

HB 1349 - H AMD 17

By Representative Orwall

OUT OF ORDER 02/28/2023

1 On page 6, line 29, after "grantor." insert "Other written
2 evidence of the death of the borrower or grantor may include an
3 obituary, a published death notice, or documentation of an open
4 probate action for the estate of the borrower or grantor."

5
6 On page 7, line 2, after "documentation." insert "Documentation
7 demonstrating the ownership interest of the claimant in the real
8 property includes, but is not limited to, one of the following:

9 (i) Excerpts of a trust document noting the claimant as a
10 beneficiary of a trust with title to the real property;

11 (ii) A will of the borrower or grantor listing the claimant as an
12 heir or devisee with respect to the real property;

13 (iii) A probate order or finding of heirship issued by any court
14 documenting the claimant as an heir or devisee or awarding the real
15 property to the claimant;

16 (iv) A recorded lack of probate affidavit signed by any heir
17 listing the claimant as an heir of the borrower or grantor pursuant to
18 the laws of intestacy;

19 (v) A deed, such as a personal representative's deed, trustee's
20 deed issued on behalf of a trust, statutory warranty deed, transfer on
21 death deed, or other deed, giving any ownership interest to the
22 claimant resulting from the death of the borrower or grantor or
23 executed by the borrower or grantor for estate planning purposes; and

24 (vi) Other proof documenting the claimant as an heir of the
25 borrower or grantor pursuant to state rules of intestacy set forth in
26 chapter 11.04 RCW."

EFFECT: Makes the following changes to the documentation that a claimant could present to a trustee to establish that the claimant is a successor in interest to a deceased borrower's property rights before the notice of sale is recorded, in the context of nonjudicial foreclosure of a deed of trust:

- Provides that, in addition to a death certificate, other written evidence that a claimant could present to the trustee as documentation of the death of the borrower may include an obituary, a published death notice, or documentation of an open probate action for the estate of the borrower; and
- Provides a non-exhaustive list of documentation that the claimant could present to the trustee to demonstrate the claimant's ownership interest in the real property, including excerpts of a trust document noting the claimant as a beneficiary of a trust with title to the real property, a will of the borrower listing the claimant as an heir with respect to the real property, a probate order or finding of heirship issued by any court documenting the claimant as an heir or awarding the real property to the claimant, a recorded lack of probate affidavit listing the claimant as an heir of the borrower under the intestacy laws, a deed giving any ownership interest to the claimant resulting from the death of the borrower or executed by the borrower for estate planning purposes, and other proof documenting the claimant as an heir of the borrower under the state rules of intestacy.

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