



**Law Offices of Brent Williams-Ruth**

A DIVISION OF BWR Consulting, PLLC

**New Legislation!!**

**Ending Probate for Profit**

**(hopefully)**

**aka Could Be Worse**

# Let the Madness Begin

- How did we get here?
  - Politics, of course.
  - *DISCLAIMER – Personal Capacity Only!*
- This is terrible!
  - “Could Be Worse” – the life of a Gen-X.
- Overview of Presentation
  - Sometimes these slides will quote statutory language verbatim.
  - Sometimes the statute is paraphrased.
  - ALL changes included in the bill are referenced in this presentation.

# EHB 2445 – Ending Probate For Profit

- Passed the House – 66/29
- Passed the Senate – 47/0
- **EFFECTIVE – JUNE 11, 2026**
- Did you skip the last line? Effective June 11, 2026.
- In case you only read things in Times New Roman, effective June 11, 2026.

# RCW 11.28.110

## Intestacy!

- There is a new petition in town – **UPDATE YOUR FORMS.**
  - Verified **BY OATH** of the applicant, declared that decedent died without a will and the basis of the applicant's knowledge; heirs and the reasonable search conducted to find them.
  - A general description of the major probate assets, including real property, motor vehicles, and any known property or interest estimated in good faith to exceed \$10,000, **UNLESS** you are getting letters under **RCW 11.28.120(1) (a) or (b).**

# RCW 11.28.110

## Intestacy!

### ■ NEW PETITION CONTINUED

- That the applicant is specifically permitted to administer under 11.28.120 AND not disqualified by 11.36.010.
- Except as may be needed to determine bond, you don't need specific value, location, provenance, and condition of a major probate asset. *See* RCW 11.28.110(2)
- If you are getting letters under RCW 11.28.120(1) (a) or (b) you don't need to describe the major assets but **SHALL STILL** set forth the applicant's reasonable search to identify them. *See* RCW 11.28.110(3).

# RCW 11.28.120

- Who does **NOT** need to list major probate assets
  - 11.28.120(1)(a) - Surviving Spouse/Registered Domestic Partner OR their Designee\*.
  - 11.28.120(1)(b) - Children, Parents, Siblings, Grandchildren, Nieces & Nephews.
- There was a lot of “standard code revision & integration” or “Code Reconciliation” under this bill. Translation – go read the code, the sections/subsections you knew are gone/different.

# More Changes to RCW 11.28.120

- If none of the (1) parties come forward within 60 days after death a CSP with the Office of Public Guardianship and Conservatorship or a GAL may be appointed. *See* RCW 11.28.120(2).
- If none of the (1) or (2) parties comes forward within 90 days then the Court may appoint “any suitable person.... *See* RCW 11.28.120(3).



# RCW 11.28.120(3)

## Any Suitable Person – “Sub 3 PR”

- If after 90 days no one from (1) and (2) opens the Estate, then any suitable person may be appointed. Waiver by family not permitted for Sub 3 as it is for Sub 2 applicants to shorten time.
  - Limitations on Compensation - RCW 11.48.210.
  - Applicant SHALL NOT purchase, acquire, or receive proceeds from the sale of estate assets except as provided under RCW 11.48.020.
  - Nonintervention Powers “NIP “is out the window and you can only do 2 per year unless you fall under RCW 11.36.010 (2) or (3).

# RCW 11.28.185

## Bond or other security of PR

- **NEW MANDATED BOND:** In all cases where a personal representative is appointed under RCW 11.28.120(3) and is not an entity described under RCW 11.36.010 (2) or (3), bond shall be required in an amount commensurate with the major probate assets identified under RCW 11.28.110(1)(d).

# RCW 11.28.237

## Notice of Appointment

- (1) Within 20 days after appointment, the personal representative of the estate of a decedent, or an attorney performing services for the estate at the instance of the personal representative, shall cause notice...
- To heirs that are reasonably known.
- Proof of mailing by affidavit or declaration.

# RCW 11.36.010

## Not Qualified to be a PR

- Corporations, LLC, and LLP except as provided by .010(2) through .010(4).
- Persons who have had letters revoked for cause under RCW 11.28.250 within the last 24 months;
- Persons who have been found by a court or administrative agency within the last 36 months of engaging in acts of dishonesty, theft, or breach of fiduciary duty;

# RCW 11.36.010

## Not Qualified to be a PR Cont...

- Persons seeking appointment under RCW 11.28.120(3) who are a principal or agent of, or acting at the behest of or in concert with, any person or entity likely to be involved in the sale, purchase, repair, or transfer of a major probate asset.
- When any person is found to be in violation of the statute the Court **MUST** revoke the letters. If they were a RCW 11.28.120(3) appointee and found to be acting in the sale of a major asset, sanctions **may** be imposed.

# RCW 11.48.020

## Right to Possess and Manage Estate

- *New Section* - Unless approved by the court, a PR under Sub 3 may not: (a) Purchase or acquire any estate asset; or (b) personally benefit from the sale of an estate asset.
- If a Sub 3 wants personal benefit, shall set a hearing 14 days out with notice to all heirs, devisees, legatees, beneficiaries and transferees.

# RCW 11.48.020 (Continued)

- The petition shall be denied unless the personal representative establishes clearly and convincingly that the requested purchase, acquisition, or receipt is consistent with the personal representative's duty of loyalty and all applicable laws, and would not be voidable by any heir, legatee, devisee, beneficiary, or transferee of the estate. Such personal representative who violates or attempts to violate (a) or (b) of this subsection may be sanctioned by the court up to three times the value of the relevant asset or proceeds, in addition to any other sanction or remedy.

# RCW 11.48.210 – COMPENSATION

- The personal representative, when no compensation is provided in the will, when he or she renounces all claim to the compensation provided in the will, or when he or she administers an intestate estate, shall be allowed such compensation for his or her services as the court shall deem just and reasonable
- Sub 3 PR shall receive no compensation in connection with administration of the estate from any person or entity other than the estate unless allowed by the court.

# RCW 11.56.030

## Sale, Lease, or Mortgage of Real Estate

- Only change was adding in cross reference to RCW 11.48.020 requirements for notice.

# RCW 11.68.011

## Settlement **WITHOUT** Intervention

- *No Sub 3 Petitioner may obtain NIP,*  
unless expressly authorized by 11.36.010(2) or (3).
  - Reminder as to who is 11.36.010(2) or (3) – Trust Company or National Bank that did not write the Will OR a Professional Services Corporation or PLLC that is exclusively owned by WSBA attorney members.

# RCW 11.68.090(2)(b)

## Settlement **WITHOUT** Intervention

- “A personal representative with nonintervention powers has no duty to follow the procedures of RCW [11.76.010](#) through [11.76.080](#) or chapter [11.56](#) RCW...”

# RCW 11.76.010

## **\*NEW\*** Reports of PR

### Applies only to Full Intervention Probates

- There are NEW form disclosures that requires, not later than 30 days after appointment, confirmation of notices to 3<sup>rd</sup> parties (heirs, devisee, legatees, etc.) and establishing financial accounts. The statute has a template form that shall be “substantially in the following form”
- Template forms attached as Appendix A & B.

# Report of PR Cont.

## RCW 11.76.010(3)

- What had been an annual requirement has now been amended by the new 11.76.010(3)(b) which allows the Court OR interested person to request a report from the PR. Unless the Court finds that it would be an undue burden on the PR, the report must be provided within 90 days.
- The statute limits the number of reports to a maximum of 2 per year.

# RCW 11.76.010(5)

## Punishment for NonCompliance

- If the PR fails to comply with reporting requirements, within 14 days the court shall hold a formal proceeding in which the personal representative shall appear and provide sworn testimony regarding the facts that would be contained within the report.

# RCW 11.76.010(5)

## And then what happens....

- Failure to appear, failure to testify truthfully and completely, or repeated failure to timely file a report under this section, shall result in the court taking any action it deems just and proper to protect estate assets and rights of interested persons including, but not limited to, imposition of sanctions against the personal representative and revocation of the personal representative's letters.
- PR or the court shall thereafter provide a copy of the court's order to each known heir, legatee, devisee, beneficiary, and transferee of the estate.

# RCW 11.76.030

## Closing Procedures

- It is now presumed that all matters are ready for closing within 24 months. The Court or interested persons may request it, and the PR shall be ordered to file closing report by date certain, which can only be moved with good cause shown by the PR.
- The closing report will be treated in the same manner as 11.76.010(4) and (5). See previous slides.

# RCW 11.96A.050

## Venue

- If you are a Sub 3 Petitioner, the venue must be the county in Washington where Decedent resided at the time of death. If they were not a Washington resident, then the county in which any part of the probate estate might be.
- For everyone else – it can remain wherever county the Petitioner wants to open the probate.

# RCW 11.56.XXX

## New Section!

- SECTION 13 of the Bill will be a new subsection to RCW 11.56 that has not yet (as of the date of the drafting of this presentation) been codified with subsection numbers.
- Section 13 applies in circumstances where a transferee for value has purchased a beneficiary's interest in an estate. Targeting those who “regularly” engage in the purchase of beneficial interests.
  - Specific protections designed to protect beneficiary from scoundrels and miscreants.

# RCW 11.56.XXX

## New Sections!

- SECTION 14 of the Bill will be a new subsection to RCW 11.56 that has not yet (as of the date of the drafting of this presentation) been codified with subsection numbers.
- Section 14 applies in circumstances where an heir finder has acquired a partial share of an heir's interest in an estate.
  - Specific protections designed to protect beneficiary from scoundrels and miscreants. Also specifically includes provisions that would make VOIDABLE if specific provisions are included in the agreement.

# RCW 11.02.005(10)

## Interested Person / Person Interested

- Previously, Title 11 did not have one specific definition for who was an “interested person” we do now.
- "Interested person" or "person interested," when used with respect to an estate, means an heir, devisee, beneficiary, legatee, or creditor whose claim has been duly served and filed, or an attorney or fiduciary for the same.



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