

## CHAPTER 197.

[ S. B. 225. ]

## PROBATE—HOMESTEADS.

AN ACT relating to awarding and setting off property of decedents to surviving spouses; and amending section 103, chapter 156, Laws of 1917, as amended by section 1, chapter 185, Laws of 1927 (section 1473, Remington's Revised Statutes, also Pierce's Perpetual Code 205-1).

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

Amend-  
ment.

SECTION 1. Section 103, chapter 156, Laws of 1917, as amended by section 1, chapter 185, Laws of 1927 (section 1473, Remington's Revised Statutes, also Pierce's Perpetual Code 205-1), is amended to read as follows:

Set off of  
homestead  
to surviving  
spouse.

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, regardless of the date of such death and even if more than six (6) years have elapsed since such date, 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 four thousand dollars (\$4,000.00) exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse and 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.

Notice of hearing.

Order conclusive.

Under this section the Court shall not award more property than could be awarded under the law in effect at the time of the death of the deceased spouse.

Passed the Senate March 7, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 15, 1945.