPM, Dawson  
8 County, Montana as described as follows:  
9 commencing at the east 1/4 corner of Section,  
10 33; thence S00°01'W, 1686.6 feet; thence  
11 S88°14'W, 30.49 feet; thence S55°45'10"W  
12 along the centerline of the county road; a  
13 distance of 525.20 feet to a point also on  
14 the centerline of the existing county road  
15 also being the true point of beginning;  
16 thence along the centerline of said county  
17 road; S55°45'40" W, 169.17 feet; thence S38°  
23'40"E, 30.00 feet to a point being a 3/4"  
pipe found; thence S52°17'E, 285.18 feet to a  
point being a 1/2" steel pin with a plastic  
cap; thence N46°04'30"E, 126.00 feet to a  
point being a 1/2" steel pin with a plastic  
cap; thence N44°34'W, 254.06 feet to a point  
being a 1/2" steel pin with a plastic cap;  
thence N34°14'40" W, 29.92 feet to the true  
point of beginning. Said tract contains 1.00  
acres more or less. According to Certificate  
of Survey #621 on file and of record in the  
office of the Clerk and Recorder, Dawson  
County, Montana

18 Value as of Date of Death (DOD) \* 2,000.00

- 19 2. All of decedent's right, title and interest in and to  
20 all oil, gas, coal, hydrocarbons and any and all other  
21 minerals owned by decedent, located in, on and under  
22 the following described real estate, together with the  
right of ingress and egress to explore for and recover  
the same, situated in Daniels County, Montana:

23 TOWNSHIP 33 NORTH, RANGE 50 E.M.M.  
Section 18: EXNW1/4, W1/4NE1/4

24 TOWNSHIP 34 NORTH, RANGE 50 E.M.M.  
Section 31: SW1/4NE1/4, NW1/4SE1/4, W1/4

25 TOWNSHIP 34 NORTH, RANGE 49 E.M.M.  
26 Section 21: NW1/4, E1/4SW1/4, SE1/4  
27 Section 23: SW1/4, SE1/4NW1/4



1 Section 25: W%NEX, NW%, W%SW%  
2 Section 26: SW%NW%, N%NW%, E%NEX,  
3 SW%NEX, SE%NW%, S%  
4 Section 28: NE%NW%, NW%NEX  
5 Section 35: E%SE%  
6 Section 36: W%W%, SE%SW%

7 TOWNSHIP 33 NORTH, RANGE 50 E.M.M.

8 Section 18: E%NEX, E%SW%, SE%  
9 Section 30: SW%NEX, NW%, N%SW%, NW%SE%

10 TOWNSHIP 33 NORTH, RANGE 49 E.M.M.

11 Section 14: SE%  
12 Section 23: All  
13 Section 24: E% less 11 acres in NE%NE%  
14 Section 26: N%

15 TOWNSHIP 33 NORTH, RANGE 49 E.M.M.

16 Section 11: Lots 1, 2, 3, 4 and 8

17 Value as of DOD

\* 6,700.00

18 TOTAL SCHEDULE A

9 8,700.00

1 **PERCY G. FREDERICK ESTATE**  
2 **INVENTORY AND APPRAISEMENT**  
3 **REAL ESTATE**

4 **SCHEDULE C**

5 1. The unpaid balance of promissory note dated March  
6 1, 1990, wherein FREDERICK BROTHERS, INC. promises  
7 to pay to the order of Percy Frederick the sum of  
8 \$187,746.00.

9 Unpaid balance as of Date of Death (DOD) \$142,937.07

10 **TOTAL SCHEDULE C**

11 **\$142,937.07**

PERCY G. FREDERICK ESTATE  
INVENTORY AND APPRAISEMENT  
REAL ESTATE

SCHEDULE E

The following property owned by the decedent and his wife,  
ALYCE MAE FREDERICK, as joint tenants with right of sur-  
vivorship and not as tenants in common:

1. Checking Account No. 104-132 with Citizens State  
Bank of Scobey, Montana.  
Balance as of Date of Death (DOD) \* 24,062.57
2. Accrued interest to DOD on Checking Account, Item 1  
above  
Balance as of Date of Death (DOD) \* 8.20
3. Savings Account No. 603-104 with Citizens State  
Bank of Scobey, Montana.  
Balance as of Date of Death (DOD) \*175,684.10
4. Accrued interest to DOD on savings account, Item 3  
above  
Balance as of Date of Death (DOD) \* 151.65
5. Certificate of Deposit No. 5838, dated 11/2/89,  
with Citizens State Bank of Scobey, Montana.  
Balance as of Date of Death (DOD) \* 11,191.54
6. Accrued interest to DOD on Certificate of Deposit,  
Item 5 above  
Balance as of Date of Death (DOD) \* 55.76
7. The following described real estate situated in Daniels  
County, Montana:

Parcel A

A parcel of land located in the NW¼ of the  
NE¼ of Section 14, Twp. 35 N., Rge. 48  
E.P.M.M., Daniels County, more particularly  
described as follows:  
Beginning at the N ¼ corner of said Section;  
thence S00° 10'30" E along the N-S ¼ line of  
said Section 14 a distance of 277.00 feet to  
a point on the N right of way line of Montana  
State Highway No. 5; thence N87° 30'00" E

1 along said highway right of way a distance of  
2 360.00 feet to a point; thence N00° 06'37" W  
3 a distance of 262.16 feet to a point on the N  
4 line of said Section 14; thence S89° 51'47" W  
5 along said N line of Section 14 a distance of  
6 360.00 feet to the point of beginning, con-  
7 taining 2.23 acres, as shown by Certificate  
8 of Survey No. 194240 of record in the office  
9 of the Clerk and Recorder of Daniels County,  
10 Montana.

11 Subject to Plat Approval Certificate No. 10-  
12 84-S1-85 of the Department of Health & Envi-  
13 ronmental Sciences of the State of Montana.

14 Subject further to road easement as specified  
15 by Certificate of Survey No. 194240 of record  
16 in the office of the Clerk and Recorder of  
17 Daniels County, Montana.

11	Value as of Date of Death (DOD)	* 81,000.00
12	8. 1994 Dodge, 1/2 ton pick-up truck, Title No. W756317, 13 VIN 1B7HP16Y3RS572282	* 8,000.00
14	9. 1996 Chrysler, CNC, 4D, Title No. E047478, VIN 15 2C3HD56FXTH234912	* 15,000.00
16	<b>TOTAL SCHEDULE E</b>	<hr/> *315,513.82

1 **PERCY G. FREDERICK ESTATE**  
2 **INVENTORY AND APPRAISEMENT**  
3 **REAL ESTATE**

4 **SCHEDULE F**

5	1. Miscellaneous personal effects and household furnishings	\$ 5,000.00
6	2. 1981 Chrysler Imperial, Title No. K339488, VIN 2A3BY62J8BR130853	\$ 1,000.00
7	3. Harvest States Cooperatives - Equities	\$ 377.26
8	4. Nemont Telephone - Capital credits	\$ 593.81
9	5. Grain Growers Oil Co. - Stock credits	\$ 164.32
10	6. Grain Growers Oil Co. - 1/3 of Frederick Brothers stock credits (\$825.89)	\$ 275.30
11		<hr/>
12	<b>TOTAL SCHEDULE F</b>	<b>\$ 7,410.69</b>

1 **PERCY G. FREDERICK ESTATE**  
2 **INVENTORY AND APPRAISEMENT**  
3 **REAL ESTATE**

4 **SCHEDULE I**

5 1. IRA Account No. 0326 6493229 3 002 with IDS Life  
6 Insurance Company. Alyce Frederick, designated  
7 beneficiary.

8 Balance as of Date of Death (DOD) \* 24,224.82

9 **TOTAL SCHEDULE I**

10 **\* 24,224.82**

11  
12  
13  
14 **FL\Estates\FREDERICK.INV\112098**

INCOME & MISCELLANEOUS TAX DIVISION  
INHERITANCE TAX  
MITCHELL BUILDING  
HELENA, MONTANA 59620

STATE OF MONTANA  
DEPARTMENT OF REVENUE

APPLICATION FOR DETERMINATION OF  
INHERITANCE TAX

[REDACTED SECTION]

I hereby make application for determination by the Department of Revenue of the amount of Inheritance Tax, if an due the State of Montana by reason of death of the following named decedent.

Decedents First and Middle Name 1. PERCY G.		Decedents Last Name FREDERICK		Date of Death December 4, 1997
Residence (Domicile) at Time of Death 2. Scobey, Montana		Address of Decedent at time of Death Same		Social Security Number 517-20-7457
Cause of Death 3. Metastatic lung cancer	Length of Illness 16 months	Date of Birth 1/2/21	Marital Status of Decedent <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widow(er)	

PERSONAL REPRESENTATIVES (EXECUTOR, ADMINISTRATOR)

Complete Mailing Address and Phone Number

4. Claude Frederick Mark L. Frederick		Box 35 Flaxville, MT 59222		
<input checked="" type="checkbox"/> SSN or <input type="checkbox"/> FEIN 516-72-0304 & 516-72-0360				

Name of Attorney(s) Representing the Estate Name(s)

Complete Mailing Address and Phone Number

5. Gallagher & Archambeault, P.C.		P. O. Box 512 Glasgow, MT 59230		
<input type="checkbox"/> SSN or <input checked="" type="checkbox"/> FEIN 81-0339563				

Judicial District and County where Will was Probated or Estate Administered

Probate Number

6. FIFTEENTH JUDICIAL DISTRICT, DANIELS COUNTY		DP-10-1997-2
--	--	--------------

- 7. DID THE DECEDENT LEAVE A WILL? (If yes, attach a certified copy) ..... NO
- 8. DID THE DECEASED OWN OR HAVE ANY INTEREST IN PROPERTY LOCATED OUTSIDE THE STATE OF MONTANA? If yes, attach an inventory and appraisal of all property. .... NO
- 9. WAS A FEDERAL ESTATE TAX RETURN FILED? If yes, please attach a copy. .... NO

I, (we) hereby declare under the penalties for false swearing, that this, including attached supplemental schedules, is a true, correct, and complete return of all information known by me to exist.

(For Office Use Only)

1.
2.
3.
4.
5.
6.
7.
8.

DATED THIS 16 DAY OF December 1998

X Claude Frederick  
X Mark L. Frederick  
CLAUDE FREDERICK  
MARK L. FREDERICK  
(Signature of Personal Representative)

GALLAGHER & ARCHAMBEAULT, P.C.

BY:

[Signature of Attorney]

Attorney or Person Preparing Return)

Filed Jan 12 1999  
PATRICIA McDONNELL  
Clerk of District Court  
By Patricia McDonnell  
Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF MONTANA,  
IN AND FOR THE COUNTY OF DANIELS  
PROBATE FILE NO. DP-18-1997-2

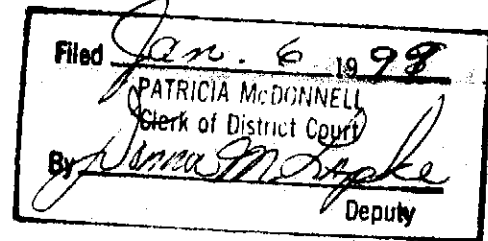
CLERK OF DISTRICT COURT  
DANIELS COUNTY  
PO BOX 67  
SCOBEE MT 59060-0067

CERTIFICATE  
OF INHERITANCE TAX  
MONTANA DEPARTMENT OF REVENUE

IN THE MATTER OF THE ESTATE OF

DECEASED. PERCY B FREDERICK

DATE OF DEATH: 12/04/98



Upon examination of the official reports filed in the office of the Montana Department of Revenue at Helena, Montana, it appears:

THAT NO INHERITANCE TAX IS DUE IN THIS ESTATE

Now, the above, this is to certify that the INHERITANCE tax due, if any, has been correctly computed and in the absence of error, fraud or collusion, or appeal to the District Court within sixty (60) days, this certificate shall become final and conclusive.

Therefore, the Department of Revenue of the State of Montana has caused these records to be executed and signed by its duly authorized inheritance tax officer, this December 1998.



DEPARTMENT OF REVENUE  
INCOME TAX DIVISION

CHASMS FREDERICK  
C/O FRANCIS GALLAGHER  
Attorney at Law  
645 END AVENUE SOUTH  
HELENA MT 59602

By: [Signature]  
Inheritance Tax Section



MONTANA DEPARTMENT OF REVENUE

(See Instructions)

SHOW THE TOTAL OF EACH DEDUCTION—IF SPACE IS INSUFFICIENT, ATTACH SCHEDULE

1. FUNERAL EXPENSES (Itemize Below)

_____	\$ _____	
_____	_____	
_____	_____	
LESS: Veterans Administration or County Payments .....	( _____ )	
<b>TOTAL FUNERAL EXPENSES</b>		\$ _____

2. EXPENSES OF LAST ILLNESS (Owing at Date of Death)

_____	\$ _____	
_____	_____	
_____	_____	
LESS: Amount paid by Insurance or Medicare .....	( _____ )	
<b>TOTAL EXPENSES OF LAST ILLNESS</b>		\$ _____

3. TAXES: (Owing at Date of Death)

_____	\$ _____	
_____	_____	
<b>TOTAL TAXES</b>		\$ _____

4. DEBTS OWING AT TIME OF DEATH:

_____	\$ _____	
_____	_____	
<b>TOTAL DEBTS OWING AT TIME OF DEATH</b>		\$ _____

5. FEDERAL ESTATE TAX: (Enclose copy of Federal Return)

\$ \_\_\_\_\_

6. ATTORNEY FEES

\$ \_\_\_\_\_

7. PERSONAL REPRESENTATIVE FEES      Date Paid \_\_\_\_\_  
(If fee is waived, no deduction can be claimed.)

\$ \_\_\_\_\_

8. APPRAISERS FEES

\$ \_\_\_\_\_

9. OTHER ORDINARY EXPENSES OF ADMINISTRATION: (See Instructions)

_____	\$ _____	
_____	_____	
<b>TOTAL OTHER EXPENSES OF ADMINISTRATION</b>		\$ NONE USED -

10. TOTAL DEDUCTIONS: (Also post to Line 1(e) or 1(h), whichever is appropriate)

\$ EXEMPTION EQUALS  
VALUE OF ESTATE

11. IF THE DECEDENT DID NOT LEAVE A WILL, LIST HEIRS AT LAW AND OTHER INFORMATION AS FOLLOWS:

Name	Relationship	Age	Residence
ALYCE MAE FREDERICK	Wife	Legal	Box 913, Scohey, MT 59263

(If above space is insufficient, attach schedule)

APPLICATION FOR DETERMINATION OF INHERITANCE TAX  
MONTANA DEPARTMENT OF REVENUE

1. IF DECEDENT OWNED PROPERTY IN MONTANA ONLY, COMPLETE SECTION B ONLY.  
IF DECEDENT OWNED PROPERTY OUTSIDE THE STATE OF MONTANA, COMPLETE SECTIONS A & B.

	A	B
a. Gross Estate Outside Montana	\$ _____	
b. Gross Estate in Montana (from inventory)		\$ 498,426.40
c. Total Estate— <b>a</b> plus <b>b</b>	\$ _____	
d. Ratio— <b>b</b> divided by <b>c</b>	_____	
e. Total Deductions in Montana (From Line 10, Page 2)	\$ _____	
f. Total Deductions Outside Montana (Submit Schedule)	\$ _____	
g. Total Deductions of Entire Estate— <b>e</b> plus <b>f</b>	\$ _____	
h. Proportionate Amount of Total Deductions— d multiplied by g or Total Deductions from Line 10, Page 2 as appropriate		\$ -0-
i. Montana Estate Subject to Tax— <b>b</b> minus <b>h</b>		\$ 498,426.40

2. STATE NAMES OF HEIRS OR DEVISEES; RELATIONSHIP TO DECEASED, IF ANY; DISTRIBUTIVE SHARE OF ESTATE; EXEMPTIONS TO WHICH EACH IS ENTITLED; AND RATE OF TAX.

Name of Heir or Devisee	Relationship, if any	Distributive	Exemption	Net Taxable Share	Rate of Tax	Amount of Tax
ALYCE MAE FREDERICK	Wife	ALL	ALL	-0-	--	-0-
TOTALS		\$498,426.40				-0-

NOTE: INHERITANCE TAXES ARE PAYABLE TO THE COUNTY TREASURER.

3. WAS A DEPOSIT OF ESTIMATED INHERITANCE TAX MADE? NO  
 IF YES, GIVE DATE OF DEPOSIT N/A AMOUNT DEPOSITED \$ N/A  
 COUNTY WHEREIN DEPOSIT WAS MADE N/A RECEIPT # \_\_\_\_\_

Estate of PERCY G. FREDERICK Deceased

1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representative

Filed Jan 12 1999  
PATRICIA MC DONNELL  
Clerk of District Court  
By Patricia McDonnell  
Deputy

8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY  
9 IN THE MATTER OF THE ESTATE

10 OF Cause No. DP-10-1997-2  
11 PERCY G. FREDERICK, s/p/a DEED OF DISTRIBUTION  
12 PERCY FREDERICK,  
13 Deceased.

14 CLAUDE FREDERICK and MARK L. FREDERICK, co-personal  
15 representatives of the above entitled estate, hereby assign,  
16 transfer, convey, release and distribute in kind, the assets  
17 described on the attached distribution schedule to the named  
18 distributee, TO HAVE AND TO HOLD said property, together with the  
19 appurtenances, unto the named distributee, her heirs, successors,  
20 and assigns forever.

21 This deed is issued pursuant to the provisions of Section  
22 72-3-904, M.C.A. as evidence of the named distributee's title to  
23 the property described and referred to herein.

24 The attached distribution schedule is by this reference made  
25 a part hereof.

26 DATED December 16, 1998.

27 [Signature]  
28

29 CLAUDE FREDERICK  
30 Personal Representative

31 [Signature]

32 MARK L. FREDERICK  
33 Personal Representative

34 STATE OF MONTANA )  
35 County of Valley ) ss

36 FRANCES M. TANKS  
37 MONTANA  
38

39 This instrument was acknowledged before me on December 16,  
40 1998, by CLAUDE FREDERICK and MARK L. FREDERICK.

41 [Signature]  
42 Notary Public for State of Montana  
43 Residing at Glasgow, Montana  
44 My commission expires 11-16-2002

1 PERCY G. FREDERICK ESTATE

2 DISTRIBUTION SCHEDULE

3 To ALYCE M. FREDERICK, s/p/a ALYCE MAE FREDERICK, of Box 913,  
4 Scobey, MT 59263, the following property:

- 5 1. The following described property situated in Dawson  
6 County, Montana:

7 SEXSEX of Section 33, T16N, R55E, MPM, Dawson County,  
8 Montana as described as follows: commencing at the  
9 east  $\frac{1}{4}$  corner of Section 33; thence  $S00^{\circ}01'W$ , 1686.6  
10 feet; thence  $S88^{\circ}14'W$ , 30.49 feet; thence  $S55^{\circ}45'10"W$   
11 along the centerline of the county road; a distance of  
12 525.20 feet to a point also on the centerline of the  
13 existing county road also being the true point of  
14 beginning; thence along the centerline of said county  
15 road;  $S55^{\circ}45'40"W$ , 169.17 feet; thence  $S38^{\circ}23'40"E$ ,  
16 30.00 feet to a point being a  $\frac{3}{4}$ " pipe found; thence  
17  $S52^{\circ}17'E$ , 285.18 feet to a point being a  $\frac{1}{2}$ " steel pin  
18 with a plastic cap; thence  $N46^{\circ}04'30"E$ , 126.00 feet to  
19 a point being a  $\frac{1}{2}$ " steel pin with a plastic cap;  
20 thence  $N44^{\circ}34'W$ , 254.06 feet to a point being a  $\frac{1}{2}$ "  
21 steel pin with a plastic cap; thence  $N34^{\circ}14'40"W$ ,  
22 29.92 feet to the true point of beginning. Said tract  
23 contains 1.00 acres more or less. According to Certifi-  
24 cate of Survey #621 on file and of record in the  
25 office of the Clerk and Recorder, Dawson County,  
26 Montana

- 27 2. All of decedent's right, title and interest in and to  
28 all oil, gas, coal, hydrocarbons and any and all other  
minerals owned by decedent, located in, on and under  
the following described real estate, together with the  
right of ingress and egress to explore for and recover  
the same, situated in Daniels County, Montana:

29 TOWNSHIP 33 NORTH, RANGE 50 E. M. M.

30 Section 18: EKNW $\frac{1}{4}$ , W $\frac{1}{4}$ NEX

31 TOWNSHIP 34 NORTH, RANGE 50 E. M. M.

32 Section 31: SW $\frac{1}{4}$ NEX, NW $\frac{1}{4}$ SEX, W $\frac{1}{4}$

33 TOWNSHIP 34 NORTH, RANGE 49 E. M. M.

34 Section 21: N $\frac{1}{4}$ , E $\frac{1}{4}$ SW $\frac{1}{4}$ , SEX

35 Section 23: SW $\frac{1}{4}$ , SEXNW $\frac{1}{4}$

36 Section 25: W $\frac{1}{4}$ NEX, NW $\frac{1}{4}$ , W $\frac{1}{4}$ SW $\frac{1}{4}$

37 Section 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{4}$ NEX,  
38 SW $\frac{1}{4}$ NEX, SEXNW $\frac{1}{4}$ , S $\frac{1}{4}$

Section 28: NEXNW $\frac{1}{4}$ , NW $\frac{1}{4}$ NEX

Section 35: E $\frac{1}{4}$ SEX

Section 36: W $\frac{1}{4}$ W $\frac{1}{4}$ , SEXSW $\frac{1}{4}$

1 PERCY G. FREDERICK ESTATE  
2 Distribution Schedule - Continued

3 TOWNSHIP 33 NORTH, RANGE 50 E.M.M.

4 Section 18: E~~X~~N~~E~~X, E~~X~~S~~W~~X, S~~E~~X

5 Section 30: S~~W~~X~~N~~E~~X~~, N~~W~~X, N~~X~~S~~W~~X, N~~W~~X~~S~~E~~X~~

6 TOWNSHIP 33 NORTH, RANGE 49 E.M.M.

7 Section 14: S~~E~~X

8 Section 23: All

9 Section 24: E~~X~~ less 11 acres in N~~E~~X~~N~~E~~X~~

10 Section 26: N~~X~~

11 TOWNSHIP 33 NORTH, RANGE 49 E.M.M.

12 Section 11: Lots 1, 2, 3, 4 and 8

- 13
- 14 3. Any and all other property belonging to said estate or
- 15 to said deceased, not now known or discovered, in which
- 16 said deceased or said estate has or may hereafter
- 17 acquire any interest.

18

19 The following property owned by the decedent and his sur-

20 viving wife, ALYCE M. FREDERICK, the title to which vests in

21 said surviving joint tenant:

- 22
- 23 1. The following described real estate situated in Daniels
- 24 County, Montana:

25 Parcel A

26 A parcel of land located in the NW~~X~~ of the NE~~X~~ of

27 Section 14, Twp. 35 N., Rge. 48 E.P.M.M., Daniels

28 County, more particularly described as follows:

Beginning at the N ~~X~~ corner of said Section; thence

S00° 10'30" E along the N-S ~~X~~ line of said Section 14 a

distance of 277.00 feet to a point on the N right of

way line of Montana State Highway No. 5; thence N87°

30'00" E along said highway right of way a distance of

360.00 feet to a point; thence N00° 06'37" W a distance

of 262.16 feet to a point on the N line of said Section

14; thence S89° 51'47" W along said N line of Section

14 a distance of 360.00 feet to the point of beginning,

containing 2.23 acres, as shown by Certificate of

Survey No. 194240 of record in the office of the Clerk

and Recorder of Daniels County, Montana.

1 PERCY G. FREDERICK ESTATE  
2 Distribution Schedule - Continued

3 SUBJECT TO Plat Approval Certificate No. 10-84-S1-85 of  
4 the Department of Health & Environmental Sciences of  
5 the State of Montana.

6 SUBJECT further to road easement as specified by Cer-  
7 tificate of Survey No. 194240 of record in the office  
8 of the Clerk and Recorder of Daniels County, Montana.  
9

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1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representative

Filed Jan 12 19 99  
D. J. DUNNELL  
Clerk of District Court  
By Patricia McDunnell  
Deputy

8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY  
9 IN THE MATTER OF THE ESTATE -----

10 OF Cause No. DP-10-1997-2  
11 PERCY G. FREDERICK, s/p/a INSTRUMENT OF DISTRIBUTION  
12 PERCY FREDERICK,  
13 Deceased.

14 -----  
15 CLAUDE FREDERICK and MARK L. FREDERICK, co-personal  
16 representatives of the above entitled estate, in order to make  
17 distribution of the property of this estate in compliance with  
18 Title 72, Montana Code annotated, relating to decedent's estate,  
19 hereby convey, assign, transfer, and release in kind, the assets  
20 described on the attached distribution schedule to the named  
21 distributee, all right, title and interest of the decedent in and  
22 to said property.

23 The attached distribution schedule is by this reference made  
24 a part hereof.

25 DATED December 16, 1998.

26 X Claude Frederick  
27 CLAUDE FREDERICK  
28 Personal Representative

Mark L. Frederick  
MARK L. FREDERICK  
Personal Representative

29 STATE OF MONTANA )  
30 County of Valley ) ss

31 This instrument was acknowledged before me on Dec 16  
32 1998, by CLAUDE FREDERICK and MARK L. FREDERICK.

33 Francis McGee  
34 Notary Public for State of Montana  
35 Residing at Glasgow, Montana  
36 My commission expires 11-16-2002

1 PERCY G. FREDERICK ESTATE

2 DISTRIBUTION SCHEDULE

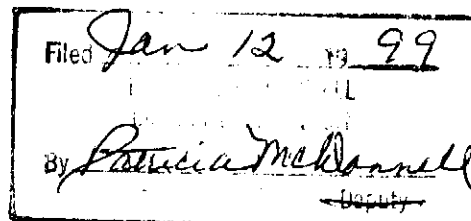
3 To ALYCE M. FREDERICK, s/p/a ALYCE MAE FREDERICK, of Box 913,  
4 Scobey, MT 59263, the following property:

- 5 1. The unpaid balance of promissory note dated March 1,  
6 1990, executed by FREDERICK BROTHERS, INC. to Percy  
7 Frederick
- 8 2. Miscellaneous personal effects and household furnish-  
9 ings
- 10 3. 1981 Chrysler Imperial, Title No. K339488, VIN  
11 2A3BY62J8BR130853
- 12 4. Grain Growers Oil Co. - Stock credits
- 13 5. Grain Growers Oil Co. - 1/3 of Frederick Brothers  
14 stock credits
- 15 6. Any and all other property belonging to said estate or  
16 to said deceased, not now known or discovered, in which  
17 said deceased or said estate has or may hereafter  
18 acquire any interest.

19  
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FL\estates\SCHEPUL2.PGF\112098



1 FRANCIS GALLAGHER  
2 Gallagher & Archambeault, P.C.  
3 605 - 3rd Avenue South  
4 P. O. Box 512  
5 Glasgow, Montana 59230  
6 (406) 228-9331  
7 Attorneys for Personal Representative



8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY

9 IN THE MATTER OF THE ESTATE Cause No. DP-10-1997-2  
10 OF WAIVER OF ACCOUNTING

11 PERCY G. FREDERICK, s/p/a  
12 PERCY FREDERICK,  
Deceased.

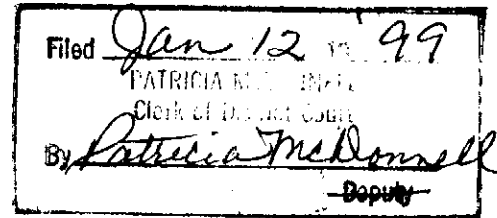
13 The undersigned, ALYCE M. FREDERICK, s/p/a ALYCE MAE  
14 FREDERICK, is the surviving wife of the deceased, and entitled  
15 to distribution to her of the entire estate. The undersigned  
16 hereby waives any statutory requirement that the Personal  
17 Representatives of the estate furnish to the undersigned, or  
18 file with the Court, an accounting of the personal representa-  
19 tives' administration of the estate.

20 DATED Jan 11, 1999.

21  
22 Alyce Mae Frederick  
23 ALYCE M. FREDERICK, s/p/a  
24 ALYCE MAE FREDERICK

25  
26 FL\Estates\ALYCE.WVR\112098

1 Francis Gallagher  
2 Gallagher & Archambeault, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representative



8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY

9 IN THE MATTER OF THE ESTATE

Cause No. DP-10-1997-2

10 OF

11 PERCY G. FREDERICK, s/p/a  
12 PERCY FREDERICK,  
Deceased.

CO-PERSONAL REPRESENTA-  
TIVES' SWORN STATEMENT  
TO CLOSE ESTATE

13 CLAUDE FREDERICK and MARK L. FREDERICK, co-personal repre-  
14 sentatives of the above named estate state that:

15 1. The undersigned are the duly appointed, qualified and  
16 acting co-personal representatives of the above named estate.

17 2. Notice to Creditors, as provided in M.C.A. 72-3-801, has  
18 been published and proof of publication of such notice has been  
19 filed herein. The undersigned have determined that the time  
20 limitation for presentation of creditor's claims has expired.

21 3. The estate of the decedent has been fully administered  
22 by making payment, settlement or other disposition of all claims  
23 which were presented, expenses of administration, and estate,  
24 inheritance and other death taxes, if any.

25 4. Distribution of the assets of the estate has been made  
26 to the persons entitled thereto.

27 5. The undersigned have sent a copy of this statement to  
28 all distributees of the estate. There is no need for an account-  
ing, since the distributees whose interests are affected have  
waived any requirement for an accounting. All creditors or other  
Claimants of whom the undersigned are aware have been paid.

6. There has been filed with the Clerk of Court a cer-  
tificate from the Montana Department of Revenue stating that

1 there is no inheritance or estate tax due the State of Montana on  
2 the assets of the estate.

3 7. This statement is filed for the purpose of closing this  
4 estate pursuant to the provisions of Section 72-3-1004, MCA.  
5 Section 72-3-1004(2), MCA, provides that the appointment of the  
6 personal representative terminates one year after the filing of  
7 this closing statement.

8 DATED this 11 day of Jan., 1999.

9 Claude Frederick  
10 CLAUDE FREDERICK  
11 Co-Personal Representative

12 Mark L. Frederick  
13 MARK L. FREDERICK  
14 Co-Personal Representative

15 STATE OF MONTANA )  
16 County of Valley ) ss

17 CLAUDE FREDERICK and MARK L. FREDERICK, being first duly  
18 sworn, upon oath, depose and say:

19 That the undersigned have read the foregoing and that the  
20 facts and matters contained therein are true, accurate and  
21 complete to the best of the undersigned's knowledge and belief.

22 Claude Frederick  
23 CLAUDE FREDERICK  
24 Mark L. Frederick  
25 MARK L. FREDERICK

26 Subscribed and Sworn to before me this 11 day of  
27 Jan., 1999.

28 Franco M. Leckie  
Notary Public for State of Montana  
Residing at Dargow, Montana  
My commission expires 11-16-2002



PL\Estates\FREDERICK.PR\112098

1 Francis Gallagher  
2 GALLAGHER & ARCHAMBEAULT, P.C.  
3 605 3rd Avenue South  
4 P.O. Box 512  
5 Glasgow, MT 59230  
6 Telephone: (406) 228-9331  
7 Attorneys for Personal Representative

Filed Jan. 12 1999  
CLERK OF DISTRICT COURT  
By Patricia McDonnell  
Deputy

8 MONTANA FIFTEENTH JUDICIAL DISTRICT COURT, DANIELS COUNTY  
9 IN THE MATTER OF THE ESTATE

10 OF Cause No. DP-10-1997-2  
11 PERCY G. FREDERICK, s/p/a AFFIDAVIT OF MAILING  
12 PERCY FREDERICK,  
13 Deceased.

14 STATE OF MONTANA )  
15 ) ss  
16 County of Valley )

17 Frances M. Leckie, being first duly sworn, deposes and says:

18 That she is a Clerk in the office of GALLAGHER & ARCHAMBEAULT,  
19 P.C., attorneys at law, 605 3rd Avenue South, P.O. Box 512,  
20 Glasgow, MT 59230; that on the 11th day of January, 1999, she  
21 deposited in the United States Post Office at Glasgow, Montana, a  
22 copy of the Personal Representative's Sworn Statement to Close  
23 Estate, Deed of Distribution and Instrument of Distribution, in the  
24 above entitled matter, in a sealed envelope, postage thereon fully  
25 prepaid and addressed to:

26 ALYCE M. FREDERICK, %Claude Frederick, Box 35, Flaxville, MT 59222

27 Frances M. Leckie

28 Subscribed and sworn to before me this 11th day of January, 1999.

Shelley Bryan  
Notary Public for State of Montana  
Residing at Glasgow, Montana  
My commission expires 9/3/2002



# DANIELS COUNTY

SCOBAY, MONTANA 59263

Date February 2, 1999

To: Lee M. Frederick  
911 W Wheelock  
St. Paul, MN 55117-4041

RE: Acquisition of Probate Documents

No. DP-10-1998-2

This office has received the following papers for filing without payment of court fees in the amount of \$ 20.15.

35 pages @ .50c per page - \$17.50

FAX Charge - \$ 1.00

Postage - \$ 1.65

TOTAL \$20.15

This office will hold your papers for five (5) days from the above date awaiting payment of the costs. Upon receipt of same, your papers will be promptly filed. Upon receipt of your check we will forward copies to you.

Your very truly,

Clerk of the District Court

By Patricia McDonnell  
Deputy Clerk

P.S. Our FAX number is 406-487-5432

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AGREEMENT

THIS AGREEMENT is made and entered into by and between Frederick Brothers, Inc., a Montana corporation with office located at Flaxville, Montana, herein referred to as "Corporation"; Alyce M. Frederick (s/p/a Alice Frederick), of Scobey, Montana, herein referred to as "Alyce"; Lee M. Frederick, of St. Paul, MN, herein referred to as "Lee"; Jan R. Frederick, of Johnston, IA herein referred to as "Jan"; Mark L. Frederick, of Flaxville, MT herein referred to as "Mark"; Claude Frederick, of Flaxville, MT herein referred to as "Claude"; and Mark and Claude as co-personal representatives of the estate of Percy G. Frederick.

THE PARTIES AGREE AS FOLLOWS:

1. Percy G. Frederick, same person as Percy Frederick, herein referred to as "Percy", died December 4, 1997, at Scobey, Montana. He did not leave a will. He was survived by his wife, Alyce, and four children, Mark, Claude, Lee and Jan.

2. Mark and Claude were appointed as co-personal representatives on January 14, 1998, by the Clerk of the District Court of Montana Fifteenth Judicial District, Daniels County, and they are the duly appointed, qualified and acting co-personal representatives in this matter, and Letters of appointment were issued on said date naming them as co-personal representatives herein.

3. Under date of March 1, 1990, Percy entered into an Agreement wherein he agreed to sell to Corporation, and Corporation agreed to buy from Percy 400 shares of stock in Corporation for the total amount of \$187,846.00, payable in installments, last payment falling due March 1, 2008. As of the date of Percy's death, the unpaid principal balance of the obligation was \$142,937.07, plus interest from March, 1997.

4. The last paragraph at the bottom of the first page of said Agreement provides as follows:

"Upon the deaths of both Percy Frederick and his wife, Alice Frederick, the then unpaid balance of this obligation, if any, together with interest accrued thereon, shall be considered forgiven, and Frederick Brothers, Inc., its successors and assigns, shall have no further obligation thereunder, provided Claude or Mark Frederick, their heirs or devisees, together, are then the majority shareholders or owners of the business."

All of the undersigned agree that it was Percy's intention, and it was and is the intention of his surviving wife, Alyce, and of the Corporation, that upon the death of Percy the payments should thereafter be made entirely to Alyce as and when they become due and payable, and that upon Alyce's death the entire remaining unpaid balance, if any, as of the date of her death, shall be

1 considered forgiven and cancelled, and that the Corporation shall  
2 have no obligation to make any further payments.

3 5. It is agreed that all payments required under said Agree-  
4 ment dated March 1, 1990, shall be paid to Alyce from and after the  
5 date of Percy's death, and upon the date of Alyce's death the then  
6 unpaid balance, if any, shall be considered fully and completely  
7 forgiven and satisfied.

8 FREDERICK BROTHERS, INC.

9 BY: X *Claude J. J...*

10 STATE OF MONTANA )  
11 : ss  
12 County of Valley )

13 This instrument was acknowledged before me on \_\_\_\_\_,  
14 1998, by \_\_\_\_\_ as \_\_\_\_\_ of FREDERICK  
15 BROTHERS, INC.

16 Notary Public for State of Montana  
17 Residing at Glasgow, Montana  
18 My commission expires \_\_\_\_\_

19 X *Alyce Mae Frederick*  
20 ALYCE M. FREDERICK

21 STATE OF MONTANA )  
22 : ss  
23 County of \_\_\_\_\_ )

24 This instrument was acknowledged before me on \_\_\_\_\_,  
25 1998, by ALYCE M. FREDERICK.

26 Notary Public for State of Montana  
27 Residing at \_\_\_\_\_  
28 My commission expires \_\_\_\_\_

29 X  
30 LEE M. FREDERICK

31 *This was discussed in a telephone conversation on the day of Holly's surgery with Mark L. Frederick calling me demand-*  
32 *ing to sign and return this ASAP. I refused to sign pending a full accounting and inventory by a qualified certified*  
33 *accountant other than the one retained by Frederick Farms for disclosure of all records, holdings, and debts owed Percy*  
34 *G. Frederick, deceased. In that request I described to him an issue of both represenatives exhibiting self interests in that*  
35 *representation.*  
36 *I received no notification or disclosures of any of the proceedings contained in the court documents thereafter. Only until*  
37 *I requested from the court the documents did I find that all matters concerning the intestate had been carried out and*  
38 *distributed without any notification to me.*

1 STATE OF \_\_\_\_\_ )  
 : ss  
2 County of \_\_\_\_\_ )

3 This instrument was acknowledged before me on \_\_\_\_\_,  
1998, by LEE M. FREDERICK.

4 Notary Public for State of \_\_\_\_\_  
5 Residing at \_\_\_\_\_  
6 My commission expires. \_\_\_\_\_

7 X Jan R. Frederick  
JAN R. FREDERICK

8 STATE OF Iowa )  
 : ss  
9 County of Polk )

10 This instrument was acknowledged before me on Feb 2,  
1998, by JAN R. FREDERICK.

11 Brian S. Fiedler  
12 Notary Public for State of IA  
13 Residing at Des Moines, IA  
14 My commission expires April 15, 2000



15 X Mark L. Frederick  
16 MARK L. FREDERICK, individually and  
17 as co-personal representative of  
18 the Estate of Percy G. Frederick,  
19 Deceased.

20 X Claude Frederick  
21 CLAUDE FREDERICK, individually and  
22 as co-personal representative of  
23 the Estate of Percy G. Frederick,  
24 Deceased.

25 STATE OF MONTANA )  
 : ss  
26 County of \_\_\_\_\_ )

27 This instrument was acknowledged before me on \_\_\_\_\_,  
1998, by MARK L. FREDERICK and CLAUDE FREDERICK, individually and  
28 as co-personal representatives of the Estate of Percy G. Frederick,  
Deceased.

Notary Public for State of Montana  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

FL\A15\FREDERICK. AGR\012398