
SENATE BILL 5371

State of Washington

54th Legislature

1995 Regular Session

By Senators Morton and West

Read first time 01/20/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to distribution of estates; and amending RCW
2 11.04.015 and 11.12.051.

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

15 (c) Three-quarters of the net separate estate if there is no
16 surviving issue, but the intestate is survived by one or more of his
17 parents, or by one or more of the issue of one or more of his parents;
18 or

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

3 (2) The surviving spouse shall receive none of the decedent's share
4 of the net community estate and none of the decedent's separate estate
5 if either the surviving spouse or the decedent has previously
6 petitioned for a legal separation, a dissolution of marriage, or a
7 declaration of invalidity and the petition for separation, dissolution,
8 or invalidity is still pending and the parties have not reconciled.
9 Unless the decedent has made a written provision to the contrary, the
10 decedent's share of the net community estate and the decedent's
11 separate estate shall be distributed as set out under subsection (3) of
12 this section.

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

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

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

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

28 (d) If the intestate not be survived by issue or by either parent,
29 or by any issue of the parent or parents who survive the intestate,
30 then to the grandparent or grandparents who survive the intestate; if
31 both maternal and paternal grandparents survive the intestate, the
32 maternal grandparent or grandparents shall take one-half and the
33 paternal grandparent or grandparents shall take one-half.

34 (e) If the intestate not be survived by issue or by either parent,
35 or by any issue of the parent or parents or by any grandparent or
36 grandparents, then to those issue of any grandparent or grandparents
37 who survive the intestate; taken as a group, the issue of the maternal
38 grandparent or grandparents shall share equally with the issue of the
39 paternal grandparent or grandparents, also taken as a group; within

1 each such group, all members share equally if they are all in the same
2 degree of kinship to the intestate, or, if some be of unequal degree,
3 then those of more remote degree shall take by representation.

4 **Sec. 2.** RCW 11.12.051 and 1994 c 221 s 11 are each amended to read
5 as follows:

6 (1) If, after making a will, the testator's marriage is dissolved
7 or invalidated, or either the testator or the testator's spouse has
8 previously petitioned for a legal separation, a dissolution of
9 marriage, or a declaration of invalidity and the petition for
10 separation, dissolution, or invalidity is still pending and the parties
11 have not reconciled, all provisions in the will in favor of or granting
12 any interest or power to the testator's former spouse are revoked,
13 unless the will expressly provides otherwise or, for a pending petition
14 for separation, dissolution, or invalidity, the testator has made a
15 written provision to the contrary. Provisions affected by this section
16 must be interpreted, and property affected passes, as if the former
17 spouse failed to survive the testator, having died at the time of entry
18 of the decree of dissolution or declaration of invalidity. Provisions
19 revoked by this section are revived by the testator's remarriage to the
20 former spouse. Revocation of certain nonprobate transfers is provided
21 under RCW 11.07.010.

22 (2) This section is remedial in nature and applies to decrees of
23 dissolution and declarations of invalidity entered before, on, or after
24 June 9, 1994.

--- END ---