

CHAPTER XCVIII.

[S. B. No. 233.]

RELATING TO SETTLEMENT OF ESTATES OF DECEDENTS.

AN ACT to amend section 1443 of the Code of Washington of 1881, the same being section 955 of the second volume of Hill's Annotated Codes of Washington, and in regard to settlement of estates of decedents.

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

SECTION 1. That section 1443 of the Code of Washington of 1881, being section 955 of the second volume of the laws of Washington, arranged and annotated by William L. Hill, be amended to read as follows: Sec. 1443. In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament, and that letters testamentary or of administration shall not be required, and where it also duly appears to the court, by the inventory filed, and other proof, that the estate is fully solvent, which fact may be established by an order of the court on the coming in of the inventory, it shall not be necessary to take out letters testamentary or of administration, except to admit to probate such will, and to file a true inventory of all the property of such estate in the manner required by existing laws. And after the probate of such will and the filing of such inventory all such estates may be managed and settled without the intervention of the court, if the said last will and testament shall so provide: *But provided*, That in all such cases the claims against such estates shall be paid within one year from the date of the first publication of notice to creditors to present their claims, unless such time be extended by the court, for good cause shown, for a reasonable time: *Provided, however*, In all such cases, if the party named in such will as executor shall decline to execute the trust, or shall die or be otherwise disabled from any cause from acting as such executor, then letters testamentary or of administration shall issue as in other cases: *And provided further*, If the party named in the will shall fail to execute the trust faithfully and to take care and promote the inter-

Letters testamentary or of administration.

Not issued in certain cases.

Claims paid during first year.

Creditor or heir may petition for administration in certain cases.

ests of all parties taking under the will, then, upon petition of a creditor of such estate, or of any of the heirs, or of any person on behalf of any minor heirs, it shall be the duty of the court of the county wherein such estate is situated to cite such person having the management of such estate to appear before such court, and if, upon hearing of such petition it shall appear that the trust in such will is not faithfully discharged, and that the parties interested, or any of them, have been or are about to be damaged by such actual doings of the executor, then letters testamentary or of administration shall be had and required in such cases, and all other matters and proceedings shall be had and required as are now required in the administration of estates, and in such cases the costs of the citation and hearing shall be charged against the party failing and neglecting to execute the trust as required in such will.

Inventory to
be filed within
thirty days.

SEC. 2. All executors and administrators of estates that have not been fully settled and closed, and who shall not have filed an inventory of all the property as required by the existing laws, shall, within thirty days after the taking effect of this act, file a true inventory of all the property of any such estate, and in case it appears to the court by any such inventory or other proof that any such estates are insolvent, such estates shall be settled by the court as in cases of intestacy, and the court shall make an order requiring the executor or administrator to make a report of his acts to the court.

Sale of
property.

SEC. 3. Such executors, who have been heretofore acting under wills dispensing with letters testamentary or of administration, and those who may hereafter act under such wills, shall have power, after the filing of an inventory of the estate, if the said estate has been adjudged to be solvent according to the provisions of section 2 of this act, to sell and convey the real and personal property of their testator, where the will authorizes them so to do, without an order of the court for that purpose, and without notice or confirmation of sale.

Performance
of contracts.

SEC. 4. Such executor, after the order referred to in section 2 of this act has been made, declaring the estate solvent, shall have the power to carry out and perform all

the contracts and undertakings of his testator, which he might be required by law to execute, and it shall not be necessary to obtain an order of the court authorizing the same or an order confirming the same.

SEC. 5. That upon a publication of notice to creditors to present their claims to such executor, for a period of time and in the manner required of executors and of administrators holding letters testamentary and of administration under the laws of this state, said creditors shall be required to present their claims to the said executor within one year from the date of the first publication of said notice, and if they fail to do so their claim shall be barred.

Passed the Senate March 2, 1897.

Passed the House March 11, 1897.

Approved by the Governor March 16, 1897.

CHAPTER XCIX.

[S. B. No. 242.]

FOR THE RELIEF OF THE CAPITAL CITY ABSTRACT AND TITLE INSURANCE CO.

AN ACT for the relief of the Capital City Abstract and Title Insurance Co.

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of forty-seven and sixty-five one-hundredths dollars (\$47.65) for the relief of the Capital City Abstract and Title Insurance Co. for making tracings of maps of New Whatcom, Fairhaven and Blaine, and locating applications for purchase in order to show conflicts in applications; said maps being made in October, 1892, by order of the state board of equalization and appeal for Washington, and the state auditor be authorized to draw his warrant