
HOUSE BILL 2657

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Morton and Fuhrman

Read first time 01/23/92. Referred to Committee on Judiciary.

1 AN ACT Relating to descent and distribution; and amending RCW
2 11.04.015.

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

4 **Sec. 1.** RCW 11.04.015 and 1974 ex.s. c 117 s 6 are each amended to
5 read as follows:

6 The net estate of a person dying intestate, or that portion thereof
7 with respect to which the person shall have died intestate, shall
8 descend subject to the provisions of RCW 11.04.250 and RCW 11.02.070,
9 and shall be distributed as follows:

10 (1) Share of surviving spouse. The surviving spouse shall receive
11 the following share:

12 (a) All of the decedent's share of the net community estate; and

13 (b) One-half of the net separate estate if the intestate is
14 survived by issue; or

1 (c) Three-quarters of the net separate estate if there is no
2 surviving issue, but the intestate is survived by one or more of his
3 parents, or by one or more of the issue of one or more of his parents;
4 or

5 (d) All of the net separate estate, if there is no surviving issue
6 nor parent nor issue of parent.

7 (2) The surviving spouse shall receive none of the decedent's share
8 of the net community estate and none of the decedent's separate estate
9 when the decedent has previously petitioned for a dissolution of
10 marriage or requests the court to decree legal separation in lieu of
11 dissolution. The decedent's share of the net community estate and the
12 decedent's separate estate shall be distributed as set out under
13 subsection (3) of this section.

14 (3) Shares of others than surviving spouse. The share of the net
15 estate not distributable to the surviving spouse, or the entire net
16 estate if there is no surviving spouse, shall descend and be
17 distributed as follows:

18 (a) To the issue of the intestate; if they are all in the same
19 degree of kinship to the intestate, they shall take equally, or if of
20 unequal degree, then those of more remote degree shall take by
21 representation.

22 (b) If the intestate not be survived by issue, then to the parent
23 or parents who survive the intestate.

24 (c) If the intestate not be survived by issue or by either parent,
25 then to those issue of the parent or parents who survive the intestate;
26 if they are all in the same degree of kinship to the intestate, they
27 shall take equally, or, if of unequal degree, then those of more remote
28 degree shall take by representation.

29 (d) If the intestate not be survived by issue or by either parent,
30 or by any issue of the parent or parents who survive the intestate,

1 then to the grandparent or grandparents who survive the intestate; if
2 both maternal and paternal grandparents survive the intestate, the
3 maternal grandparent or grandparents shall take one-half and the
4 paternal grandparent or grandparents shall take one-half.

5 (e) If the intestate not be survived by issue or by either parent,
6 or by any issue of the parent or parents or by any grandparent or
7 grandparents, then to those issue of any grandparent or grandparents
8 who survive the intestate; taken as a group, the issue of the maternal
9 grandparent or grandparents shall share equally with the issue of the
10 paternal grandparent or grandparents, also taken as a group; within
11 each such group, all members share equally if they are all in the same
12 degree of kinship to the intestate, or, if some be of unequal degree,
13 then those of more remote degree shall take by representation.