Charitable foundation created by Jack Murdock estate of over $50 million

"The evil that men do lives after them, the good is oft interred with their bones . . ." — Shakespeare's Julius Caesar.

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MELVIN J. (JACK) MURDOCK, pilot, philanthropist and business genius, did no evil. But the good that he did will not be "interred with his bones."

It will live on in the perpetual charitable foundation established in his will.

He left virtually his whole fortune, worth more than $50 million to Walter P. Dyke, James B. Castles, and Paul L. Boley "to be held by them in a charitable trust and to be administered and distributed by them . . . exclusively for religious, charitable and scientific or educational purposes . . ." Dyke, Boley, and Castles are Tektronix directors. Castles is a director and general counsel. It will take two years or more to probate the will and establish the trust, attorneys estimate.

Murdock had earlier established the Millicent Foundation, worth between $2 million and $4 million. The will was filed in Clark County Superior Court June 11, less than a month after Murdock, chairman of the board of directors of Tektronix, Oregon's largest employer, slipped off his overturned seaplane into the icy waters of the Columbia River.

His body has never been found.

It took only a few hours for Judge Robert D. McMullen to declare Murdock legally dead and accept the will for probate.

How could the wheels of justice move so fast in this case when it takes seven years for the courts to declare a missing man legally dead in most cases?

It's a matter of law. Decisions cited in the hearing before Judge McMullen established that "if the death of the owner of an estate can be proven by direct evidence or presumed through substantial evidence, the probate of the estate can and should proceed under the general statute . . . "

After hearing Naomi Hamblin, Murdock's passenger on that fatal flight, testify, Judge McMullen ruled that "at the time he was last seen by Mrs. Hamblin, May 16, Murdock was in a situation of specific and imminent peril; that this peril was the absolute cause of death . . . "

Mrs. Hamblin testified that Murdock landed his seaplane in a cove of Miller's Island just below Maryhill, Wash. about 3:20 p.m. Sunday May 16, found the wind and waves too rough and taxied out to take off again.

Wind and waves combined to nose the plane over on its back, she testified. They scrambled out of the cabin, but were unable to reach their life preservers.

Mrs. Hamblin wore a sweater and a heavy jacket, but Murdock was in shirt sleeves, having left his jacket in the cabin. They sat on a crossbar between the floats, up to their waists in the water, while the plane drifted down the river for about two hours, she testified.

Finally the inverted plane was caught in the swift current of a big eddy near the tunnel about a mile above Wishram, Wash. and swept around six or eight times. The wind and waves were so rough that they washed Murdock off the plane at one time. He couldn't get back onto the crossbar, but managed to hang onto the back of the float, she testified.

After this struggle and immersion in the cold water "Jack seemed incoherent. His eyes got droopy," Mrs. Hamblin testified.

The eighth time around the eddy the plane finally got within about 60 feet of shore.

"I told Jack 'I think we had better jump because I don't think I can hang on any longer,' " she said.

Jack agreed. But when Mrs. Hamblin took off her jacket, dove into the water and swam to shore, Murdock still clung to the plane.

JACK MURDOCK

"I hollered to him to jump," she testified. "He nodded okay, then still sat there. I climbed up the 15-foot bank and looked back.

"He was sitting on the float. I hollered to him to jump in, then said 'Never mind. You're too far out, now. Stay there and I'll go get help.'

"I looked back and he was in the water, floundering. He tried to make it to shore, got within about 30 feet, then turned back toward the airplane, turned around again and it seemed like he was fighting to get to shore. But then he just seemed like he kind of relaxed, put his head back and went under."

Mrs. Hamblin walked down the tracks toward Wishram, and was picked up by a man in a car who took her to the depot at Wishram where she phoned the sheriff of Klickitat county.

Charles A. Robinson, chief criminal deputy, told of the search for Murdock by land, water and air, and the recovery of the seaplane below the Wishram railway bridge.

When the plane was raised out of the water Murdock's billfold fell out, complete with identification papers, Robinson said.

He told of efforts to drag for the body, but said the hole where Murdock went down was about 400 feet deep and plagued by "terrific undertow."

"I don't know where we would find a diver to try to search the bottom," he told the court.

The body should have surfaced within two weeks, if it were not trapped in rocks or snags on the bottom, he said.

Hubert F. Leonard, vice president of some of Murdock's corporations and close personal friend, testified to Murdock's methodical habits.

"In the 11 years of our association he never went away for any length of time without informing me."

His private secretary and his housekeeper gave similar testimony.

James B. Castles, general counsel and director of Tektronix, who had known Murdock since they served together in the Coast Guard, offered similar testimony.

He testified that Murdock had suffered no recent financial reverses and that there was no reason why Murdock would wish to falsify his disappearance.

"Obviously from the testimony, there was no reason for Murdock to disappear or to disguise or falsify a disappearance on his part," Judge McMullen found in his order declaring Murdock legally dead.

Despite the size of the estate, the co-executors — Castles, Boley and the Seattle First National Bank — have only to file an inventory and appraisal of the estate. Because of the complexity of corporations involved in the estate, however, it will take two or three years to establish the trust fund.

Castles testified that 1.7 million shares of Tektronix comprising the bulk of Murdock's estate represents between 20 and 25 per cent of the outstanding shares of stock of the company founded jointly by Murdock and Howard Vollum in 1946.

He was the sole share owner in several corporations, including Melridge, Inc., Melridge Aviation, Pacific Northwest Aviation Co., Hillsboro Aviation, Vancouver Piper Co. He owned a partial interest in a corporation that owned a lodge in British Columbia.

All continue to function normally in Murdock's absence because of their corporate structure.

He had various bank accounts, personal and business accounts which ranged from three figures to six figures. His home in Vancouver — the old Dant mansion on E. Buena Vista Drive — was worth about $250,000, Castles testified.

Murdock participated in the Tektronix insurance plan, but not in the company's life insurance plan. Castles knew of no other life insurance, he told the court.

No one benefited from his disappearance, except charity. The three trustees — Dyke, Castles and Boley — are given a free hand in Murdock's will to use the principal or interest and dividends from Murdock's estate as they see fit to carry out his trust, without bond and without filing any reports with the court. They are bound by rigid laws governing charitable trusts, however.

"The trust shall be perpetual, unless the assets are exhausted by distribution of the principal to beneficiaries."

The will admonished the trustees to "sell or dispose of Tektronix stock only after careful consideration and after determining that the sale or disposition thereof is in the best interest of the trust estate."

There is the usual admonition not to use the trust funds for propaganda or politics — which is forbidden by the laws governing foundations.

Murdock never married. His will set up a trust for his mother, Millicent Murdock, but she died July 27, 1969, voiding that provision of his will.

Eighteen cousins received $5,000 each.

An uncle, Roby Abeene, of Tillamook, was bequeathed all Murdock's stock in Roby's Furniture Inc.

Disposition of the remainder of his estate lies in the hands of the trustees. What policies they will establish remains to be seen.