

dend shall be four per centum if the net earnings for such period are sufficient therefor.

Passed the Senate February 4, 1927.

Passed the House February 16, 1927.

Approved by the Governor March 1, 1927.

CHAPTER 185.

[S. B. 81.]

PROBATE CODE: PROPERTY AWARDED TO SURVIVING SPOUSE.

AN ACT relating to awarding and setting off property of decedents to surviving spouses, and amending Section 103 of Chapter 156 of the Laws of 1917, and repealing a certain act.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 103 of chapter 156 of the Laws of 1917, pages 670-671 (section 1473 of Remington's Compiled Statutes; section 9893 of Pierce's 1919 Code), be amended to read as follows:

Statute amended.

Provisions in lieu of homestead and exemptions.

Section 103. If it shall be made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of three thousand dollars (\$3,000.00) exclusive of any mortgage or mechanic's, laborer's or material men's or vendor's liens upon the property so set off, which property so set off shall include the home and household goods, if any, and such award shall be made by an order or judgment of the court and shall vest the

absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates: *Provided*, That no property of the estate shall be awarded or set off, as in this section provided, to a surviving spouse who has feloniously killed the deceased spouse. Notice of such hearing shall be given by posting a notice in three public places in the county in which the hearing is to be held. Said notice may be posted by the clerk of the superior court of the county in which the hearing is to be held, or may be posted by any person qualified to serve a summons in a civil action. Said notices shall be posted at least ten days prior to the date fixed for the hearing. If there be any minor child or incompetent heir of the decedent the court shall appoint a guardian *ad litem* for such minor child or incompetent heir, who shall appear at the hearing and represent the interest of such minor child or incompetent heir. The order or judgment of the court making the award or awards provided for in this section shall be conclusive and final, except on appeal and except for fraud. The awards in this section provided shall be in lieu of all homestead provisions of the law and of exemptions.

No award to survivor feloniously killing spouse.

Notice of hearing.

Guardian *ad litem* for minor or incompetent heirs.

Court's award final.

Awards in lieu of homestead and exemptions.

SEC. 2. That section 2 of chapter 142 of the Laws of 1923, pages 457-458, is hereby repealed.

Statute repealed.

Passed the Senate February 18, 1927.

Passed the House February 2, 1927.

Approved by the Governor March 1, 1927.