



GLEAVES
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Laurie A. Nelson
nelson@gleaveslaw.com

May 31, 2017

Via email only to: Bower Susan (Susan.A.Bower@doj.state.or.us)

Ms. Susan A. Bower
Charitable Activities Section
Department of Justice
1515 SW 5th Avenue, # 410
Portland, Oregon 97201

Re: University of Oregon Foundation
Marion Dean Ross Fund

Dear Susan:

As we discussed by phone, the Foundation has received a request from the University of Oregon Department of Architecture and Allied Arts to modify the purpose language for the Marion Dean Ross Fund established by the Will of the late Professor Marion Dean Ross. The Will is enclosed in full for your information, but the relevant excerpt is:

A. I direct the Board to establish a permanent endowment fund ("Fund") with the proceeds of this devise. The fund shall be known as the MARION DEAN ROSS FUND. The purpose of the Fund shall be to provide the means of purchasing photographs and books on the history of architecture for use by the Department of Art History at the University of Oregon. It is my intent that these funds be supplemental to purchases made from the regular budget and not in lieu thereof.

The initial gift was approximately \$1.2 million back in 1991. The annual amount distributable from the Fund for the exempt purpose is approximately \$94,000. The Department is not able to acquire enough photographs and books on the history of architecture to fully utilize the funds on an annual basis, which has resulted in current spendable assets of approximately \$312,000 for the 2016-17 fiscal year.

For that reason, the Foundation would like to broaden the purpose of the Fund by adding the following language (via the court approval procedure used in prior modifications):

Where annual distributions from the fund are in excess of reasonable,

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practicable, and/or prudent use for the aforementioned purpose, excess distributions may be used to provide for broader research endeavors of the Department of Art History. Such expenditures may include Ph.D. fellowship support, faculty research stipends, research related travel, or other similar types of research related expenditures. Appropriate amounts and usages are at the discretion of the Dean. In accordance with the original intent of the fund, where funds are utilized in this manner, they will be supplemental to expenditures made from the regular budget and not in lieu thereof.

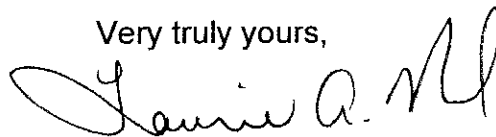
As I mentioned during our phone conversation, however, the Foundation has sought the consent of the surviving co-personal representative of Dr. Ross's estate, Thomas Price. Mr. Price responded to deny his consent. A copy of his letter is enclosed for your reference.

The Foundation would like to proceed with the modification despite Mr. Price's objection, because without modification to the purpose language, Dr. Ross's charitable gift will be not be fully utilized. We believe this qualifies as "wasteful" under ORS 128.328(3) because of the underutilization of the charitable funds. However, the Foundation is hesitant to proceed in the face of Mr. Price's objection.

We would very much appreciate your input on the proposed modification.

If you have questions or need additional information please do not hesitate to let me know. Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Laurie A. Nelson". The signature is fluid and cursive, with a large initial "L" and "N".

Laurie A. Nelson

LAN:kb
Enclosures

cc: Wendy Laing (via email w/ encls.)
Erika Funk (via email w/ encls.)
Ian T. Richardson (via email w/ encls.)

FILED
AT 10:22 O'CLOCK A.M.

APR 16 1991

IN THE CIRCUIT COURT FOR THE STATE OF OREGON FOR LANE COUNTY
Circuit Court for Lane County Oregon
BY add

1 IN THE CIRCUIT COURT FOR THE STATE OF OREGON FOR LANE COUNTY
2 In the Matter of the Estate)
3 of)
4 MARION DEAN ROSS,)
5 deceased.)
6 _____)

Case No. 50-91-03114 (3)
ORDER ADMITTING WILL
TO PROBATE AND APPOINTMENT
OF PERSONAL REPRESENTATIVE

7 Upon the Petition of Thomas L. Price and Wallace K.
8 Huntington, for the probate of the Will of the above-named
9 Decedent, the Court finds the allegations of the Petition to be
10 true.

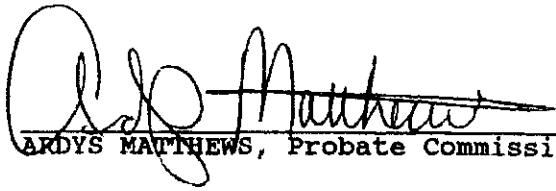
11 It is therefore ORDERED:

12 1. The Will dated April 13, 1982 is the last Will of the
13 Decedent above-named and the same is hereby admitted to probate.

14 2. Thomas L. Price and Wallace K. Huntington are appointed
15 as Co-Personal Representatives of the Estate.

16 3. The Co-Personal Representatives are not required to
17 file a bond and Letters shall be issued forthwith to Thomas L.
18 Price and Wallace K. Huntington in the manner provided by law.

19 DATED this 15th day of April, 1991.


ARDYS MATTHEWS, Probate Commissioner

23 Co-Personal Representatives:

24 Thomas L. Price
25 425 Lawrence Street
Eugene, Oregon 97401
26 Telephone No. (503) 343-1178

Wallace K. Huntington
20755 Case Road, N.E.
Aurora, Oregon 97002
Telephone No. (503) 687-1023

JOHNSON, CLIFTON,
LARSON & BOLIN, P.C.
SUITE 1050 CITIZENS BUILDING
975 OAK STREET
EUGENE, OREGON 97401-3176
(503) 484-2434

ORDER ADMITTING WILL TO PROBATE AND APPOINTMENT
OF PERSONAL REPRESENTATIVE

12/16/91

REC

FILED
AT 10:00 O'CLOCK A.M.

APR 16 1991

Circuit Court for Lane County Oregon

WILL

OF

MARION DEAN ROSS

50-91-03114

(2)

I, MARION DEAN ROSS, a resident of Oregon, declare that this is my Will and I hereby revoke all my prior Wills and Codicils.

PARAGRAPH I. I direct that my body be cremated and that my ashes be placed in the Ross Family Plot in the Presbyterian cemetery in Williamsburg, Blair County, Pennsylvania, and that the year of my death be inscribed on the Ross tombstone.

PARAGRAPH II. I devise my oil painting which was painted by John Crawley in Norfolk, Virginia in 1829 to the Norfolk Museum of Art at Norfolk, Virginia.

PARAGRAPH III. I devise to the Board of Trustees of the University of Oregon Foundation, a corporation operated exclusively for the benefit of the University of Oregon, my six (6) fold Japanese screen and all of my Japanese woodblock prints for the use and benefit of the Museum of Art at the University of Oregon.

PARAGRAPH IV. I devise:

A. Five Thousand Dollars (\$5,000) to the First Presbyterian Church, Williamsburg, Blair County, Pennsylvania.

B. Ten Thousand Dollars (\$10,000) to WALLACE KAY HUNTINGTON, Portland, Oregon, if he survives me.

C. Ten Thousand Dollars (\$10,000) to THOMAS LEE PRICE, Eugene, Oregon, if he survives me, with the hope that he will use this money to pay for foreign travel by him.

PARAGRAPH V. I devise to WALLACE KAY HUNTINGTON, Portland, Oregon, if he survives me, all of my scholarly papers, manuscripts, notes, files, and research materials authored by me or researched by me. I nominate WALLACE KAY HUNTINGTON as my Literary Executor. If he does not survive me, I devise the same to MRS. ELISABETH WALTON POTTER.

PARAGRAPH VI. I devise my household goods, furnishings, personal vehicles, recreational equipment, jewelry, clothing and other articles of personal or domestic use or ornament and all other personal effects except as stated in the preceding paragraph

M.D.R.
I--WILL

921

to WALLACE KAY HUNTINGTON and THOMAS LEE PRICE, in equal shares, but to be divided between them as they shall agree. If only one of them survives me, I devise the same to the survivor of them. I request that any slides, books, and works of art that they or the survivor of them does not want be offered to the University of Oregon. I request, but do not direct, that if I have left a list indicating a desire who should receive particular items, that those items be distributed to the persons named in that list.

PARAGRAPH VII. I devise the residue of my estate to the Board of Trustees of the University of Oregon Foundation (hereinafter called "The Board"), a corporation operated exclusively for the benefit of the University of Oregon for the following uses and purposes:

A. I direct the Board to establish a permanent endowment fund ("Fund") with the proceeds of this devise. The fund shall be known as the MARION DEAN ROSS FUND. The purpose of the Fund shall be to provide the means of purchasing photographs and books on the history of architecture for use by the Department of Art History at the University of Oregon. It is my intent that these funds be supplemental to purchases made from the regular budget and not in lieu thereof.

B. I direct that the principal of the Fund be managed and directed by the Board and that the net income thereof and so much of the appreciation as the Board may deem prudent, be distributed annually. The photographs and books to be purchased shall be selected by the faculty of the Department of Art History. If the Department of Art History shall cease to exist, then the photographs and books on the history of architecture shall be selected by the Acquisitions Librarian of the University of Oregon Library.

C. If the University of Oregon ceases to exist, the Fund shall be distributed to Pennsylvania State University, University Park, Pennsylvania, for the same uses and purposes specified in this paragraph.

PARAGRAPH VIII. I name WALLACE KAY HUNTINGTON and THOMAS LEE PRICE as Executors of my Will. If either of them fails to qualify or act as my Executor, I name the other of them as Executor of my Will. If both of them fail to qualify or act as Executor, I name FIRST INTERSTATE BANK OF OREGON, N.A. as Executor of my Will. No bond shall be required of any Executor named herein.

PARAGRAPH IX. No devisee under my Will shall be deemed to have survived me unless that devisee is living on the thirtieth (30th) day after the date of my death.

W. L. P.
2--WILL

PARAGRAPH X. The validity and construction of my Will shall be determined in accordance with the laws of the state of Oregon at the time of the execution of my Will.

IN WITNESS WHEREOF, I have signed and do declare this instrument consisting of three (3) pages, including this page, to be my Will this 13th day of April, 1982, at Eugene, Oregon.

Marion Dean Ross
Marion Dean Ross

On the date of the foregoing Will of MARION DEAN ROSS, I saw him sign it. Upon his declaration that it was his Will, at his request and in his presence and in the presence of the other witnesses, I have hereunto signed my name as a witness.

Helene A. Edwards

Lorraine Lippolis

David N. Andrews

AFFIDAVIT OF WITNESSES

STATE OF OREGON)
) ss.
County of Lane)

We, the undersigned, being severally sworn, each say: On the date of the foregoing Will of MARION DEAN ROSS, I saw him sign it. Upon his declaration that it was his Will, at his request and in his presence, and in the presence of the other witnesses, I attested the Will by signing my name thereto.

To the best of my knowledge and belief, he was, at that time, at least 18 years of age and of sound mind.

Allen A. Edwards

Lorraine Lippala

Subscribed and sworn to by each of the affiants above named
this 13th day of April, 1982.

David D. Andrews
Notary Public for Oregon
My Commission Expires: 10-9-83

AFFIDAVIT OF WITNESSES

FILED
AT 2:50 CLOCK M

MAR 20 1992

IN THE CIRCUIT COURT FOR THE STATE OF OREGON FOR LANE COUNTY

Circuit Court for Lane County Oregon
BY [Signature]
DEPUTY

1 In the Matter of the Estate)
2 of)
3)
4 MARION DEAN ROSS,)
5 deceased.)
6

Case No. 50-91-03114 (22)

ORDER APPROVING FIRST AND
FINAL ACCOUNT; DECREE OF
FINAL DISTRIBUTION

7 The Co-Personal Representatives filed the First and
8 Final Account on March 18, 1992, and the time for filing
9 objections having been waived by the remaining devisee, the
10 Court finds that:

11 1.

12 All Oregon income, inheritance, and personal property
13 taxes have been paid and the appropriate release is filed
14 herewith.

15 2.

16 The Order Approving Partial Distribution entered
17 December 20, 1991 has been made, and the distribution Receipts
18 for this partial distribution are filed herewith.

19 3.

20 The Co-Personal Representatives are entitled to
21 compensation from the Estate in the total amount of \$25,433.94
22 for services, as provided in ORS 116.173.

23 4.

24 Remaining claims and expenses of administration that
25 should be paid out of the Estate are as follows:

26 ORDER APPROVING FIRST AND FINAL ACCOUNT;
DECREE OF FINAL DISTRIBUTION - 1

JOHNSON, CLIFTON,
LARSON & BOLIN, P.C.
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975 OAK STREET
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(503) 484-2434

[Handwritten mark]

1	Reasonable attorney fees (through 2/21/92)	\$ 9,287.50
2	Costs advanced by attorney (through 2/21/92)	\$ 1,194.15
3		
4	Co-Personal Representatives' fee - Thomas L. Price and	\$12,716.97
5	Wallace K. Huntington	12,716.97
6	Miscellaneous costs of administration to close this Estate:	\$ 6,000.00
7	(consisting of attorney's fees, accountant's fees and recording fees, together with a reserve for costs of the ancillary probate in Pennsylvania)	
8		
9	TOTAL:	\$41,915.59

10
11 5.
12 The remainder of the estate assets, after payment of
13 the expenses set forth in Paragraph 4 above, are vested in The
14 University Of Oregon Foundation, the sole remaining devisee.

15 IT IS ORDERED AND DECREED:

16 1.
17 The First and Final Account is hereby approved (except
18 as may be modified by this Order).

19 2.
20 The Order Approving Partial Distribution entered
21 December 20, 1991, is hereby confirmed and Receipts for said
22 distribution have been filed with the Court.

23 3.
24 The Co-Personal Representatives are directed to pay the
25 remaining expenses of administration as set forth in Paragraph 4
26 above.

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4.

The Co-Personal Representatives are allowed the sum of \$12,716.97 each, as just and reasonable compensation for their services, \$10,481.65 as their reasonable attorney's fees and costs billed through February 21, 1992, as well as an additional \$6,000.00 to be held in a reserve account to cover the anticipated closing expenses as well as the ancillary probate proceedings in Pennsylvania.

5.

The Co-Personal Representatives are directed to make distribution of the remaining estate property to The University of Oregon Foundation, and said assets are hereby vested in The University of Oregon Foundation.

Date: March 20, 1992


CIRCUIT COURT JUDGE

Co-Personal Representatives:

Thomas L. Price	Wallace K. Huntington
425 Lawrence Street	20755 Case Road, N.E.
Eugene, Oregon 97401	Aurora, Oregon 97002
Telephone No. (503) 343-1178	Telephone No. (503) 687-1023

Attorney for Co-Personal Representatives:

Richard L. Larson
JOHNSON, CLIFTON, LARSON & BOLIN, P.C.
1050 Citizens Building
975 Oak Street
Eugene, Oregon 97401-3176
Telephone No. (503) 484-2434

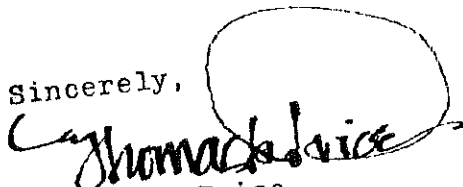
May 24, 2017

Dear Ms. Laing

Re: Marion Dean Ross Fund

The proposed alteration of the provisions of professor Ross's will are contrary to his intent. A convincing argument for a modification must ensure future viability over a contemporary convenience.

Sincerely,



Thomas L. Price

cc: Richard L. Larson

MENU

Marion Dean Ross: The Legacy of a Scholar

**An Online Companion to an Exhibit in Knight Library,
University of Oregon
January - April 2012
Curated by Edward H. Teague**

Ross's legacy is on display throughout the four cases in Knight Library's two exhibit hallways. Interweaved are photographs taken by Ross himself, reproductions from rare books acquired through the Ross endowment, and architectural models created by Ross's students.

This exhibit commemorates the contributions of Marion Dean Ross as a respected teacher, an original scholar, and generous benefactor. Twenty years ago, newspapers in the region announced with surprise a major gift to the University of Oregon. As the Register Guard reported: "The gift comes from a man who never married, had no known family at the time of his death, and who never owned a car or home, preferring to rent an apartment within walking distance of campus." That man was Marion Dean Ross, a professor of art history at UO from 1947 to 1978. Ross's bequest gave the university over one million dollars for the acquisition of library material.

This exhibit honors an individual who, like many others, have helped build and sustain the University of Oregon.

Ross: Teacher and Mentor

Marion Dean Ross was born in Williamsburg, Pennsylvania, on June 6, 1913. He received a B. S. degree from Pennsylvania State College (University) in 1935 and a Master of Architecture from Harvard University in 1937. He undertook post-graduate work at Harvard and the Universidad Nacional de Mexico. Ross taught design and architectural history at Tulane University, New Orleans, and briefly at Harvard, from 1937 to 1946. His first introduction to Oregon was as an army private stationed at Camp Abbott near Bend during World War II.

In 1947, Ross joined the faculty of the University of Oregon School of Architecture and Allied Arts. His

Live Chat

instruction, well informed by his frequent travels abroad, included courses in general architectural history, Latin American architecture, Islamic architecture, and landscape architecture history. He created a popular course in Oregon architectural history. Ross became the first chair of the Department of Art History in 1963 when that program achieved departmental status. In 1962-63 he served as acting dean of the school. In 1978, Ross retired, becoming Professor Emeritus.

Ross was a demanding but highly respected teacher. Former students and colleagues could provide numerous anecdotes of a critical and impatient man, whose "scowl and cigar" were legendary.

But the same individuals also cherished his role as mentor. Ross succeeded in requiring architectural history as a part of the curriculum of architecture students, and making models of historic buildings was part of his pedagogical approach. The school retained approximately 180 models for exhibit and study that for many years have been preserved and maintained by the Department of Art History.

Ross's teaching skills went well beyond the classroom. He was highly valued as a lecturer. After retirement, he was invited back to the university to present a **lecture series** on Oregon architecture. This series was videotaped; however, the recordings have not been located. Fortunately, an audiocassette of a Ross lecture was preserved digitized. Listen to the streaming audio lecture of Ross's presentation of "Eugene Houses, Old and New", from 1988, accessible from UO's digital repository, [Scholar's Bank](#)

(<https://scholarsbank.uoregon.edu/xmlui/handle/1794/11866>)

Ross as Scholar

As a scholar, Ross is best known as a pioneer in the study of Pacific Northwest architecture and the author of landmark studies of Oregon's built environment. His article "Architecture in Oregon 1845-95" in the *Oregon Historical Quarterly* (1956) was the first scholarly exploration of this subject, followed in 1959 by an historical survey published in commemoration of the state's centennial.

His other publications appeared in professional and scholarly journals, ranging from *Pacific Architect & Builder* to the *Journal of the Society of Architectural Historians*. Ross was also an expert visual documentarian; the slides he took of the built environment are highly valued for research and instruction. Most of his images of the Pacific Northwest have been included in the digital resource, [Building Oregon](#)

(<http://oregondigital.org/digcol/archpnw/>)

Live Chat

Ross was one of the founders of the Society of Architectural Historians

(<http://sah.org/>)

(SAH) in 1940, and in 1954 he collaborated in founding a regional SAH chapter which initially covered the interests of Pacific Coast states and provinces. Ross was an integral part of the affairs of the chapter from inception until his death. In 1995, a reorganized chapter centered in the Pacific Northwest was named in his honor -- the Marion Dean Ross Chapter

(<http://sahmdr.org/>)

Ross's scholarship, professional service, and teaching were major influences in fostering an interest in **historic preservation** in the Pacific Northwest. He directed Historic American Building Survey projects in Jacksonville, Oregon, in 1971, and in the Great Smoky Mountains in 1957. He served from 1970 to 1976 on Oregon's State Advisory Committee on Historic Preservation, and in 1981 was awarded the Distinguished Preservationist Award by the Historic Preservation League of Oregon

(www.historicpreservationleague.org/)

.Jantar Mantar Observatory Complex, New Delhi, India. Photo: M. D. Ross, 1964

During 1990, the south addition of UO's Lawrence Hall was under construction with its major purpose being a new home for the Architecture and Allied Arts Library.

(<http://libweb.uoregon.edu/aaa/>)

It had been determined that the library's reading room be named after Professor Ross, and a fund to furnish the facility had been established in his honor. The room was formally dedicated on April 27, 1991, and the moving tributes made to Ross on that occasion can be found in University Archives. Ross had died a few weeks earlier, of a heart attack, on April 2, 1991.

Ross as Benefactor

In 1992, a year after Ross's death, it became publicly known that Ross bequeathed \$1.2 million to the university. His will stipulated that the bequest be used to acquire books and photographs covering all periods of architectural history, to be selected by the art history faculty, and that the gift could not be used as a substitute for state funding. The Ross endowment also enabled the establishment of the Marion Dean Ross Distinguished Chair in Architectural History.

Over the past two decades, over 1,400 extraordinary and diverse periodical and book titles have been purchased with the Ross endowment, as well as hundreds of digital images, and resources in other formats.

Live Chat

Find out more:

Dr. Leland Roth's presentation, **Marion Dean Ross: A Man Who Left a Hole in the Water**, can be viewed on the [UO Channel](#)

(<http://media.uoregon.edu/channel/2012/02/10/dr-leland-roth-marion-dean-ross-a-man-who-left-a-hole-in-the-water/>)

. Professor Roth's lecture makes use of much of the content prepared for the exhibit.

- [Writings by Ross](#)

(http://library.uoregon.edu/aaa/ross/mdross_fund.pdf)

(PDF)

- [Bibliography of Ross Fund Acquisitions](#)

(<http://library.uoregon.edu/aaa/ross/index.html>)

(PDF)

- [Models Created by Ross Students](#)

(http://library.uoregon.edu/sites/default/files/mdr_models.pdf)

(PDF)

- [Marion Dean Ross Archives Finding Aid](#)

(<http://nwda-db.orbiscascade.org/print/ark:/80444/xv30446>)

- [SAH Marion Dean Ross Chapter Archives Finding Aid](#)

(<http://nwda-db.wsulibs.wsu.edu/ark:/80444/xv21865>)

- [Lecture by MD Ross, 1988 \(audio\)](#)

(<https://scholarsbank.uoregon.edu/xmlui/handle/1794/11866>)

- [Building Oregon: Architecture of Oregon & the Pacific Northwest](#)

(<http://oregondigital.org/digcol/archpnw/>)

The exhibit was created by Edward H. Teague, Head, Architecture & Allied Arts Library, University of Oregon, with the invaluable assistance of Christian Boboia, Exhibit Services, University of Oregon Libraries.

Exhibit website: [Ed Teague](#)

(<mailto:ehteague@uoregon.edu>)

. Updated September 13, 2012. Updated February 27, 2017.

Created by ehteague on Sep 13, 2012 Last updated Feb 27, 2017

Live Chat

Wallace Kay Huntington



Huntington, Wallace Kay 88 May 15, 1926 Feb. 03, 2015 Wallace Kay Huntington died peacefully Feb. 3, 2015, at home. He was born May 15, 1926, in the Kay House in Salem. His father was Hollis Huntington and his mother was Marjory Kay Huntington. His great-grandfather, Thomas Lister Kay, was a pioneer in the woolen industry in Oregon, and his grandfather was president of Thomas Kay Woolen Mill and treasurer of Oregon. Wallace was educated in Salem. After service in the U.S. Navy, he attended the University of Oregon and graduated with degrees in art history and landscape design. He practiced many years in Portland and created memorable gardens of great beauty. He wrote extensively and lectured about the landscapes and architecture of the northwest. He also taught the history of western art at Portland State University. At the core of his professional practice was his generosity of spirit and his passion for sharing his expertise. Wallace loved to travel, starting in 1949 when he spent the summer biking in England and Europe-writing a remarkable series of perceptive letters home. These travels influenced his aesthetics and shaped his approach to design. Throughout his life, he continued to travel, making over 20 trips to Italy alone. In 1976, he purchased the historic William Case house which he restored with Mirza Dickel, a noted interior designer who later became his wife. Together they restored the house and created the surrounding gardens which are widely recognized for their beauty. Wallace was an avid and knowledgeable collector of pioneer artifacts and pottery. One of his proudest achievements is his collection of works by Oregon artists. He has generously left this unique collection to the Oregon Historical Society. Wallace now lies in a pioneer graveyard, a few miles from the Case House, next to his wife, Mirza. The small rural cemetery seems a perfect resting place for this gentle man.

Published in The Oregonian from June 23 to June 28, 2015