
SENATE BILL 5297

State of Washington 61st Legislature 2009 Regular Session

By Senators Kline and Delvin; by request of Washington State Bar Association

Read first time 01/20/09. Referred to Committee on Judiciary.

1 AN ACT Relating to the procedure for filing a declaration of
2 completion of probate; and amending RCW 11.68.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 11.68.110 and 1998 c 292 s 202 are each amended to
5 read as follows:

6 (1) If a personal representative who has acquired nonintervention
7 powers does not apply to the court for either of the final decrees
8 provided for in RCW 11.68.100 as now or hereafter amended, the personal
9 representative shall, when the administration of the estate has been
10 completed, file a declaration that must state as follows:

11 (a) The date of the decedent's death and the decedent's residence
12 at the time of death;

13 (b) Whether or not the decedent died testate or intestate;

14 (c) If the decedent died testate, the date of the decedent's last
15 will and testament and the date of the order probating the will;

16 (d) That each creditor's claim which was justly due and properly
17 presented as required by law has been paid or otherwise disposed of by
18 agreement with the creditor, and that the amount of estate taxes due as

1 the result of the decedent's death has been determined, settled, and
2 paid;

3 (e) That the personal representative has completed the
4 administration of the decedent's estate without court intervention, and
5 the estate is ready to be closed;

6 (f) If the decedent died intestate, the names, addresses (if
7 known), and relationship of each heir of the decedent, together with
8 the distributive share of each heir; and

9 (g) The amount of fees paid or to be paid to each of the following:

10 (i) Personal representative or representatives; (ii) lawyer or lawyers;
11 (iii) appraiser or appraisers; and (iv) accountant or accountants; and
12 that the personal representative believes the fees to be reasonable and
13 does not intend to obtain court approval of the amount of the fees or
14 to submit an estate accounting to the court for approval.

15 (2) Subject to the requirement of notice as provided in this
16 section, unless an heir, devisee, or legatee of a decedent petitions
17 the court either for an order requiring the personal representative to
18 obtain court approval of the amount of fees paid or to be paid to the
19 personal representative, lawyers, appraisers, or accountants, or for an
20 order requiring an accounting, or both, within thirty days from the
21 date of filing a declaration of completion of probate, the personal
22 representative will be automatically discharged without further order
23 of the court and the representative's powers will cease thirty days
24 after the filing of the declaration of completion of probate, and the
25 declaration of completion of probate shall, at that time, be the
26 equivalent of the entry of a decree of distribution in accordance with
27 chapter 11.76 RCW for all legal intents and purposes.

28 (3) Within five days of the date of the filing of the declaration
29 of completion, the personal representative or the personal
30 representative's lawyer shall mail a copy of the declaration of
31 completion to each heir, legatee, or devisee of the decedent, who: (a)
32 Has not waived notice of the filing, in writing, filed in the cause;
33 and (b) either has not received the full amount of the distribution to
34 which the heir, legatee, or devisee is entitled or has a property right
35 that might be affected adversely by the discharge of the personal
36 representative under this section, together with a notice which shall
37 be substantially as follows:

1
2 CAPTION NOTICE OF FILING OF
3 OF DECLARATION OF COMPLETION
4 CASE OF PROBATE

5 NOTICE IS GIVEN that the attached Declaration of
6 Completion of Probate was filed by the undersigned in the
7 above-entitled court on the day of, ~~((19:))~~
8 20 . . . ; unless you shall file a petition in the above-entitled
9 court requesting the court to approve the reasonableness of
10 the fees, or for an accounting, or both, and serve a copy
11 thereof upon the personal representative or the personal
12 representative's lawyer, within thirty days after the date of
13 the filing, and provide the notice described below, the
14 amount of fees paid or to be paid will be deemed
15 reasonable, the acts of the personal representative will be
16 deemed approved, the personal representative will be
17 automatically discharged without further order of the court,
18 and the Declaration of Completion of Probate will be final
19 and deemed the equivalent of a Decree of Distribution
20 entered under chapter 11.76 RCW.

21 If you file and serve a petition within the period
22 specified, ~~((the undersigned will))~~ you must request the
23 court to fix a time and place for the hearing of your petition,
24 and ~~((you will be notified))~~ must provide notice of the time
25 and place thereof to the personal representative or the
26 personal representative's lawyer and to each heir, legatee,
27 and devisee to whom the personal representative sent a
28 copy of this Declaration of Completion of Probate, by
29 mail(;) or personal service, not less than ten days before
30 the hearing on the petition.

31 If you file and serve a petition but do not provide such
32 notice, the acts of the personal representative will be
33 deemed approved and the personal representative will be
34 automatically discharged as provided above.

35 Dated this day of, ~~((19:))~~ 20 . . .

36

Personal Representative

1
2 (4) If all heirs, devisees, and legatees of the decedent entitled
3 to notice under this section waive, in writing, the notice required by
4 this section, the personal representative will be automatically
5 discharged without further order of the court and the declaration of
6 completion of probate will become effective as a decree of distribution
7 upon the date of filing thereof. In those instances where the personal
8 representative has been required to furnish bond, and a declaration of
9 completion is filed pursuant to this section, any bond furnished by the
10 personal representative shall be automatically discharged upon the
11 discharge of the personal representative.

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