

FINAL BILL REPORT

ESSB 5052

C 14 L 01
Synopsis as Enacted

Brief Description: Making technical corrections to trust and estate dispute resolution provisions.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Johnson and Constantine).

Senate Committee on Judiciary
House Committee on Judiciary

Background: In 1999, the Legislature enacted the Trust and Estate Resolution Act to centralize in the Washington statute all procedures for handling disputes that occur regarding trust and estates. The act also provided mechanisms for resolving disputes by informal binding agreements between parties and by outlining the process by which parties can obtain resolution of disputes using mediation and/or arbitration and to obtain compliance with decisions.

The Washington State Bar Association Real Property, Probate and Trust Section is recommending various clarifications and technical corrections to the act.

Summary: The Trust and Estate Resolution Act is modified to make various clarifications and technical corrections to the act.

After a probate proceeding has been commenced, future notice of matters in an existing judicial proceeding that relate to the same trust, estate or nonprobate asset need not be in the form of a summons.

The process for appointing a qualified and independent person as a special representative to represent the interest of minors, unknown persons or incompetents is clarified.

If a nonjudicial binding agreement has been entered into, and a special representative has also been appointed, the agreement may not be filed with a court for 30 days without the consent of the special representative.

The period to appeal an arbitrator's decision is extended to 30 days after the decision has been served on the parties.

The process for filing an arbitrator's decision, notice to parties, and appeal procedures to superior court are set forth.

Votes on Final Passage:

Senate 43 0

House 92 0

Effective: July 22, 2001