

CHAPTER 106.

[Reengrossed Senate Bill No. 325]

PROBATE PROCEDURE.

AN ACT relating to probate law and procedure; prescribing changes in probate procedures; amending section 11.20.050, chapter 145, Laws of 1965 and RCW 11.20.050; amending section 11.56.110, chapter 145, Laws of 1965 and RCW 11.56.110; adding a new section to chapter 145, Laws of 1965 and to chapter 11.40 RCW; repealing section 8, chapter 168, Laws of 1967; and providing an effective date.

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

RCW 11.20.050
amended.

Section 1. Section 11.20.050, chapter 145 Laws of 1965 and RCW 11.20.050 are each amended to read as follows:

Probate—Wills
—Recording.

All wills shall be recorded in the book kept for that purpose, within thirty days after probate, and the original wills shall be carefully filed with the clerk, but may be withdrawn on the order of the court.

NOTE: The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 1880 for Governor's explanation.

Note: See also section 17, chapter 168, Laws of 1967.

RCW 11.56.110
amended.

Sec. 2. Section 11.56.110, chapter 145, Laws of 1965 and RCW 11.56.110 are each amended to read as follows:

Probate—Sale
of estate prop-
erty—Higher
offer.

If, at any time before confirmation of any such sale, any person shall file with the clerk of the court a bid on such property in an amount not less than ten percent higher than the bid the acceptance of which was reported by the return of sale and shall deposit with the clerk not less than twenty percent of his bid in the form of cash, money order, cashier's check or certified check made payable to the clerk, to be forfeited to the estate unless such bidder complies with his bid, the bidder whose bid was accepted shall be informed of such increased bid by registered or certified mail addressed to such bidder

at any address which may have been given by him at the time of making such bid. Such bidder then shall have a period of five days, not including holidays, in which to make and file a bid better than that of the subsequent bidder. After the expiration of such five-day period the court may refuse to confirm the sale reported in the return of sale and direct a sale to the person making the best bid then on file, indicating which is the best bid, and a sale made pursuant to such direction shall need no further confirmation. Instead of such a direction, the court, upon application of the personal representative, may direct the reception of sealed bids. Thereupon the personal representative shall mail notice by registered or certified mail to all those who have made bids on such property informing them that sealed bids will be received by the clerk of the court within ten days. At the expiration of such period the personal representative, 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: *Provided, however,* That the court shall consider the net realization to the estate in determining the best bid.

Note: See also section 18, chapter 168, Laws of 1967.

Sec. 3. There is added to chapter 145, Laws of 1965 and to chapter 11.40 RCW a new section to be designated as RCW 11.40.011, to read as follows:

New section
designated
11.40.011.

The four-month time limitation for serving and filing of claims shall not accrue to the benefit of any liability or casualty insurer as to claims against the deceased and/or the marital community of which the

Probate
claims.

Probate—
Claims against
estate—Claims
covered by
insurance—
Time limita-
tion for filing.

deceased was a member and such claims may at any time within eighteen months after the date of the first publication of notice to creditors be:

(1) Served on the personal representative, or the attorney for the estate; or

(2) If the personal representative shall have been discharged, then the claimant as a creditor may cause a new personal representative to be appointed and the estate to be reopened in which case service may be had upon the new personal representative or his attorney of record.

Claims may be served and filed as herein provided, notwithstanding the conclusion of any probate proceedings: *Provided*, That the amount of recovery under such claims shall not exceed the amount of applicable insurance coverages and proceeds: *And provided further*, That such claims so served and filed shall not constitute a cloud or lien upon the title to the assets of the estate under probate nor delay or prevent the conclusion of probate proceedings or the transfer or distribution of assets of the estate subject to such probate.

Note: See also section 8, chapter 168, Laws of 1967.

Repeal.

Sec. 4. Section 8, chapter 168, Laws of 1967 is hereby repealed.

Effective date.

Sec. 5. The provisions of this act shall take effect on July 1, 1967.

Passed the Senate April 21, 1967.

Passed the House April 20, 1967.

Approved by the Governor April 28, 1967, with the exception of Section 1 which was vetoed.

NOTE: Governor's explanation of partial veto is as follows:

"This bill makes various changes in the probate law of the state. I have no objection to these changes; however, I have vetoed section 1 of the bill because the amendment to RCW 11.20.050 set forth in section 1 was contained in House Bill No. 138 passed by the legislature during the regular session.

"The remainder of Senate Bill No. 325 is approved."

DANIEL J. EVANS,
Governor.