

## CHAPTER 198.

[ S. B. 226. ]

## PROBATE.

AN ACT relating to provisions for the support of the family of deceased persons, and amending section 105 [104], chapter 156, Laws of 1917, as last amended by section 1, chapter 104, Laws of 1927 (section 1474, Remington's Revised Statutes, also Pierce's Perpetual Code 205-3).

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

Amend-  
ment.

SECTION 1. Section 105 [104], chapter 156, Laws of 1917, as last amended by section 1, chapter 104, Laws of 1927 (section 1474, Remington's Revised Statutes, also Pierce's Perpetual Code 205-3), is amended to read as follows:

Decree of  
set off for  
surviving  
spouse.

Section 1. [Section 104] In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead result in vesting the complete or partial title in the survivor, it shall be the duty of the Court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed 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 and exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, to enter a decree, upon such notice as the Court may determine, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor. If the value of the homestead, exclusive of all such liens, be less than four thousand dollars (\$4,000.00), the Court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all

such liens, when added to the value of the other property awarded, exclusive of all such liens, shall equal four thousand dollars (\$4,000.00). Said decree shall particularly describe the said homestead and other property so awarded, and such homestead and other property so awarded shall not be subject to further administration, and such decree shall be conclusive and final, except on appeal, and except for fraud, and such awards shall be in lieu of all further homestead rights and of all exemptions.

Value.  
Decree  
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.

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## CHAPTER 199.

[ S. B. 228. ]

### STATE OYSTER RESERVES.

AN ACT relating to oysters; requiring a permit to take oysters from state reserves for purposes other than seed; and designating the use thereof; permitting the Director of Fisheries to sell the oysters on state reserves by the bushel or by public auction, with the right to reject bids, and granting the Director authority to promulgate rules for advertising for bids and conducting same.

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

SECTION 1. Any person before taking oysters from the reserves of the state for purposes other than seed shall secure a permit from the Director of Fisheries and pay therefor the sum of five dollars (\$5) annually. Such oysters may be used for any purpose which the permit indicates or which may be designated by the Director of Fisheries in writ-

Permit to  
take oysters.