

CHAPTER LIV.

[H. B. No. 65.]

RELATING TO PRIVATE SALES OF REAL PROPERTY BELONGING TO ESTATES.

AN ACT relating to private sales of real property belonging to estates of decedents, minors and insane persons.

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

SECTION 1. That real property belonging to the estates of decedents, minors, idiots and insane persons may be sold at private sale according to the following provisions.

SEC. 2. That when the court is satisfied after a full hearing upon the petition and an examination of the proof and allegations of the parties interested, that a sale of the whole or some portion of the real estate is necessary for any of the causes specified in the laws of the State of Washington, or if such sale be assented to by all the persons interested in a decedent's estate, an order must be made to sell the whole or so much and such parts of the real estate described in the petition as the court shall judge necessary or beneficial at either public or private sale.

SEC. 3. The order of sale must describe the lands to be sold and the terms of sale, which may be for cash or on a credit not exceeding three years, payable in gross or in installments, and in such kind of money, with interest, as the court may direct. The land may be sold in one parcel or in subdivisions, as the executor, administrator or guardian shall judge the most beneficial to the estate, unless the court otherwise specially directs. Every such sale must be ordered to be made at public auction, unless in the opinion of the court it would benefit the estate to sell the whole or some part of such real estate at private sale. The court may, if the same is asked for in the petition, order or direct such real estate or any part thereof to be sold at either public or private sale, as the executor, administrator or guardian shall judge most beneficial for the estate. If the executor, administrator or guardian objects or refuses to make a sale under the order and as directed therein, he may be com-

Order of sale.

Sale at public auction.

pelled to sell by order of the court made on motion after due notice by any party interested.

Notice of sale.

SEC. 4. When a sale of real estate is ordered to be made at private sale, notice of the same must be posted up in three of the most public places in the county in which the land is situated, and published in a newspaper if there is one printed in the same county; if none then in such paper as the court or a judge thereof may direct, for two weeks successively next before the day on which the sale is to be made, in which the lands and tenements to be sold must be described with common certainty. The notice must state a day on or after which the sale will be made, and a place where offers or bids will be received. The day last referred to must be at least fifteen days from the first publication of notice and the sale must not be made before that day, but must be made within six months thereafter. The bids or offers must be in writing, and may be left at the place designated in the notice, or delivered to the executor or administrator personally, or may be filed in the office of the clerk of the court to which the return of sale must be made at any time after the first publication of the notice and before the making of the sale. If it be shown that it will be for the best interests of the estate the court or judge may, by an order, shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than fifteen, but not less than eight days from the first publication of the notice of sale, and the sale may be made to correspond with such order.

Time of notice shortened.

Confirmation of private sale.

SEC. 5. No sale of real estate at private sale shall be confirmed by the court unless the sum offered is at least ninety per cent. of the appraised value thereof, nor unless such real property has been appraised within one year of the time of such sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or low, appraisers may be appointed, and they must make an appraisement thereof in the same manner as in case of an original appraisement of an estate; this may be done at any time before the sale or the confirmation thereof.

SEC. 6. The executor, administrator, or guardian must,

when the sale is made upon a credit, take the notes of the purchaser for the purchase money with a mortgage on the property to secure their payment.

SEC. 7. The executor, administrator or guardian after ^{Return.} making such sale of real property must make a return of his proceedings to the court, which must be filed in the office of the clerk within ten days. A hearing upon the return of the proceedings may be asked for by any interested party by petition, and thereupon the court or judge must fix the day for a hearing, of which notice of at least ten days must be given by the clerk, by notices posted in three public places in the county or by publication in a newspaper, or both, as the court or judge shall direct, and must briefly indicate the land sold, the sum for which it was sold, and must refer to the return for further particulars. Upon the hearing the court must examine the return and witnesses in relation to the same, and if the proceedings were unfair or the sum bid disproportionate to the value, and if it appear that a sum exceeding such bid at least ten per cent., exclusive of the expenses of a new sale, may be obtained, the court may vacate the sale and direct another to be had, of which notice must be given and the sale in all respects conducted as if no private sale had taken place. ^{Court may vacate sale.} If an offer of ten per cent. more in amount than that named in the return be made to the court in writing by a responsible person, it is in the discretion of the court to accept such offer and confirm the sale to such person or to order a new sale.

SEC. 8. When the return of the sale is made and filed, any person interested in the estate may file written objections to the confirmation thereof and may be heard thereon when the return is heard by the court or judge, and may produce witnesses in support of his objections.

SEC. 9. If it appears to the court that the sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property sold, and that a greater sum, as above specified, cannot be obtained, or if the increased bid in section seven of this act be made and accepted by the court, the court must make an order

confirming the sale and directing conveyances to be executed.

SEC. 10. That in all other respects such sale shall be governed by the laws of the State of Washington now in force governing the sale of real property belonging to such estates.

SEC. 11. All acts or parts of acts conflicting in any manner with this act are hereby repealed.

Approved March 8, 1893.

CHAPTER LV.

[H. B. No. 86.]

REGULATING PRACTICE OF DENTISTRY.

AN ACT to regulate the practice of dentistry in the State of Washington, and declaring an emergency.

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

SECTION 1. The members of the board of dental examiners to be appointed on or before the first Monday in February, 1894, for terms commencing the first Monday of March, 1894, shall be appointed and commissioned by the governor for the following terms, to wit: Two members of said board for the term of one year, and three members of said board for the term of two years. All members of said board appointed subsequent to the year 1894 for regular terms shall be appointed for the term of two years and until their successors, respectively, are appointed and qualified. In each odd numbered year, subsequent to the year 1894, two members of said board shall be appointed, and in each even numbered year three members shall be appointed. Appointments for each year shall be made on or before the first Monday in February of such year, and the term of office of each such member so appointed shall begin on the first Monday of March of such year. At least

Terms of
members of
board of
examiners.