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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR KING COUNTY

IN THE MATTER OF THE ESTATE OF ROBERT FRANCIS MARSHALL,

Deceased.

NO.

VERIFIED PETITION FOR INTESTATE PROBATE APPOINTING ADMINISTRATOR W/NO BOND & W/O COURT INTERVENTION, AND DECLARING SOLVENCY (RCW 11.20.020 & 11.68.011)

Attorney and Proposed Administrator, Dalynne Singleton, files this Petition on behalf of Petitioner, Adam D. Engst of Brett, McCandlis, Brown & Conner, who declares under penalty of perjury under the laws of the State of Washington that the following is true and correct to the best of his knowledge:

1. <u>JURISDICTION</u>. Robert Francis Marshall, (hereinafter "Decedent") died intestate on June 30, 2021 and was a resident of Skagit County, leaving assets and claims in the State of Washington subject to probate. The undersigned Petitioner is the attorney for a creditor of decedent's estate, Michael Balthazor, who has a claim against the Robert Francis Marshall Estate, having suffered probable injuries sustained in an ATV motor vehicle collision while Decedent was operating the vehicle in which Michael Balthazor was a passenger on or about May 29, 2021. A death certificate has not been obtained and proof of death is attached as <u>Exhibit 1</u> as a true and correct copy of Skagit County Coroner's

Office Confirmation of Death of Decedent.¹ Once a death certificate is obtained, it will be filed with this Court.

- 2. <u>INTESTACY.</u> It is unknown whether Decedent died with or without leaving a Will, but a Will has not been filed in Skagit County Superior Court, the county Decedent resided in at the time of his death, nor does a Will appear to be filed in any Washington county searchable on the Washington Courts Odyssey Portal or King County's Script Portal.
- 3. <u>CLAIMS AGAINST ESTATE</u>. Actions against a decedent are governed by the probate statutes RCW 4.16.200 and RCW 11.40.010. RCW 11.40.051 requires claims against an estate to be filed within two years. Tort litigation must be filed within three years of injury in a motor vehicle collision pursuant to RCW 4.16.080.

Robert Francis Marshall died on June 30, 2021 and had been involved in ATV motor vehicle collision on May 29, 2021 causing possible injury to Michael Balthazor.

The Petitioner requests the Court appoint attorney Dalynne Singleton as Administrator of the estate of Robert Francis Marshall, for the purpose of representing said estate in connection with the aforementioned personal injury action claims and damages, including accepting service of the tort Summons and Complaint and to take all necessary actions in connection with administering the estate.

The Decedent's death has prompted the need for the appointment of an Administrator of the Estate of Robert Francis Marshall as a deceased defendant estate.

¹ See https://www.skagitcounty.net/Departments/Coroner/deathconfirm.htm

 In order to pursue damages against the Estate of Marshall and his insurer, an Estate needs to be opened and an Administrator appointed.

RCW <u>11.40.060</u>. Claims involving liability or casualty insurance—Limitations—Exceptions to time limits.

The time limitations for presenting claims under this chapter do not accrue to the benefit of any liability or casualty insurer. Claims against the decedent or the decedent's marital community that can be fully satisfied by applicable insurance coverage or proceeds need not be presented within the time limitation of RCW 11.40.051, but the amount of recovery cannot exceed the amount of the insurance. The claims may at any time be presented as provided in RCW 11.40.070, subject to the otherwise relevant statutes of limitations, and do not constitute a cloud, lien, or encumbrance upon the title to the decedent's probate or nonprobate assets nor delay or prevent the conclusion of probate proceedings or the transfer or distribution of assets of the estate. This section does not serve to extend any otherwise relevant statutes of limitations.

Washington probate law at RCW 11.40.010 provides that "[a] person having a claim against the decedent may not maintain an action on the claim unless a personal representative has been appointed and the claimant has presented the claim as set forth in this chapter." "Any claim not properly presented within the designated time limits is barred, and this bar is effective against both the decedent's probate and nonprobate assets." See RCW 11.40.051(3).

RCW 11.28.120 provides that a creditor of the estate or "any suitable person" may be appointed as Administrator when other delineated family members fail to petition for appointment. Here, the only known creditor waives its right to administer the estate by petitioning for another's appointment.²

² See In re Estate of Sullivan, 25 Wash. 430, 439, 65 P. 793 (1901).

- 4. <u>ADMINISTRATOR.</u> Petitioner asks the Court to appoint Attorney Dalynne Singleton as Administrator of the Estate Robert Francis Marshall for the purpose of opening the estate and representing said estate in connection with the aforementioned claims to be made in the personal injury tort action, and to take all actions in connection with administering the estate in Washington according to law, including acceptance of service of a summons and complaint in the tort litigation lawsuit, if necessary. Dalynne Singleton has no fiduciary relationship with the creditor Michael Balthazor.
- bond in this estate. The proposed Administrator, Dalynne Singleton, is an attorney in Washington State in good standing who has 20 years of probate experience. The Petitioner requests the Court waive any requirement to post bond. Petitioner requests that the proposed Administrator Dalynne Singleton administer the estate without intervention of the Court. The estate is solvent as the only known claim is by the injured creditor noted herein and it is anticipated that there is insurance to cover said claims from defendants in tort litigation.
- 6. <u>HEIRS AND BENEFICIARIES</u>. The Decedent had a surviving spouse Kim Byer-Marshall and two adult sons, Joshua Marshall and Jeremy Marshall. The Decedent was involved in the tort collision above mentioned, and was driving an ATV vehicle at the time. See <u>Exhibit 2</u> (page 1 of police report) attached.

The names, last known addresses, relationship, and ages (if under 18 years) of each heir, legatee, devisee, beneficiary or transferee of Decedent are as follows:

<u>Name</u>	<u>Age</u>	Relationship	Address
Kim Byer- Marshall	Adult	Surviving Spouse	14389 Jura Lane Anacortes, WA 98221
Joshua Marshall	Adult	Son	Unknown*
Jeremy Marshall	Adult	Son	Unknown*

^{*}The Administrator will have authority to retain a private investigator to locate the two adult sons of decedent once appointed.

- 7. <u>NOTICE</u>. Notice of this hearing is required pursuant to RCW 11.68.041 and 11.28.120 unless those entitled to notice have signed consent/waiver to notice for non-intervention powers. More than forty (40) days have passed since the decedent's death and no prior appointment or probate has been filed in Washington. The decedent was married at the time of his death and Notice of hearing on non-intervention powers will be given.
- 8. <u>ESTATE SOLVENCY</u>. Petitioner is initiating this probate for the purpose of appointing an administrator for the Decedent's estate to name a proper deceased defendant, and then serve pleadings in a tort matter against the Administrator of the Estate on behalf of a known creditor. There is a liability insurance policy that may be available to satisfy the tort claim either from Decedent's insurer or other Defendants and their insurers to be named in the tort litigation. At this time, Petitioner is unaware of any debts of Decedent. Therefore, it is anticipated that the estate is solvent. The Administrator will do her due diligence to find other assets, creditors, and heirs.
- DISCOVERY. The Administrator should have discretionary authority to conduct discovery under Civil Court Rules.
- 10. <u>REQUEST TO COURT.</u> Petitioner requests that the court determine and order that:

- 1. The Intestate estate be opened.
- Confirm DALYNNE SINGLETON, as Administrator, to serve without bond, and without court intervention; and
- Issue Letters of Administration to DALYNNE SINGLETON upon the filing of an Oath; and
- 4. Grant the Administrator discretionary authority to conduct Discovery under the Civil Court Rules; and
 - 5. Declare this estate to be solvent.

DATED this 29th day of March 2024.

Dalynne Singleton
State Bar Number 34096

GOURLEY LAW GROUP P.O. Box 1091/1002 10th Street Snohomish, WA 98291

Telephone: (360) 568-5068

Fax: (360) 568-8092

E-mail: dalynne@glgmail.com

I, Adam D. Engst, being duly sworn under penalty of perjury under the laws of the

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28 29 State of Washington, declare that I am the Petitioner named in this petition, I represent creditor/injured party with claims against the Estate of Robert Francis Marshall and the decedent's insurer; I have read the petition and know its contents and it is true and correct to the best of my knowledge. Dated this 3 day of ,2024 at Elliphia

STATE OF WASHINGTON COUNTY OF WINK OW

On this day personally appeared before me Adam D. Engst, to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.



(Notary Signature)

SUBSCRIBED AND SWORN to before me this 4 day of APril NOTARY PUBLIC in and for the

State of Washington residing at 200 W (Nestrot St. Belly sham, WA My commission expires: 10 -28-2024

VERIFIED PETITION FOR INTESTATE PROBATE APPOINTING ADMINISTRATOR W/NO BOND & W/O COURT INTERVENTION, AND DECLARING SOLVENCY-7

GOURLEY LAW GROUP P.O. BOX 1091/1002 TENTH STREET SNOHOMISH, WA 98291 TELEPHONE: (360) 568-5065 FAX: (360) 568-1717



2021				
Case Number	Date of Death	Decedents Name	Age	City of Death
210412-493	12-Apr-21	Trisa Hatley-Osborne	50	Mount Vernon
210418-310	15-Apr-21	Juan M. Ovantes	76	Sedro Woolley
210420-3	19-Apr-21	Nicholas R. Boucher	39	Mount Vernon
210421-607	21-Apr-21	Barbara Atterberry	58	Anacortes
210424-61	20-Apr-21	Gerald K. Hageman	93	Burlington
210427-404	27-Apr-21	Joseph Burnett	76	Anacortes
210429-46	28-Apr-21	Theodore Q. Brandli	47	Marblemount
210503-447	30-Apr-21	Alice J. Grimmius	94	Sedro Woolley
210510-379	28-Apr-21	Carl L. Christy	52	Mount Vernon
		Vaughn H. Smith	72	Marblemount
210502-297	2-May-21	Blake Messer	37	Mount Vernon
210506-102	5-May-21	Miguel Flores	42	Mount Vernon
210510-78	9-May-21	Michael Kidwell	41	Mount Vernon
210510-377	10-May-21	David Johnson	69	Mount Vernon
210511-553	11-May-21	Florence Koetje	87	Mount Vernon
210512-353	12-May-21	· ·	78	Mount Vernon
210519-464	19-May-21	Larry E. Fox	76 71	Mount Vernon
210520-115	19-May-21	Rodney K. Newbound		Mount Vernon
210526-408	26-May-21	Alfredo Hilario Najera	21	
210529-140	29-May-21	Carl Ragsdale	90	Anacortes
210530-296	30-May-21	Vincent Leitner	30	Mount Vernon
210601-108	31-May-21	Michael Rouw	55	Anacortes
210601-663	1-Jun-21	Kael Johnson	22	Mount Vernon
210603-646	2-Jun-21	Nora Seagull	89	Mount Vernon
210603-43	3-Jun-21	Carl Massingale	56	Mount Vernon
210608-434	4-Jun-21	Charles F. Bourbeau	82	Mount Vernon
210605-296	5-Jun-21	Robert Bashforth	93	Burlington
210606-275	6-Jun-21	Carol Kurtweil	69	Sedro Woolley
210608-379	8-Jun-21	Aundrea F. Pippel	73	Mount Vernon
210609-102	9-Jun-21	Roger A. Kindler	83	Sedro Woolley
210610-538	10-Jun-21	Kael Johnson	22	Marblemount
210610-554	10-Jun-21	Janice C. Anderson	80	Mount Vernon
210610-577	10-Jun-21	Maria Gruener	89	Sedro Woolley
210610-538	10-Jun-21	Kevin Smith	63	Marblemount
210611-378	11-Jun-21	Norma J. Baldwin	86	Mount Vernon
210613-5	12-Jun-21	Timothy J. Crane	71	Anacortes
210620-21	19-Jun-21	Shawn K. Wilburn	62	Mount Vernon
210620-92	19-Jun-21	Sharon R. Begay	30	Mount Vernon
210620-301	20-Jun-21	Nikko I. Facundo	20	Mount Vernon
210622-691	22-Jun-21	Gregory P. Mueller	58	Anacortes
210623-52	22-Jun-21	William A. Orestad	56	Concrete
210623-584	23-Jun-21	Sirius J. Persyn	19	La Conner
210624-133	23-Jun-21	Robert L. McComas	97	Mount Vernon
210627-70	26-Jun-21	McKenzy L. Gilbride	24	Concrete
210628-460	28-Jun-21	Virginia Callas	87	Anacortes
210628-568	28-Jun-21	Ronald Berg	71	Mount Vernon
210629-153	28-Jun-21	Francis Scanga	71	Sedro Woolley
210629-458	29-Jun-21	Edna Waits	94	Mount Vernon
210629-614	29-Jun-21	Patricia Burke	67	
210629-614	29-Jun-21	Donna Koster	84	Sedro Woolley Anacortes
210630-96	29-Jun-21		60	Anacortes Hamilton
210701-467		David Canady		
	30-Jun-21	Robert Marshall	57	Anacortes
210701-610 210702-153	1-Jul-21	Daniel Herron	46 65	Burlington
	2-Jul-21	David A. Csaky	65 60	Mount Vernon
210703-270	3-Jul-21	Pamela Prather	60	Mount Vernon



	REPORT NO. EB37361
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