

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2445**

Chapter 204, Laws of 2026

69th Legislature  
2026 Regular Session

PROBATE—VARIOUS PROVISIONS

EFFECTIVE DATE: June 11, 2026

Passed by the House March 11, 2026  
Yeas 66 Nays 29

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 6, 2026  
Yeas 47 Nays 0

DENNY HECK

**President of the Senate**

Approved March 24, 2026 2:10 PM

BOB FERGUSON

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2445** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

March 25, 2026

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 2445**

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AS AMENDED BY THE SENATE

Passed Legislature - 2026 Regular Session

**State of Washington**                      **69th Legislature**                      **2026 Regular Session**

**By** Representatives Richards and Reeves; by request of Attorney General

Read first time 01/13/26. Referred to Committee on Civil Rights & Judiciary.

1            AN ACT Relating to ending probates for profit; amending RCW  
2 11.28.110, 11.28.120, 11.28.185, 11.28.237, 11.36.010, 11.48.020,  
3 11.48.210, 11.56.030, 11.68.011, 11.76.010, 11.76.030, 11.96A.050,  
4 and 11.02.005; and adding new sections to chapter 11.56 RCW.

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

6            **Sec. 1.** RCW 11.28.110 and 2010 c 8 s 2017 are each amended to  
7 read as follows:

8            (1) Application for letters of administration, or, application  
9 for an adjudication of intestacy and heirship without the issuance of  
10 letters of administration shall be made by petition in writing,  
11 signed and verified by oath of the applicant or his or her attorney,  
12 and filed with the court, which petition shall set forth ((the)):

13            (a) The facts essential to giving the court jurisdiction of the  
14 case((, and state, if known, the));

15            (b) That the deceased died without a will, and the basis of the  
16 applicant's knowledge of such;

17            (c) The names, ages, and addresses of the heirs of the deceased  
18 and ((that the deceased died without a will)) the details of the  
19 applicant's reasonable search for such heirs;

20            (d) A general description of the major probate assets of the  
21 estate, including real property, motor vehicles, and any known

1 property or interest estimated in good faith to exceed \$10,000 in  
2 value, and the details of the applicant's reasonable search to  
3 identify such assets; and

4 (e) For application for letters of administration, that the  
5 applicant is entitled to administer the estate under RCW 11.28.120  
6 and is not disqualified under RCW 11.36.010.

7 (2) Except to the extent necessary to determine bond, the  
8 specific value, location, provenance, and condition of each major  
9 probate asset need not be described in the petition.

10 (3) If the applicant is a person entitled to letters under RCW  
11 11.28.120(1) (a) or (b), the petition need not describe the major  
12 probate assets of the estate, but shall still set forth the  
13 applicant's reasonable search to identify such assets.

14 (4) If the application for an adjudication of intestacy and  
15 heirship does not request the appointment of a personal  
16 representative and the court enters an adjudication of intestacy no  
17 further administration shall be required except as set forth in RCW  
18 11.28.330 or 11.28.340.

19 **Sec. 2.** RCW 11.28.120 and 2020 c 312 s 405 are each amended to  
20 read as follows:

21 (1) Administration of an estate if the decedent died intestate or  
22 if the personal representative or representatives named in the will  
23 declined or were unable to serve shall be granted to some one or more  
24 of the persons hereinafter mentioned, and they shall be respectively  
25 entitled in the following order:

26 ~~((1))~~ (a) The surviving spouse or state registered domestic  
27 partner, or such person as he or she may request to have appointed(~~(-~~

28 ~~(2))~~ (b) The next of kin in the following order: ~~((a))~~ (i)  
29 Child or children; ~~((b))~~ (ii) father or mother; ~~((c))~~ (iii)  
30 brothers or sisters; ~~((d))~~ (iv) grandchildren; ~~((e))~~ (v) nephews  
31 or nieces(~~(-~~

32 ~~(3))~~);

33 (c) The trustee named by the decedent in an inter vivos trust  
34 instrument, testamentary trustee named in the will, guardian of the  
35 decedent, conservator of the decedent, or an agent named in a durable  
36 power of attorney appointed by the decedent, if any such a fiduciary  
37 controlled or potentially controlled substantially all of the  
38 decedent's probate and nonprobate assets(~~(-~~

39 ~~(4))~~);

1 (d) One or more of the beneficiaries or transferees of the  
2 decedent's probate or nonprobate assets (~~(-~~

3 ~~5)(a))~~);

4 (e)(i) The director of revenue, or the director's designee, for  
5 those estates having property subject to the provisions of chapter  
6 11.08 RCW (~~(-)~~), however, the director may waive this right (~~(-~~

7 ~~b))~~);

8 (ii) The secretary of the department of social and health  
9 services for those estates owing debts for (~~(long-term care))~~ home  
10 and community-based services as defined in RCW (~~(74.39A.008)~~)  
11 74.39A.009, however, the secretary may waive this right (~~(-~~

12 ~~6))~~); and

13 (f) One or more of the principal creditors.

14 (~~(7))~~ (2) If the persons (~~(se))~~ entitled as set forth in this  
15 section shall fail for more than (~~(forty))~~ 60 days after the death of  
16 the decedent to present a petition for letters of administration, or  
17 if it appears to the satisfaction of the court that there is no next  
18 of kin, as above specified eligible to appointment, or they waive  
19 their right, and there are no principal creditor or creditors, or  
20 such creditor or creditors waive their right, then the court may  
21 appoint a contract service provider with the office of public  
22 guardianship and conservatorship under chapter 2.72 RCW or (~~(any~~  
23 ~~suitable person))~~ a guardian ad litem to administer such estate.

24 (3) If the persons entitled as set forth in this section shall  
25 fail for more than 90 days after the death of the decedent to present  
26 a petition for letters of administration, then the court may appoint  
27 any suitable person to administer such estate. Such person shall  
28 receive only such compensation in connection with administration of  
29 the estate as is provided under RCW 11.48.210, and shall not  
30 purchase, acquire, or receive proceeds from the sale of estate assets  
31 except as provided under RCW 11.48.020. Unless such person is an  
32 entity described under RCW 11.36.010 (2) or (3), such person (a)  
33 shall be ineligible to receive nonintervention powers, and (b) shall  
34 be limited to two petitions for appointment under this subsection per  
35 year.

36 **Sec. 3.** RCW 11.28.185 and 2020 c 312 s 709 are each amended to  
37 read as follows:

38 When the terms of the decedent's will manifest an intent that the  
39 personal representative appointed to administer the estate shall not

1 be required to furnish bond or other security, or when the personal  
2 representative is the surviving spouse or surviving domestic partner  
3 of the decedent and it appears to the court that the entire estate,  
4 after provision for expenses and claims of creditors, will be  
5 distributable to such spouse or surviving domestic partner, then such  
6 personal representative shall not be required to give bond or other  
7 security as a condition of appointment. In all cases where a bank or  
8 trust company authorized to act as personal representative is  
9 appointed as personal representative, no bond shall be required. In  
10 all cases where a personal representative is appointed under RCW  
11 11.28.120(3) and is not an entity described under RCW 11.36.010 (2)  
12 or (3), bond shall be required in an amount commensurate with the  
13 major probate assets identified under RCW 11.28.110(1)(d). In all  
14 other cases, unless waived by the court, the personal representative  
15 shall give such bond or other security, in such amount and with such  
16 surety or sureties, as the court may direct.

17 Every person required to furnish bond must, before receiving  
18 letters testamentary or of administration, execute a bond to the  
19 state of Washington conditioned that the personal representative  
20 shall faithfully execute the duty of the trust according to law.

21 The court may at any time after appointment of the personal  
22 representative require said personal representative to give a bond or  
23 additional bond, the same to be conditioned and to be approved as  
24 provided in this section; or the court may allow a reduction of the  
25 bond upon a proper showing.

26 In lieu of bond, the court may in its discretion, substitute  
27 other security or financial arrangements, such as provided under RCW  
28 11.130.445, or as the court may deem adequate to protect the assets  
29 of the estate.

30 **Sec. 4.** RCW 11.28.237 and 2011 c 327 s 2 are each amended to  
31 read as follows:

32 (1) Within (~~twenty~~) 20 days after appointment, the personal  
33 representative of the estate of a decedent, or an attorney performing  
34 services for the estate at the instance of the personal  
35 representative, shall cause written notice of his or her appointment  
36 and the pendency of said probate proceedings, to be served personally  
37 or by mail to each heir, legatee and devisee of the estate and each  
38 beneficiary or transferee of a nonprobate asset of the decedent whose  
39 names and addresses are reasonably known to him or her, and proof of

1 such mailing or service shall be made by affidavit or declaration and  
2 filed in the cause. If a trust is a legatee or devisee of the estate  
3 or a beneficiary or transferee of a nonprobate asset of the decedent,  
4 then notice to the trustee is sufficient.

5 (2) If the personal representative does not otherwise give notice  
6 to creditors under chapter 11.40 RCW within (~~thirty~~) 30 days after  
7 appointment, the personal representative shall cause written notice  
8 of his or her appointment and the pendency of the probate proceedings  
9 to be mailed to the state of Washington department of social and  
10 health services' office of financial recovery, and proof of the  
11 mailing shall be made by affidavit or declaration and filed in the  
12 cause.

13 **Sec. 5.** RCW 11.36.010 and 2013 c 272 s 1 are each amended to  
14 read as follows:

15 (1) (~~Except as provided in subsections (2), (3), and (4) of this~~  
16 ~~section, the~~) The following persons are not qualified to act as  
17 personal representatives:

18 (a) Corporations, limited liability companies, and limited  
19 liability partnerships, (~~minors, persons~~) except as provided in  
20 subsections (2) through (4) of this section;

21 (b) Minors;

22 (c) Persons of unsound mind (~~or persons~~);

23 (d) Persons who have had letters testamentary or of  
24 administration revoked for cause under RCW 11.28.250 within the last  
25 24 months;

26 (e) Persons who have been found by a court or administrative  
27 agency within the last 36 months of engaging in acts of dishonesty,  
28 theft, or breach of fiduciary duty;

29 (f) Persons who have been convicted of (~~(a)~~) any felony or  
30 (~~(b)~~) any crime involving moral turpitude; and

31 (g) Persons seeking appointment under RCW 11.28.120(3) who are a  
32 principal or agent of, or acting at the behest of or in concert with,  
33 any person or entity likely to be involved in the sale, purchase,  
34 repair, or transfer of a major probate asset.

35 (2) Trust companies regularly organized under the laws of this  
36 state and national banks when authorized so to do may act as the  
37 personal representative of an individual's estate or of the estate of  
38 an incapacitated person upon petition of any person having a right to  
39 such appointment and may act as personal representatives or guardians

1 when so appointed by will. No trust company or national bank may  
2 qualify as such personal representative or guardian under any will  
3 hereafter drawn by it or its agents or employees, and no salaried  
4 attorney of any such company may be allowed any attorney fee for  
5 probating any such will or in relation to the administration or  
6 settlement of any such estate, and no part of any attorney fee may  
7 inure, directly or indirectly, to the benefit of any trust company or  
8 national bank.

9 (3) Professional service corporations, professional limited  
10 liability companies, or limited liability partnerships, that are duly  
11 organized under the laws of this state and whose shareholders,  
12 members, or partners, respectively, are exclusively attorneys, may  
13 act as personal representatives.

14 (4) Any nonprofit corporation may act as personal representative  
15 if the articles of incorporation or bylaws of that corporation permit  
16 the action and the corporation is in compliance with all applicable  
17 provisions of Title 24 RCW.

18 (5) When any person to whom letters testamentary or of  
19 administration have been issued becomes disqualified to act because  
20 of becoming of unsound mind or (~~being convicted of (a) any felony or~~  
21 ~~(b) any crime involving moral turpitude)~~ receiving an adverse  
22 adjudication described in subsection (1) of this section, the court  
23 having jurisdiction must revoke his or her letters. When it appears  
24 to the satisfaction of the court, upon motion of the court or any  
25 interested person, that a person to whom letters of administration  
26 were issued under RCW 11.28.120(3) is acting as a principal or agent  
27 of a person or entity involved in the sale, purchase, repair, or  
28 transfer of a major probate asset, whether such asset was identified  
29 under RCW 11.28.110(1)(d) or identified subsequently, the court  
30 having jurisdiction must revoke his or her letters and may impose  
31 sanctions against him or her.

32 (6) A nonresident may be appointed to act as personal  
33 representative if the nonresident appoints an agent who is a resident  
34 of the county where such estate is being probated or who is an  
35 attorney of record of the estate, upon whom service of all papers may  
36 be made; such appointment to be made in writing and filed by the  
37 clerk with other papers of such estate; and, unless bond has been  
38 waived as provided by RCW 11.28.185, such nonresident personal  
39 representative must file a bond to be approved by the court.

1       **Sec. 6.** RCW 11.48.020 and 2010 c 8 s 2030 are each amended to  
2 read as follows:

3       (1) Every personal representative shall, after having qualified  
4 or been appointed, by giving bond as hereinbefore provided, have a  
5 right to the immediate possession of all the real as well as personal  
6 estate of the deceased, and may receive the rents and profits of the  
7 real estate until the estate shall be settled or delivered over, by  
8 order of the court, to the heirs or devisees, and shall keep in  
9 tenantable repair all houses, buildings and fixtures thereon, which  
10 are under his or her control.

11       (2) Unless approved by the court, a personal representative  
12 appointed under RCW 11.28.120(3) may not: (a) Purchase or acquire for  
13 his or her own account or personal interest any estate asset; or (b)  
14 receive for his or her own account or personal interest any proceeds  
15 from the sale of an estate asset. Such personal representative  
16 requesting approval to purchase or acquire such asset or receive such  
17 proceeds shall petition the court and provide 14 days' notice of the  
18 hearing to the heirs, legatees, devisees, beneficiaries, and  
19 transferees of the estate. The petition shall be denied unless the  
20 personal representative establishes clearly and convincingly that the  
21 requested purchase, acquisition, or receipt is consistent with the  
22 personal representative's duty of loyalty and all applicable laws,  
23 and would not be voidable by any heir, legatee, devisee, beneficiary,  
24 or transferee of the estate. Such personal representative who  
25 violates or attempts to violate (a) or (b) of this subsection may be  
26 sanctioned by the court up to three times the value of the relevant  
27 asset or proceeds, in addition to any other sanction or remedy.

28       **Sec. 7.** RCW 11.48.210 and 2010 c 8 s 2043 are each amended to  
29 read as follows:

30       If testator by will makes provision for the compensation of his  
31 or her personal representative, that shall be taken as his or her  
32 full compensation unless he or she files in the court a written  
33 instrument renouncing all claim for the compensation provided by the  
34 will before qualifying as personal representative. The personal  
35 representative, when no compensation is provided in the will, (~~or~~)  
36 when he or she renounces all claim to the compensation provided in  
37 the will, or when he or she administers an intestate estate, shall be  
38 allowed such compensation for his or her services as the court shall  
39 deem just and reasonable. Additional compensation may be allowed for

1 his or her services as attorney and for other services not required  
2 of a personal representative. An attorney performing services for the  
3 estate at the instance of the personal representative shall have such  
4 compensation therefore out of the estate as the court shall deem just  
5 and reasonable. Such compensation may be allowed at the final  
6 account; but at any time during administration a personal  
7 representative or his or her attorney may apply to the court for an  
8 allowance upon the compensation of the personal representative and  
9 upon attorney's fees. A personal representative appointed under RCW  
10 11.28.120(3) shall receive no compensation in connection with  
11 administration of the estate from any person or entity other than the  
12 estate unless allowed by the court. If the court finds that the  
13 personal representative has failed to discharge his or her duties as  
14 such in any respect, it may deny him or her any compensation  
15 whatsoever or may reduce the compensation which would otherwise be  
16 allowed.

17 **Sec. 8.** RCW 11.56.030 and 1990 c 180 s 2 are each amended to  
18 read as follows:

19 Whenever it shall appear to the satisfaction of the court that  
20 any portion or all of the real property should be sold, mortgaged or  
21 leased for the purpose of raising money to pay the debts and  
22 obligations of the estate, and the expenses of administration, estate  
23 taxes, or for the support of the family, to make distribution, or for  
24 such other purposes as the court may deem right and proper, the court  
25 may order the sale, lease or mortgage of such portion of the property  
26 as appears to the court necessary for the purpose aforesaid. It shall  
27 be the duty of the personal representative to present a petition to  
28 the court giving a description of all the property of the estate and  
29 its character, the amount of the debts, expenses and obligations of  
30 the estate and such other things as will tend to assist the court in  
31 determining the necessity for the sale, lease or mortgage and the  
32 amount thereof. Unless the court shall by order expressly so provide,  
33 no notice of the hearing of such petition for sale, lease or mortgage  
34 need be given, except as provided in RCW 11.28.240 and 11.48.020  
35 hereof; if, however, the court should order notice of such hearing,  
36 it shall determine upon the kind, character and time thereof. At the  
37 hearing of such petition the court may have brought before it such  
38 testimony or information as it may see fit to receive, for the  
39 purpose of determining whether it should order any of the property of

1 the estate sold, leased or mortgaged. The absence of any allegation  
2 in the petition shall not deprive the court of jurisdiction to order  
3 said sale, lease or mortgage, and the court may, if it see fit, order  
4 such sale, lease or mortgage without any petition having been  
5 previously presented.

6 **Sec. 9.** RCW 11.68.011 and 2008 c 6 s 925 are each amended to  
7 read as follows:

8 (1) A personal representative may petition the court for  
9 nonintervention powers, whether the decedent died testate or  
10 intestate. However, a personal representative who is appointed under  
11 RCW 11.28.120(3) and who is not an entity described under RCW  
12 11.36.010 (2) or (3) may not petition the court for nonintervention  
13 powers and may not be granted nonintervention powers.

14 (2) Unless the decedent has specified in the decedent's will, if  
15 any, that the court not grant nonintervention powers to the personal  
16 representative, the court shall grant nonintervention powers to a  
17 personal representative who petitions for the powers if the court  
18 determines that the decedent's estate is solvent, taking into account  
19 probate and nonprobate assets, and that:

20 (a) The petitioning personal representative was named in the  
21 decedent's probated will as the personal representative;

22 (b) The decedent died intestate, the petitioning personal  
23 representative is the decedent's surviving spouse or surviving  
24 domestic partner, the decedent's estate is composed of community  
25 property only, and the decedent had no issue: (i) Who is living or in  
26 gestation on the date of the petition; (ii) whose identity is  
27 reasonably ascertainable on the date of the petition; and (iii) who  
28 is not also the issue of the petitioning spouse or petitioning  
29 domestic partner; or

30 (c) The personal representative was not a creditor of the  
31 decedent at the time of the decedent's death and the administration  
32 and settlement of the decedent's will or estate with nonintervention  
33 powers would be in the best interests of the decedent's beneficiaries  
34 and creditors. However, the administration and settlement of the  
35 decedent's will or estate with nonintervention powers will be  
36 presumed to be in the beneficiaries' and creditors' best interest  
37 until a person entitled to notice under RCW 11.68.041 rebuts that  
38 presumption by coming forward with evidence that the grant of



1 provided to all reasonably known heirs, legatees, devisees,  
2 beneficiaries, and transferees of this estate.

3 DECLARATION OF . . . . .

4 I, . . . . ., being over the age of 18 years, make the following  
5 declaration of my own personal knowledge and under penalty of  
6 perjury under the laws of the State of Washington.

7 1. I am the Personal Representative of the above-captioned  
8 estate.

9 2. I understand I have a duty to provide notice of my  
10 appointment, and notice of the pendency of this probate, to  
11 all reasonably known heirs, legatees, devisees,  
12 beneficiaries, and transferees of this estate.

13 3. In order to identify all heirs, legatees, devisees,  
14 beneficiaries, and transferees of this estate, I performed  
15 the following actions:

16 a. . . . .

17 b. . . . .

18 c. . . . .

19 4. As a result of the above actions, I identified the  
20 following persons, who represent all known heirs, legatees,  
21 devisees, beneficiaries, and transferees of this estate  
22 [include name, relationship to decedent, and address]:

23 a. . . . .

24 b. . . . .

25 c. . . . .

26 5. I provided notice of my appointment and the pendency of  
27 this probate to each of the above persons as follows [include  
28 date notice was provided, manner in which notice was  
29 provided, and any acknowledgment of notice received]:

30 a. . . . .

31 b. . . . .

32 c. . . . .

33 6. [If applicable, additional relevant information and  
34 affidavits regarding notice to third parties].

35 I declare under penalty of perjury under the laws of the State of  
36 Washington that the foregoing is true and correct.

37 SIGNED on [date] at [city, state]

1 \_\_\_\_\_  
2 [Signature and name]

3 (2) Not later than 30 days after opening any financial account to  
4 collect and pay out sums on behalf of the estate, the personal  
5 representative shall make, verify by his or her oath, and file with  
6 the clerk of the court a report of the estate financial account. The  
7 report shall contain the date the account was opened, the financial  
8 institution holding the account, and each signatory on the account.  
9 The personal representative's report of the estate financial account  
10 shall be substantially in the following form:

11 IN THE SUPERIOR COURT OF THE  
12 STATE OF WASHINGTON IN AND FOR THE  
13 COUNTY OF .....

14 In the Matter of the Estate    No. ....

15 of:

16 .....

17 Deceased

DECLARATION AND

REPORT OF .....

PERSONAL

REPRESENTATIVE,

REGARDING ESTATE

FINANCIAL ACCOUNT

(RCW 11.76.010(2))

22 I, . . . ., Personal Representative of the above-captioned  
23 estate, submit this declaration and report regarding the estate  
24 financial account opened to collect and pay out sums on behalf of  
25 this estate.

26 DECLARATION OF . . . .

27 I, . . . ., being over the age of 18 years, make the following  
28 declaration of my own personal knowledge and under penalty of  
29 perjury under the laws of the State of Washington.

30 1. I am the Personal Representative of the above-captioned  
31 estate.

32 2. On . . . ., an estate financial account was opened to  
33 collect and pay out sums on behalf of this estate.

34 3. The financial institution holding the estate financial  
35 account is . . . .

1 4. The signatory on the estate financial account is . . . .

2 5. [If applicable, additional relevant information regarding  
3 the estate financial account].

4 I declare under penalty of perjury under the laws of the State of  
5 Washington that the foregoing is true and correct.

6 SIGNED on [date] at [city, state]

7 \_\_\_\_\_  
8 [Name of personal representative]

9 (3)(a) Not less frequently than annually from the date of  
10 (~~qualification~~) appointment, unless a final report has theretofore  
11 been rendered, the personal representative shall make, verify by his  
12 or her oath, and file with the clerk of the court a report of the  
13 affairs of the estate. Such report shall contain a statement of the  
14 claims filed and allowed and all those rejected, and if it be  
15 necessary to sell, mortgage, lease, or exchange any property for the  
16 purpose of paying debts or settling any obligations against the  
17 estate or expenses of administration or allowance to the family, he  
18 or she may in such report set out the facts showing such necessity  
19 and ask for such sale, mortgage, lease, or exchange; such report  
20 shall likewise state the amount of property, real and personal, which  
21 has come into his or her hands, and give a detailed statement of all  
22 sums collected by him or her, and of all sums paid out, and it shall  
23 state such other things and matters as may be proper or necessary to  
24 give the court full information regarding any transactions by him or  
25 her done or which should be done. (~~Such~~)

26 (b) Regardless of the date of appointment, the court or any  
27 interested person may request that the personal representative file a  
28 report as described in this subsection (3). Unless the court finds  
29 that the request would impose an undue burden on the personal  
30 representative or orders the report be filed by a different date, the  
31 personal representative shall make, verify, and file with the clerk  
32 of the court such report not later than 90 days after such request.  
33 The personal representative shall not be required to file more than  
34 two such reports per year.

35 (4) The personal representative may at any time(~~—however,~~)  
36 make, verify, and file any reports which in his or her judgment would  
37 be proper (~~or which~~) and shall make, verify, and file any other  
38 reports the court may order to be made.

1       (5) If the personal representative fails to timely file a report  
2 under this section, upon request of the court or any interested  
3 person, within 14 days the court shall hold a formal proceeding in  
4 which the personal representative shall appear and provide sworn  
5 testimony regarding the facts that would be contained within the  
6 report. The personal representative's failure to appear at the formal  
7 proceeding, failure to testify truthfully and completely at the  
8 formal proceeding, or repeated failure to timely file a report under  
9 this section, shall result in the court taking any action it deems  
10 just and proper to protect estate assets and rights of interested  
11 persons including, but not limited to, imposition of sanctions  
12 against the personal representative and revocation of the personal  
13 representative's letters. The personal representative or the court  
14 shall thereafter provide a copy of the court's order to each known  
15 heir, legatee, devisee, beneficiary, and transferee of the estate.

16       **Sec. 11.** RCW 11.76.030 and 2010 c 8 s 2062 are each amended to  
17 read as follows:

18       (1) When the estate shall be ready to be closed, such personal  
19 representative shall make, verify, and file with the court his or her  
20 final report and petition for distribution. Such final report and  
21 petition shall, among other things, show that the estate is ready to  
22 be settled and shall show any moneys collected since the previous  
23 report, and any property which may have come into the hands of the  
24 personal representative since his or her previous report, and debts  
25 paid, and generally the condition of the estate at that time. It  
26 shall likewise set out the names and addresses, as nearly as may be,  
27 of all the legatees and devisees in the event there shall have been a  
28 will, and the names and addresses, as nearly as may be, of all the  
29 heirs who may be entitled to share in such estate, and shall give a  
30 particular description of all the property of the estate remaining  
31 undisposed of, and shall set out such other matters as may tend to  
32 inform the court of the condition of the estate, and it may ask the  
33 court for a settlement of the estate and distribution of property and  
34 the discharge of the personal representative. If the personal  
35 representative has been discharged without having legally closed the  
36 estate, without having legally obtained an adjudication as to the  
37 heirs, or without having legally procured a decree of distribution or  
38 final settlement the court may in its discretion upon petition of any

1 person interested, cause all such steps to be taken in such estate as  
2 were omitted or defective.

3 (2) Unless the estate is closed earlier, the court may presume  
4 that the estate is ready to be closed 24 months after the personal  
5 representative's date of appointment. If the personal representative  
6 has not submitted his or her final report and petition for  
7 distribution within 24 months of appointment, upon request of the  
8 court or any interested person, the court shall order that the final  
9 report and petition for distribution be submitted by a date certain,  
10 which date may only be moved upon a showing of good cause. Such  
11 report shall be submitted by the personal representative and enforced  
12 by the court in the manner described in RCW 11.76.010 (4) and (5).

13 **Sec. 12.** RCW 11.96A.050 and 2020 c 312 s 713 are each amended to  
14 read as follows:

15 (1) Venue for proceedings pertaining to trusts is:

16 (a) For testamentary trusts established under wills probated in  
17 the state of Washington, in the superior court of the county where  
18 the probate of the will is being administered or was completed or, in  
19 the alternative, the superior court of the county where any qualified  
20 beneficiary of the trust as defined in RCW 11.98.002 resides, the  
21 county where any trustee resides or has a place of business, or the  
22 county where any real property that is an asset of the trust is  
23 located; and

24 (b) For all other trusts, in the superior court of the county  
25 where any qualified beneficiary of the trust as defined in RCW  
26 11.98.002 resides, the county where any trustee resides or has a  
27 place of business, or the county where any real property that is an  
28 asset of the trust is located. If no county has venue for proceedings  
29 pertaining to a trust under the preceding sentence, then in any  
30 county.

31 (2) A party to a proceeding pertaining to a trust may request  
32 that venue be changed. If the request is made within four months of  
33 the giving of the first notice of a proceeding pertaining to the  
34 trust, except for good cause shown, venue must be moved to the county  
35 with the strongest connection to the trust as determined by the  
36 court, considering such factors as the residence of a qualified  
37 beneficiary of the trust as defined in RCW 11.98.002, the residence  
38 or place of business of a trustee, and the location of any real  
39 property that is an asset of the trust.

1 (3) Venue for proceedings subject to chapter 11.130 RCW must be  
2 determined under the provisions of (~~those chapters [that chapter]~~)  
3 that chapter.

4 (4) Venue for proceedings pertaining to the probate of wills, the  
5 administration and disposition of a decedent's property, including  
6 nonprobate assets, and any other matter not identified in subsection  
7 (1), (2), or (3) of this section, (~~must be~~) is in any county in the  
8 state of Washington that the petitioner selects, unless the  
9 petitioner seeks appointment to administer the estate under RCW  
10 11.28.120(3). If the petitioner seeks appointment under RCW  
11 11.28.120(3), venue must be the county in the state of Washington  
12 where the decedent resided at the time of death, or, if the decedent  
13 was not a resident of the state of Washington at the time of death, a  
14 county in which any part of the probate estate might be. A party to a  
15 proceeding may request that venue be changed if the request is made  
16 within four months of the mailing of the notice of appointment and  
17 pendency of probate required by RCW 11.28.237, and except for good  
18 cause shown, venue must be moved as follows:

19 (a) If the decedent was a resident of the state of Washington at  
20 the time of death, to the county of the decedent's residence; or

21 (b) If the decedent was not a resident of the state of Washington  
22 at the time of death, to any of the following:

23 (i) Any county in which any part of the probate estate might be;

24 (ii) If there are no probate assets, any county where any  
25 nonprobate asset might be; or

26 (iii) The county in which the decedent died.

27 (5) Once letters testamentary or of administration have been  
28 granted in the state of Washington, all orders, settlements, trials,  
29 and other proceedings under this title must be had or made in the  
30 county in which such letters have been granted unless venue is moved  
31 as provided in subsection (4) of this section.

32 (6) Venue for proceedings pertaining to powers of attorney must  
33 be in the superior court of the county of the principal's residence,  
34 except for good cause shown.

35 (7) If venue is moved, an action taken before venue is changed is  
36 not invalid because of the venue.

37 (8) Any request to change venue that is made more than four  
38 months after the commencement of the action may be granted in the  
39 discretion of the court.

1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 11.56

2    RCW to read as follows:

3        (1) This section applies in circumstances where a transferee for  
4    value has purchased a beneficiary's interest in an estate.

5        (2) For purposes of this section, a transferee for value is a  
6    person who satisfies both of the following criteria:

7        (a) The person purchased an interest in an estate from a  
8    beneficiary for consideration pursuant to a written agreement; and

9        (b) The person regularly engages, directly or indirectly, in the  
10   purchase of beneficial interests in estates.

11       (3) This section does not apply to the following transferees:

12       (a) A person who is a beneficiary of the estate or a person who  
13   has a claim to distribution from the estate under another instrument  
14   or by intestate succession; or

15       (b) A person who is either the registered domestic partner of the  
16   beneficiary, or is related by blood, marriage, or adoption to the  
17   beneficiary or the decedent.

18       (4) An agreement to purchase an interest in an estate is  
19   effective only if all the following conditions are met:

20       (a) The agreement is reduced to writing, signed by the  
21   beneficiary and transferee for value, and personally and timely  
22   delivered to the beneficiary;

23       (b) The documents signed by and delivered to the beneficiary are  
24   provided in at least 10-point type and are in the same language  
25   principally used in any discussion or negotiation leading to the  
26   execution of the agreement;

27       (c) The agreement signed by the beneficiary is filed with the  
28   court and served on the personal representative personally or by mail  
29   not later than 30 days following the date of its execution or the  
30   initiation of probate proceedings, whichever occurs later, and not  
31   less than 14 days prior to the motion for distribution. Prior to  
32   filing or serving such agreement, the transferee for value shall  
33   redact any personally identifying information about the beneficiary,  
34   other than the name and address of the beneficiary, from the  
35   agreement;

36       (d) The transferee for value executes a declaration or affidavit  
37   attesting that the requirements of this section have been satisfied,  
38   and that declaration or affidavit is filed with the court no later  
39   than 30 days following the date of the agreement's execution or the

1 initiation of probate proceedings, whichever occurs later, and not  
2 less than 14 days prior to the motion for distribution; and

3 (e) The declaration or affidavit, and any other document signed  
4 by the beneficiary in addition to the agreement, is served on the  
5 personal representative personally or by mail concurrently with  
6 filing the declaration or affidavit with the court.

7 (5) The agreement to purchase a beneficiary's interest in an  
8 estate shall include the following terms in bold type, in addition to  
9 any other terms:

10 (a) The amount of consideration paid to the beneficiary;

11 (b) A description of the beneficial interest, together with a  
12 good faith estimate of the value of the distribution anticipated by  
13 the transferee for value; and

14 (c) The total of all costs or fees charged to the beneficiary  
15 resulting from the transfer of the beneficial interest including, but  
16 not limited to, transaction or processing fees, credit report costs,  
17 filing fees, bank or electronic transfer costs, or any other fees or  
18 costs.

19 (6) An agreement to purchase a beneficiary's interest in an  
20 estate shall be voidable if it contains any of the following  
21 provisions:

22 (a) A provision holding harmless the transferee for value;

23 (b) A provision requiring binding arbitration;

24 (c) A provision granting to the transferee for value agency  
25 powers to represent the beneficiary's interest in the decedent's  
26 estate beyond the interest transferred;

27 (d) A provision granting to the transferee for value the power to  
28 hire or select the personal representative to administer the estate;

29 (e) A provision requiring payment by the beneficiary to the  
30 transferee for value for services relating to matters beyond the  
31 beneficial interest transferred; or

32 (f) A provision permitting the transferee for value recourse  
33 against the beneficiary if the distribution from the estate has a  
34 value less than the consideration paid by the transferee for value.

35 (7) The court on its own motion, or on the motion of the personal  
36 representative or other interested person, may inquire into the  
37 circumstances surrounding the agreement to purchase the beneficial  
38 interest to determine that the requirements of this section have been  
39 satisfied.

1 (8) The court may refuse to order distribution under the  
2 agreement, or may order distribution of assets on any terms that the  
3 court considers just and proper, if the court finds any of the  
4 following:

5 (a) The fees, charges, or costs paid or agreed to be paid by the  
6 beneficiary were grossly unreasonable at the time of transfer;

7 (b) (i) The agreement to purchase the beneficial interest was  
8 obtained by fraud, duress, or undue influence, or contained  
9 unconscionable terms at the time of transfer;

10 (ii) For purposes of this subsection (8)(b), there shall be a  
11 rebuttable presumption that a purchase of a beneficial interest  
12 offered, negotiated, or agreed to within 120 days of the decedent's  
13 death was obtained by undue influence;

14 (c) In addition to purchasing the beneficiary's interest in the  
15 estate, the transferee for value, or a principal or agent of, or  
16 person acting at the behest of or in concert with, the transferee for  
17 value, also purchased a major probate asset of the estate, whether  
18 such asset was identified under RCW 11.28.110(1)(d) or identified  
19 subsequently, for substantially less than fair market value; or

20 (d) The transferee for value did not substantially comply with  
21 the requirements of this section.

22 (9) For a willful violation of the requirements of this section,  
23 the court may order the transferee for value to pay to the  
24 beneficiary up to three times the value of the assignment, in  
25 addition to any other sanction or remedy.

26 (10) Notice of any motion brought under this section shall be  
27 served on the beneficiary and on the transferee for value at least 14  
28 days prior to the hearing.

29 NEW SECTION. **Sec. 14.** A new section is added to chapter 11.56  
30 RCW to read as follows:

31 (1) This section applies in circumstances where an heir finder  
32 has acquired a partial share of an heir's interest in an estate.

33 (2) For purposes of this section, an heir finder is a person who  
34 satisfies both of the following criteria:

35 (a) The person regularly engages, directly or indirectly, in the  
36 provision of services related to locating heirs or estate assets or  
37 obtaining documentation regarding heirs' interests in estates; and

1 (b) In consideration for providing such services to the heir, the  
2 person acquired a partial share of the heir's interest in the estate  
3 pursuant to a written agreement.

4 (3) An agreement to acquire a partial share of an heir's interest  
5 in an estate is effective only if all of the following conditions are  
6 met:

7 (a) Compensation due to the heir finder for services rendered is  
8 limited to the partial share described in the agreement, and receipt  
9 of such compensation is contingent upon the heir first receiving his  
10 or her distribution from the estate;

11 (b) The agreement is reduced to writing, signed by the heir and  
12 heir finder, and timely delivered to the heir;

13 (c) The documents signed by and delivered to the heir are  
14 provided in at least 10-point type and are in the same language  
15 principally used in any discussion or negotiation leading to the  
16 execution of the agreement;

17 (d) The agreement signed by the heir is filed with the court and  
18 served on the personal representative personally or by written or  
19 electronic means not later than 45 days following the date of its  
20 execution or the initiation of probate proceedings, whichever occurs  
21 later, and not less than 14 days prior to the motion for  
22 distribution. Prior to filing or serving such agreement, the heir  
23 finder must redact any personally identifying information about the  
24 heir, other than the name and address of the heir, from the  
25 agreement;

26 (e) The heir finder executes a declaration or affidavit attesting  
27 that the requirements of this section have been satisfied, and that  
28 declaration or affidavit is filed with the court no later than 45  
29 days following the date of the agreement's execution or the  
30 initiation of probate proceedings, whichever occurs later, and not  
31 less than 14 days prior to the motion for distribution; and

32 (f) The declaration or affidavit, the agreement, and any other  
33 documentation supporting the agreement are served on the personal  
34 representative personally or by written or electronic means  
35 concurrently with filing the declaration or affidavit with the court.

36 (4) An agreement to acquire a partial share of an heir's interest  
37 in an estate must include the following terms in bold type, in  
38 addition to any other terms:

39 (a) A plain language description of the heir's interest, the  
40 percentage of such interest constituting the heir finder's share in

1 the event of distribution to the heir, and an option for the heir to  
2 obtain from the heir finder a good faith estimate of the value of the  
3 interest and the value of the partial share once such values are  
4 reasonably ascertainable; and

5 (b) A plain language description of all services provided to the  
6 heir in exchange for the partial share of the heir's interest.

7 (5) An agreement to acquire a partial share of an heir's interest  
8 in an estate is voidable if it contains any of the following  
9 provisions:

10 (a) A provision holding harmless the heir finder;

11 (b) A provision requiring binding arbitration;

12 (c) A provision granting to the heir finder agency powers to  
13 represent the heir's interests in the estate beyond the heir's  
14 interest described in the agreement;

15 (d) A provision granting to the heir finder the power to hire or  
16 select the personal representative to administer the estate;

17 (e) A provision requiring payment by the heir to the heir finder  
18 for services relating to matters beyond the heir's interest described  
19 in the agreement;

20 (f) A provision permitting the heir finder recourse against the  
21 heir if the partial share of the heir's interest has a value less  
22 than the value anticipated by the heir finder at the time of the  
23 agreement; or

24 (g) Any provisions which, when read together, effectively assign  
25 full ownership of the heir's interest to the heir finder.

26 (6) The court on its own motion, or on the motion of the personal  
27 representative or other interested person, may inquire into the  
28 circumstances surrounding the agreement to acquire the partial share  
29 of the heir's interest to determine that the requirements of this  
30 section have been satisfied.

31 (7) The court may refuse to order distribution under the  
32 agreement, or may order distribution of assets on any terms that the  
33 court considers just and proper, if the court finds any of the  
34 following:

35 (a) The heir finder's partial share of the heir's interest is  
36 grossly unreasonable;

37 (b) (i) The agreement was obtained by fraud, duress, or undue  
38 influence, or contained unconscionable terms at the time of the  
39 agreement;

1 (ii) For purposes of this subsection (7)(b), there is a  
2 rebuttable presumption that the agreement was obtained by undue  
3 influence if both of the following conditions are met:

4 (A) The partial share was acquired from an heir whose name and  
5 address were both already identified in a petition filed pursuant to  
6 RCW 11.28.110; and

7 (B) The heir's interest in which the partial share was acquired  
8 included an asset already known to the heir or the personal  
9 representative;

10 (c) In addition to acquiring a partial share of an heir's  
11 interest in the estate, the heir finder, or a principal or agent of,  
12 or person acting at the behest of or in concert with, the heir  
13 finder, also purchased a major probate asset of the estate, whether  
14 such asset was identified under RCW 11.28.110(1)(d) or identified  
15 subsequently, for substantially less than fair market value; or

16 (d) The heir finder did not substantially comply with the  
17 requirements of this section.

18 (8) For a willful violation of the requirements of this section,  
19 the court may order the heir finder to pay to the heir up to three  
20 times the value of the partial share of the heir's interest, in  
21 addition to any other sanction or remedy.

22 (9) Notice of any motion brought under this section must be  
23 served on the heir and on the heir finder at least 14 days prior to  
24 the hearing.

25 **Sec. 15.** RCW 11.02.005 and 2021 c 140 s 1012 are each amended to  
26 read as follows:

27 When used in this title, unless otherwise required from the  
28 context:

29 (1) "Administrator" means a personal representative of the estate  
30 of a decedent and the term may be used in lieu of "personal  
31 representative" wherever required by context.

32 (2) "Codicil" means a will that modifies or partially revokes an  
33 existing earlier will. A codicil need not refer to or be attached to  
34 the earlier will.

35 (3) "Degree of kinship" means the degree of kinship as computed  
36 according to the rules of the civil law; that is, by counting upward  
37 from the intestate to the nearest common ancestor and then downward  
38 to the relative, the degree of kinship being the sum of these two  
39 counts.

1 (4) "Electronic" means relating to technology having electrical,  
2 digital, magnetic, wireless, optical, electromagnetic, or similar  
3 capabilities.

4 (5) "Electronic presence" means the relationship of two or more  
5 individuals in different locations communicating in real time to the  
6 same extent as if the individuals were physically present in the same  
7 location.

8 (6) "Electronic will" means a will or codicil executed in  
9 compliance with RCW 11.12.400 through 11.12.491.

10 (7) "Executor" means a personal representative of the estate of a  
11 decedent appointed by will and the term may be used in lieu of  
12 "personal representative" wherever required by context.

13 (8) "Guardian," "limited guardian," "conservator," or "limited  
14 conservator" means a personal representative of the person or estate  
15 of a person who has been placed under a guardianship under RCW  
16 11.130.265 or who has been placed under a conservatorship under RCW  
17 11.130.360 and the term may be used in lieu of "personal  
18 representative" wherever required by context.

19 (9) "Heirs" denotes those persons, including the surviving spouse  
20 or surviving domestic partner, who are entitled under the statutes of  
21 intestate succession to the real and personal property of a decedent  
22 on the decedent's death intestate.

23 (10) "Interested person" or "person interested," when used with  
24 respect to an estate, means an heir, devisee, beneficiary, legatee,  
25 or creditor whose claim has been duly served and filed, or an  
26 attorney or fiduciary for the same.

27 (11) "Internal revenue code" means the United States internal  
28 revenue code of 1986, as amended or renumbered as of January 1, 2001.

29 ~~((11))~~ (12) "Issue" means all the lineal descendants of an  
30 individual. An adopted individual is a lineal descendant of each of  
31 his or her adoptive parents and of all individuals with regard to  
32 which each adoptive parent is a lineal descendant. A child conceived  
33 prior to the death of a parent but born after the death of the  
34 deceased parent is considered to be the surviving issue of the  
35 deceased parent for purposes of this title.

36 ~~((12))~~ (13) "Net estate" refers to the real and personal  
37 property of a decedent exclusive of homestead rights, exempt  
38 property, the family allowance and enforceable claims against, and  
39 debts of, the deceased or the estate.

1       (~~(13)~~) (14) "Nonprobate asset" means those rights and interests  
2 of a person having beneficial ownership of an asset that pass on the  
3 person's death under a written instrument or arrangement other than  
4 the person's will. "Nonprobate asset" includes, but is not limited  
5 to, a right or interest passing under a joint tenancy with right of  
6 survivorship, joint bank account with right of survivorship, transfer  
7 on death deed, payable on death or trust bank account, transfer on  
8 death security or security account, deed or conveyance if possession  
9 has been postponed until the death of the person, trust of which the  
10 person is grantor and that becomes effective or irrevocable only upon  
11 the person's death, community property agreement, individual  
12 retirement account or bond, or note or other contract the payment or  
13 performance of which is affected by the death of the person.  
14 "Nonprobate asset" does not include: A payable-on-death provision of  
15 a life insurance policy, annuity, or other similar contract, or of an  
16 employee benefit plan; a right or interest passing by descent and  
17 distribution under chapter 11.04 RCW; a right or interest if, before  
18 death, the person has irrevocably transferred the right or interest,  
19 the person has waived the power to transfer it or, in the case of  
20 contractual arrangement, the person has waived the unilateral right  
21 to rescind or modify the arrangement; or a right or interest held by  
22 the person solely in a fiduciary capacity. For the definition of  
23 "nonprobate asset" relating to revocation of a provision for a former  
24 spouse upon dissolution of marriage or declaration of invalidity of  
25 marriage, RCW 11.07.010(5) applies. For the definition of "nonprobate  
26 asset" relating to testamentary disposition of nonprobate assets, see  
27 RCW 11.11.010(7).

28       (~~(14)~~) (15) "Personal representative" includes executor,  
29 administrator, special administrator, and conservator or limited  
30 conservator and special representative.

31       (~~(15)~~) (16) "Real estate" includes, except as otherwise  
32 specifically provided herein, all lands, tenements, and  
33 hereditaments, and all rights thereto, and all interest therein  
34 possessed and claimed in fee simple, or for the life of a third  
35 person.

36       (~~(16)~~) (17) "Record" means information that is inscribed on a  
37 tangible medium or that is stored in an electronic or other medium  
38 and is retrievable in perceivable form.

39       (~~(17)~~) (18) "Representation" refers to a method of determining  
40 distribution in which the takers are in unequal degrees of kinship

1 with respect to a decedent, and is accomplished as follows: After  
2 first determining who, of those entitled to share in the estate, are  
3 in the nearest degree of kinship, the estate is divided into equal  
4 shares, the number of shares being the sum of the number of persons  
5 who survive the decedent who are in the nearest degree of kinship and  
6 the number of persons in the same degree of kinship who died before  
7 the decedent but who left issue surviving the decedent; each share of  
8 a deceased person in the nearest degree must be divided among those  
9 of the deceased person's issue who survive the decedent and have no  
10 ancestor then living who is in the line of relationship between them  
11 and the decedent, those more remote in degree taking together the  
12 share which their ancestor would have taken had he or she survived  
13 the decedent.

14 ~~((18))~~ (19) References to "section 2033A" of the internal  
15 revenue code in wills, trust agreements, powers of appointment,  
16 beneficiary designations, and other instruments governed by or  
17 subject to this title are deemed to refer to the comparable or  
18 corresponding provisions of section 2057 of the internal revenue  
19 code, as added by section 6006(b) of the internal revenue service  
20 restructuring act of 1998 (H.R. 2676, P.L. 105-206); and references  
21 to the section 2033A "exclusion" are deemed to mean the section 2057  
22 deduction.

23 ~~((19))~~ (20) "Settlor" has the same meaning as provided for  
24 "trustor" in this section.

25 ~~((20))~~ (21) "Special administrator" means a personal  
26 representative of the estate of a decedent appointed for limited  
27 purposes and the term may be used in lieu of "personal  
28 representative" wherever required by context.

29 ~~((21))~~ (22) "Surviving spouse" or "surviving domestic partner"  
30 does not include an individual whose marriage to or state registered  
31 domestic partnership with the decedent has been terminated,  
32 dissolved, or invalidated unless, by virtue of a subsequent marriage  
33 or state registered domestic partnership, he or she is married to or  
34 in a domestic partnership with the decedent at the time of death. A  
35 decree of separation that does not terminate the status of spouses or  
36 domestic partners is not a dissolution or invalidation for purposes  
37 of this subsection.

38 ~~((22))~~ (23) "Trustee" means an original, added, or successor  
39 trustee and includes the state, or any agency thereof, when it is  
40 acting as the trustee of a trust to which chapter 11.98 RCW applies.

1           (~~(23)~~) (24) "Trustor" means a person, including a testator, who  
2 creates, or contributes property to, a trust.

3           (~~(24)~~) (25) "Will" means an instrument validly executed as  
4 required by RCW 11.12.020 or 11.12.400 through 11.12.491.

5           Words that import the singular number may also be applied to the  
6 plural of persons and things.

7           Words importing the masculine gender only may be extended to  
8 females also.

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