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6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**

7 **IN AND FOR THE COUNTY OF CLALLAM**

8
9 IN THE MATTER OF THE ESTATE OF:

NO. 17-4-00172-4

10 JEFFREY S. THROOP,
11
12 Deceased.

PETITION FOR BASIC SPOUSAL AWARD
(RCW 11.54.010)

13
14 COMES NOW the Petitioner, AMY J. BILLINGS, and petitions the Court as follows:

15 **I.**

16 **INTERESTED PARTIES.**

17
18 1.1 Petitioner is the surviving spouse of Jeffrey S. Throop (hereinafter referred to as “the
19 decedent”). The parties were married on October 13, 2012. No other persons are entitled to a basic
20 spousal award from the estate of the above-named decedent. Petitioner is domiciled in Port Angeles,
21 Clallam County, Washington 98362.

22
23 1.2. JEFFREY S. THROOP died on April 23, 2017 as a result of an automobile accident
24 occurring in Clallam County, Washington.

25
26 1.3. Petitioner is 55 years of age. There are no minor children of the parties produced from this
27 marriage. However, besides his spouse, the decedent left surviving him one adult child from decedent’s
28 prior marriage, to wit: Lindsay Throop, age 23.

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30 1.4. Decedent died intestate without a last will and testament. The matter of probate of the
31 decedent’s estate is now pending in the above-entitled court.
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1 1.5. Petitioner is the personal representative of the decedent's estate and was appointed by the
2 court on May 4, 2017 and Letters of Administration were issued to her on that date.

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4 **II.**

5 **FACTUAL/FINANCIAL CIRCUMSTANCES.**

6 2.1. There is no or very little titled community property in this estate. During the parties'
7 marriage, Jeffrey Throop would control most of the financial aspects of the marital community including
8 any separate or marital bank accounts with Strait View Credit Union.
9

10 2.2. The Petitioner, AMY J. BILLINGS, earns approximately \$2,975 in net monthly income
11 from her self-employment as a licensed day-care provider. Petitioner does not have other reasonable
12 maintenance derived from sources other than from her late husband's estate.
13

14 2.3. While the matters of the estate of the above-named decedent are now pending in this court
15 an Inventory & Appraisalment was prepared pursuant to the probate code. However, the inventory is
16 anticipated to establish various separate real property interests titled in the name of Jeffrey S. Throop. A
17 true and correct copy of the Inventory & Appraisalment (subject to amendment) is attached to the
18 Declaration of Amy J. Billings.
19

20 2.4. The net monthly income to the Petitioner is \$2,975 per month. The Petitioner has monthly
21 incurred expenses which are on-going and consist of household operational expenses such as utilities, TV
22 cable, telephone, real estate property taxes, medical insurance coverage, automobile and transportation
23 expenses, food and groceries including a mortgage payment in the sum of \$1,000 per month for a combined
24 monthly debt of \$2,752 that included her living expenses which are identified in her Financial Declaration
25 filed contemporaneously herein.
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III.

ASSET VALUATIONS.

3.1. The purported estate of the decedent consists of both community and separate property which at this time is undifferentiated and/or mixed consisting of both real and personal property situated in Clallam County, State of Washington as disclosed in the Inventory & Appraisement attached hereto.

3.2. Petitioner the decedent's estate has major indebtedness to various creditor's and the Internal Revenue Service in excess of \$264,121.83 (as of August 23, 2017) attached hereto as Exhibit "A" as a summary of the creditors' debts. True and correct copies of the IRS Tax Liens filed against his business are attached to my contemporaneous declaration. The decedent's funeral expenses have been paid and/or satisfied and there are limited available funds in the decedent's estate account sufficient to cover any remaining expenses of last sickness and expenses of administration of this estate.

3.3. Additionally, all real property Jeff Throop owned was highly leveraged. As noted in Exhibit "B" there are several Deeds of Trust regarding loans that he took out in relation to his business including the sum of \$70,000 to owed Michael Breen (now the subject of a creditor's claim from his attorney, Alan Millet); \$20,435 owed to Donald Tucker and that was secured against the 6th Avenue property and approximately \$40,000 owed to Channel Capital Partners (a private Minnesota Lending Agency). All loans are in default. The decedent also currently owes approximately \$4,500 to the Port of Port Angeles for moorage fees at the marina. Copies of the various Creditors' Claims those of other debts are in the Superior Court Clerk's file.

3.4. On good faith information and belief, the assets of the decedent's estate may not be able to pay all creditor claims filed against the estate in full but may be subject to a pro rata abatement, as may be determined by the court at a later date.

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IV.

REQUEST FOR AWARD.

4.1. The basic award requested is equal to \$125,000 as specified in RCW 6.13.030(2).

4.2. The decedent died less than eighteen months ago, a personal representative of decedent's estate was appointed within twelve months of decedent's death and the probate proceeding has not been terminated.

4.3. Notice of hearing to be held on this petition has been given as required by RCW 11.96A.110.

V.

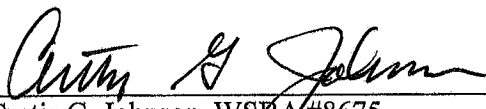
PRAYER FOR RELIEF.

WHEREFORE, having fully stated her petition for a basic spousal award from the separate property of the decedent, Petitioner requests that the court grant an order as follows:

1. Awarding the sum of \$125,000 to the surviving spouse.
2. Such other and further relief be granted as the court may deem proper, just and equitable.

DATED THIS 9th day of November, 2017.

LAW OFFICE OF CURTIS G. JOHNSON, P.S.


Curtis G. Johnson, WSBA #8675
Attorney for Petitioner

CERTIFICATION

AMY J. BILILNGS, certifies and declares that she is the Petitioner herein; that she is of legal age and competent to testify to the matters herein. That she has personal knowledge of the matters related to

1 the court in support of this hearing, that she has read the within and foregoing Petition for an Order of Basic
2 Spousal Award, knows the contents thereof, and believes the same to be true.

3 I certify under penalty of perjury under the laws of the State of Washington that the foregoing
4 statements are true and correct to the best of my knowledge and belief.
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6 Dated this 9 day of Novmber, 2017, at Port Angeles, Washington 98362.

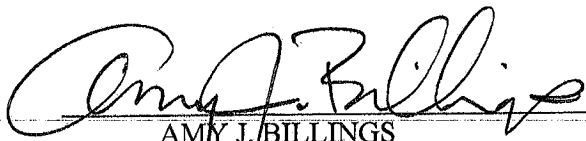
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9 AMY J. BILLINGS

EXHIBIT "A"

**Estate of Jeffrey S. Throop
Clallam County Superior Court Probate No. 17-4-00172-4**

Summary of Creditor's Claims

Amount

1. Port of Port Angeles (moorage fees) Note: Payment due by August 31, 2017	\$ 1,696.80
2. Hartnagel Building Supply, Inc. Note: Clallam Builders/Jeff Throop Account	\$ 1,435.18
3. Angeles Millworks & Lumber Co., Inc. Note: Clallam Builders & Excavating/Jeff Throop	\$ 445.31
4. Michael Breen Note: Debtor is Jeff Throop and Clallam Builders; Debt is secured by Deed of Trust against Avis Street Property (ID #48178) Lots 1,2,3,5,6,7, & 8, Subdivision 2, Block 6 Bayview Second Addition. Debt consists of base loan of \$70,000 plus \$8,000 estimated delinquent interest.	\$ 78,000.00
5. Masco Petroleum Co. Note: Clallam Builders	\$ 532.63
6. Donald Tucker Note: I believe this note and Deed of Trust was recently paid off from sale of 6 th Ave. real property	\$ 20,475.00
7. Channel Public Funding, Inc. Note: Development loan for Clallam Builders Claim includes demand for payment of delinquent interest	\$ 36,832.80
8. Olympic Medical Center Note: Medical expenses incurred from fatal accident	\$ 25,779.31
9. Olympic Ambulance Note: Transport to OMC emergency room	\$ 2,215.27
10. Envision Health Care Note: American Medical Response	\$ 1,120.01

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OTHER LIENS

11. Internal Revenue Service	\$ 82,214.46
Note: IRS debt accrued by Clallam Building & Excavating. Debt has on-going delinquent interest and penalties	
12. State of Washington/Department of Labor & Industries	\$ 13,375.05
L & I delinquent payments for business	
TOTAL DEBTS	\$ 264,121.82
