

that sealed bids will be received by the clerk of the court within ten days. At the expiration of such period the administrator, executor or guardian, in the presence of the clerk of the court, shall open such bids as shall have been submitted to the clerk within the time stated in the notice (whether by previous bidders or not) and shall file a recommendation of the acceptance of the bid which he deems best in view of the requirements of the particular estate. The court may thereupon direct a sale to the bidder whose bid is deemed best by the court and a sale made pursuant to such direction shall need no confirmation.

Passed the House February 16, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 15, 1955.

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CHAPTER 155.

[ H. B. 158. ]

EMINENT DOMAIN—PAYMENT—TRIAL—COSTS.

AN ACT relating to the power of eminent domain by the state and amending section 2, chapter 177, Laws of 1951, and RCW 8.04.092.

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

Amendment. SECTION 1. Section 2, chapter 177, Laws of 1951, and RCW 8.04.092 are each amended to read as follows:

Determination of compensation and damages. (RCW 8.04.092) The amount paid into court shall constitute just compensation paid for the taking of such property: *Provided*, That respondents may, in the same action, request a trial for the purpose of assessing the amount of compensation to be made and the amount of damages arising from the taking. In the event that, pursuant to such hearing, the verdict of the jury, unless a jury be waived by all par-

ties, or decision of the court, shall award respondents an amount in excess of the tender, the court shall order such excess paid to respondents with interest thereon from the time of the entry of the order of immediate possession, and shall charge the costs of the action to the state. In the event that, pursuant to such trial, the verdict of the jury or decision of the court shall award respondents an amount equal to the tender, the costs of the action shall be charged to the state, and if such verdict or decision shall award an amount less than the amount of the tender, the state shall be taxed for costs and the state, if respondents have accepted the tender and withdrawn the amount paid into court, shall be entitled to a judgment for the difference; otherwise, the excess on deposit shall be returned to the state.

Passed the House February 4, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 15, 1955.