

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5132**

Chapter 140, Laws of 2021

67th Legislature  
2021 Regular Session

TRUSTS AND ESTATES

EFFECTIVE DATE: July 25, 2021—Except for sections 1001 through 1016,  
2101 through 2806, 3101 through 3614, and 4021, which become  
effective January 1, 2022.

Passed by the Senate February 10,  
2021

Yeas 48 Nays 0

DENNY HECK

**President of the Senate**

Passed by the House April 8, 2021

Yeas 86 Nays 12

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Approved April 26, 2021 2:27 PM

CERTIFICATE

I, Brad Hendrickson, Secretary of  
the Senate of the State of  
Washington, do hereby certify that  
the attached is **SENATE BILL 5132** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

April 26, 2021

JAY INSLEE

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

**MISCELLANEOUS PROVISIONS**

**Sec. 4001.** RCW 11.40.140 and 1999 c 42 s 608 are each amended to read as follows:

If the personal representative has a claim against the decedent, the personal representative must present the claim in the manner provided in RCW 11.40.070, and ~~((petition the court for))~~ the allowance or rejection~~((The petition must be filed under RCW 11.96A.080))~~ of the claim shall be addressed, resolved, and settled under the procedures provided under chapter 11.96A RCW. This section applies whether or not the personal representative is acting under nonintervention powers.

**Sec. 4002.** RCW 11.48.120 and 2010 c 8 s 2038 are each amended to read as follows:

Any personal representative may in his or her own name, for the benefit of all ~~((parties))~~ persons interested in the estate, as defined in RCW 11.96A.030(6) relative to a decedent's estate, maintain actions on the bond of a former personal representative of the same estate.

**Sec. 4003.** RCW 11.48.130 and 1997 c 252 s 58 are each amended to read as follows:

The court may authorize the personal representative, without the necessary nonintervention powers, to compromise and compound any claim owing the estate. Unless the court has restricted the power to compromise or compound claims owing to the estate and except as provided in RCW 11.68.090, a personal representative with nonintervention powers may compromise and compound a claim owing the estate without the intervention of the court.

**Sec. 4004.** RCW 11.68.041 and 1997 c 252 s 61 are each amended to read as follows:

(1) Advance notice of the hearing on a petition for nonintervention powers referred to in RCW 11.68.011 is not required in those circumstances in which the court is required to grant nonintervention powers under RCW 11.68.011(2) (a) and (b).

(2) In all other cases, if the petitioner wishes to obtain nonintervention powers, the personal representative shall give notice of the petitioner's intention to apply to the court for

1 nonintervention powers to all heirs, all beneficiaries of a gift  
2 under the decedent's will, and all persons who have requested, and  
3 who are entitled to, notice under RCW 11.28.240, except that:

4 (a) A person is not entitled to notice if the person has, in  
5 writing, either waived notice of the hearing or consented to the  
6 grant of nonintervention powers; and

7 (b) An heir who is not also a beneficiary of a gift under a will  
8 is not entitled to notice if the will has been probated and the time  
9 for contesting the validity of the will has expired.

10 (3) The notice required by this section must be either personally  
11 served or sent by regular mail at least ten days before the date of  
12 the hearing, and proof of mailing of the notice must be by affidavit  
13 filed in the cause. The notice must contain the decedent's name, the  
14 probate cause number, and the name and address of the personal  
15 representative, and must state in substance as follows:

16 (a) The personal representative has petitioned the superior court  
17 of the state of Washington for . . . . county, for the entry of an  
18 order granting nonintervention powers and a hearing on that petition  
19 will be held on . . . ., the . . . . day of . . . ., . . . .,  
20 at . . . . o'clock, . . M.;

21 (b) The petition for an order granting nonintervention powers has  
22 been filed with the court;

23 (c) Following the entry by the court of an order granting  
24 nonintervention powers, the personal representative is entitled to  
25 administer and close the decedent's estate without further court  
26 intervention or supervision; and

27 (d) A person entitled to notice has the right to appear at the  
28 time of the hearing on the petition for an order granting  
29 nonintervention powers and to object to the granting of  
30 nonintervention powers to the personal representative.

31 (4) If notice is not required, or all persons entitled to notice  
32 have either waived notice of the hearing or consented to the entry of  
33 an order granting nonintervention powers as provided in this section,  
34 the court may hear the petition for an order granting nonintervention  
35 powers at any time.

36 **Sec. 4005.** RCW 11.68.050 and 1997 c 252 s 62 are each amended to  
37 read as follows:

38 (1) If at the time set for the hearing upon a petition for  
39 nonintervention powers, any person entitled to notice of the hearing

1 on the petition under RCW 11.68.041 shall appear and object to the  
2 granting of nonintervention powers to the personal representative of  
3 the estate, the court shall consider the objections, if any, in  
4 connection with its determination under RCW 11.68.011(2)(c) of  
5 whether a grant of nonintervention powers would be in the best  
6 interests of the decedent's beneficiaries.

7 (2) The nonintervention powers of a personal representative may  
8 not be restricted at a hearing on a petition for nonintervention  
9 powers in which the court is required to grant nonintervention powers  
10 under RCW 11.68.011(2) (a) and (b), unless a will specifies that the  
11 nonintervention powers of a personal representative may be restricted  
12 when the powers are initially granted. (~~In all other cases, including without limitation any hearing on a petition that alleges that the personal representative has breached its duties to the beneficiaries of the estate, the court may restrict the powers of the personal representative in such manner as the court determines to be in the best interests of the decedent's beneficiaries.~~)

18 NEW SECTION. Sec. 4006. A new section is added to chapter 11.68  
19 RCW to read as follows:

20 A personal representative with nonintervention powers may  
21 administer and settle the estate without supervision or intervention  
22 by the court except as otherwise provided in this chapter.

23 NEW SECTION. Sec. 4007. A new section is added to chapter 11.68  
24 RCW to read as follows:

25 (1) A personal representative with nonintervention powers has the  
26 power to construe and interpret the terms of a probated will, except  
27 as the probated will or an order of the court may otherwise direct.

28 (2) Unless otherwise provided in the probated will:

29 (a) A party, as defined in RCW 11.96A.030, may either petition  
30 the court under chapter 11.96A RCW to have an ambiguous provision of  
31 a probated will construed by the court or may otherwise address,  
32 resolve, and settle the matter under the procedures provided under  
33 chapter 11.96A RCW; and

34 (b) There is a rebuttable presumption that the construction of an  
35 ambiguous provision that is made by a personal representative with  
36 nonintervention powers is consistent with the intent of the testator.

37 (3) A party, as defined in RCW 11.96A.030, may commence an action  
38 to reform the terms of a will as provided in RCW 11.96A.125.

1       **Sec. 4008.** RCW 11.68.065 and 1999 c 42 s 614 are each amended to  
2 read as follows:

3       A beneficiary (~~whose~~) who has not acknowledged in writing that  
4 his, her, or its interest in an estate has (~~not~~) been fully paid or  
5 distributed may petition the court for an order directing the  
6 personal representative to deliver a report of the affairs of the  
7 estate signed and verified by the personal representative. The  
8 petition may be filed at any time after one year from the day on  
9 which the report was last delivered, or, if none, then one year after  
10 the order appointing the personal representative. Upon hearing of the  
11 petition after due notice as required in RCW 11.96A.110, the court  
12 may, for good cause shown, order the personal representative to  
13 deliver to the petitioner the report for any period not covered by a  
14 previous report. The report for the period shall include such of the  
15 following as the court may order: A description of the amount and  
16 nature of all property, real and personal, that has come into the  
17 hands of the personal representative; a statement of all property  
18 collected and paid out or distributed by the personal representative;  
19 a statement of claims filed and allowed against the estate and those  
20 rejected; any estate, inheritance, or fiduciary income tax returns  
21 filed by the personal representative; and such other information as  
22 the order may require. This subsection does not limit any power the  
23 court might otherwise have at any time during the administration of  
24 the estate to require the personal representative to account or  
25 furnish other information to any person interested in the estate.

26       **Sec. 4009.** RCW 11.68.070 and 2010 c 8 s 2057 are each amended to  
27 read as follows:

28       (~~If any personal representative who has been granted~~  
29 ~~nonintervention powers fails to execute his or her trust faithfully~~  
30 ~~or is subject to removal for any reason specified in RCW 11.28.250 as~~  
31 ~~now or hereafter amended, upon petition of any unpaid creditor of the~~  
32 ~~estate who has filed a claim or any heir, devisee, legatee, or of any~~  
33 ~~person on behalf of any incompetent heir, devisee, or legatee, such~~  
34 ~~petition being supported by affidavit which makes a prima facie~~  
35 ~~showing of cause for removal or restriction of powers, the court~~  
36 ~~shall cite such personal representative to appear before it, and if,~~  
37 ~~upon hearing of the petition it appears that said personal~~  
38 ~~representative has not faithfully discharged said trust or is subject~~  
39 ~~to removal for any reason specified in RCW 11.28.250 as now or~~

1 ~~hereafter amended, then, in the discretion of the court the powers of~~  
2 ~~the personal representative may be restricted or the personal~~  
3 ~~representative may be removed and a successor appointed. In the event~~  
4 ~~the court shall restrict the powers of the personal representative in~~  
5 ~~any manner, it shall endorse the words "Powers restricted" upon the~~  
6 ~~original order of solvency together with the date of said~~  
7 ~~endorsement, and in all such cases the cost of the citation, hearing,~~  
8 ~~and reasonable attorney's fees may be awarded as the court~~  
9 ~~determines.))~~ (1)(a) A party, as defined in RCW 11.96A.030, may  
10 petition the court under chapter 11.96A RCW for a determination that  
11 a personal representative:

12 (i) Has breached a fiduciary duty;

13 (ii) Has exceeded the personal representative's authority;

14 (iii) Has abused the personal representative's discretion in  
15 exercising a power;

16 (iv) Has otherwise failed to execute the trust faithfully;

17 (v) Has violated a statute or common law affecting the estate; or

18 (vi) Is subject to removal for a reason specified in RCW  
19 11.28.250.

20 (b) The petition submitted under (a) of this subsection must  
21 allege facts in support of the claim and must be verified or be  
22 supported by an affidavit showing facts in support of the claim.

23 (2) If the court finds that the personal representative has  
24 committed one or more of the acts listed in subsection (1)(a) of this  
25 section, the court may order such remedy in law or in equity as it  
26 deems appropriate. The remedy may include, but not be limited to,  
27 awarding money damages, surcharging the personal representative,  
28 directing the personal representative to take a specific action,  
29 restricting the powers of the personal representative, removing the  
30 personal representative and appointing a successor, and awarding fees  
31 and costs under RCW 11.96A.150. If the court restricts the powers of  
32 the personal representative, it shall endorse the words "powers  
33 restricted" upon the original order granting the personal  
34 representative nonintervention powers and upon the letters  
35 testamentary or of administration together with the date of the  
36 endorsement.

37 **Sec. 4010.** RCW 11.68.090 and 2011 c 327 s 3 are each amended to  
38 read as follows:

1           (1) ~~((Any personal representative acting under nonintervention~~  
2 ~~powers may borrow money on the general credit of the estate and may~~  
3 ~~mortgage, encumber, lease, sell, exchange, convey, and otherwise have~~  
4 ~~the same powers, and be subject to the same limitations of liability,~~  
5 ~~that a trustee has under chapters 11.98, 11.100, and 11.102 RCW with~~  
6 ~~regard to the assets of the estate, both real and personal, all~~  
7 ~~without an order of court and without notice, approval, or~~  
8 ~~confirmation, and in all other respects administer and settle the~~  
9 ~~estate of the decedent without intervention of court. Except as~~  
10 ~~otherwise specifically provided in this title or by order of court, a~~  
11 ~~personal representative acting under nonintervention powers may~~  
12 ~~exercise the powers granted to a personal representative under~~  
13 ~~chapter 11.76 RCW but is not obligated to comply with the duties~~  
14 ~~imposed on personal representatives by that chapter. A party to such~~  
15 ~~a transaction and the party's successors in interest are entitled to~~  
16 ~~have it conclusively presumed that the transaction is necessary for~~  
17 ~~the administration of the decedent's estate.~~

18           ~~(2) Except as otherwise provided in chapter 11.108 RCW or~~  
19 ~~elsewhere in order to preserve a marital deduction from estate taxes,~~  
20 ~~a testator may by a will relieve the personal representative from any~~  
21 ~~or all of the duties, restrictions, and liabilities imposed: Under~~  
22 ~~common law; by chapters 11.54, 11.56, 11.100, 11.102, and 11.104A~~  
23 ~~RCW; or by RCW 11.28.270 and 11.28.280, 11.68.095, and 11.98.070. In~~  
24 ~~addition, a testator may likewise alter or deny any or all of the~~  
25 ~~privileges and powers conferred by this title, and may add duties,~~  
26 ~~restrictions, liabilities, privileges, or powers to those imposed or~~  
27 ~~granted by this title. If any common law or any statute referenced~~  
28 ~~earlier in this subsection is in conflict with a will, the will~~  
29 ~~controls whether or not specific reference is made in the will to~~  
30 ~~this section. However, notwithstanding the rest of this subsection, a~~  
31 ~~personal representative may not be relieved of the duty to act in~~  
32 ~~good faith and with honest judgment.)) Except as otherwise provided~~  
33 ~~in this chapter, a personal representative with nonintervention~~  
34 ~~powers has:~~

35           (a) All powers that are granted by common law or statute to a  
36 personal representative without nonintervention powers or that a  
37 court supervising the settlement and administration of a decedent's  
38 estate may grant to a personal representative without nonintervention  
39 powers;

1       (b) The power to borrow money on the general credit of the  
2 estate;

3       (c) The power to mortgage, encumber, lease, sell, exchange,  
4 convey, assign, and otherwise transfer the decedent's real and  
5 personal property;

6       (d) The power to perform the decedent's contracts;

7       (e) The power to determine the persons entitled to the estate; to  
8 partition property, sell property, and/or distribute property pro  
9 rata or nonpro rata, and otherwise to administer and settle the  
10 decedent's estate;

11       (f) The powers, privileges, and limitations of liability of a  
12 trustee under chapters 11.98, 11.100, and 11.102 RCW and under the  
13 principles of equity with regard to the assets of the estate, both  
14 real and personal;

15       (g) Any further power appropriate to the exercise or nonexercise  
16 of a power granted under this subsection (1); and

17       (h) The right and authority to exercise the powers under this  
18 subsection (1) without an order of the court and without notice to,  
19 direction from, approval by, confirmation by, or intervention of any  
20 court.

21       (2) Except as otherwise provided in this chapter, a personal  
22 representative with nonintervention powers has the same duties,  
23 restrictions, and liabilities as a personal representative without  
24 nonintervention powers and shall act for the benefit of all persons  
25 interested in the estate, as defined in RCW 11.96A.030(6) relative to  
26 a decedent's estate, except that:

27       (a) A personal representative with nonintervention powers may act  
28 without an order of the court and without notice to, direction from,  
29 approval by, confirmation by, or intervention of any court;

30       (b) A personal representative with nonintervention powers has no  
31 duty to follow the procedures of RCW 11.76.010 through 11.76.080 or  
32 chapter 11.56 RCW; and

33       (c) A personal representative with nonintervention powers must  
34 exercise a discretionary power in good faith, with honest judgment,  
35 and in accordance with the terms and purposes of the probated will  
36 and the interests of the beneficiaries.

37       (3) Except as provided in subsection (4) of this section, a  
38 testator may by will:

39       (a) Add to, alter, or deny any or all of the powers and  
40 privileges conferred upon the personal representative with

1 nonintervention powers to administer and settle the testator's estate  
2 by common law, statute, or the principles of equity; and

3 (b) Add to, alter, or remove any or all of the duties,  
4 restrictions, or liabilities imposed on a personal representative  
5 with nonintervention powers relative to the administration and  
6 settlement of the testator's estate by common law, statute, or the  
7 principles of equity.

8 (4) No testamentary provisions may limit the effect of RCW  
9 6.32.250, 11.20.080, 11.48.010, 11.48.020 (although without the  
10 necessity of any order of a court), 11.48.030, 11.48.140, 11.68.065,  
11 11.68.070, 11.68.080, 11.68.090, 11.76.110, 11.76.150, 11.76.160,  
12 11.76.170, or 11.96A.190, or of chapters 11.36, 11.44, 11.54, and  
13 11.108 RCW or any other laws that preserve a marital deduction from  
14 estate taxes; and in no event may a personal representative with  
15 nonintervention powers be relieved of the duty to act in good faith,  
16 with honest judgment, and in accordance with the terms and purposes  
17 of the probated will and the interests of the beneficiaries.

18 (5) The common law and the principles of equity supplement this  
19 chapter.

20 **Sec. 4011.** RCW 11.68.095 and 1997 c 252 s 67 are each amended to  
21 read as follows:

22 ((All)) Except as otherwise provided by the probated will or by  
23 order of a court, all of the provisions of RCW 11.98.016 regarding  
24 the exercise of powers by co-trustees of a trust shall apply to the  
25 co-personal representatives of an estate in which the co-personal  
26 representatives have been granted nonintervention powers, as if, for  
27 purposes of the interpretation of that law, co-personal  
28 representatives were co-trustees and an estate were a trust.

29 NEW SECTION. Sec. 4012. A new section is added to chapter 11.68  
30 RCW to read as follows:

31 A party to a transaction with a personal representative with  
32 nonintervention powers and the party's successors in interest are  
33 entitled to have it conclusively presumed that the transaction is  
34 necessary for the administration of the decedent's estate.

35 **Sec. 4013.** RCW 11.68.100 and 2010 c 8 s 2058 are each amended to  
36 read as follows:

1 (1) When the estate is ready to be closed, the court, upon  
2 application by the personal representative who has nonintervention  
3 powers, shall ~~((have the authority and it shall be its duty, to))~~  
4 make and cause to be entered a decree ~~((which))~~ that either:

5 (a) Finds and adjudges that all approved claims ~~((of))~~ against  
6 the decedent have been paid, finds and adjudges the heirs of the  
7 decedent or those persons entitled to take under ~~((his or her))~~ the  
8 decedent's will, and distributes the decedent's property ~~((of the~~  
9 ~~decedent))~~ to the persons entitled ~~((thereto))~~ to it; or

10 (b) Approves the accounting of the personal representative and  
11 settles the estate of the decedent in the manner provided for in the  
12 administration of those estates in which the personal representative  
13 has not acquired nonintervention powers.

14 (2) Either decree provided for in this section shall be made  
15 after notice given as provided for in the settlement of estates by a  
16 personal representative who has not acquired nonintervention powers.  
17 The petition for either decree provided for in this section shall  
18 state the fees paid or proposed to be paid to the personal  
19 representative, ~~((his or her))~~ the personal representative's  
20 attorneys, accountants, and appraisers, and any heir, devisee, or  
21 legatee whose interest in the assets of a decedent's estate would be  
22 reduced by the payment of said fees shall receive a copy of said  
23 petition with the notice of hearing thereon; at the request of the  
24 personal representative or any said heir, devisee, or legatee, the  
25 court shall, at the time of the hearing on either petition, determine  
26 the reasonableness of said fees. The court shall take into  
27 consideration all criteria forming the basis for the determination of  
28 the amount of such fees as contained in the code of professional  
29 responsibility; in determining the reasonableness of the fees charged  
30 by any personal representative, accountants, and appraisers the court  
31 shall take into consideration the criteria forming the basis for the  
32 determination of attorney's fees, to the extent applicable, and any  
33 other factors which the court determines to be relevant in the  
34 determination of the amount of fees to be paid to such personal  
35 representative.

36 **Sec. 4014.** RCW 11.68.110 and 2016 c 202 s 8 are each amended to  
37 read as follows:

38 (1) If a personal representative who has acquired nonintervention  
39 powers does not apply to the court for either of the final decrees

1 provided for in RCW 11.68.100 as now or hereafter amended, the  
2 personal representative shall, when the administration of the estate  
3 has been completed, file a declaration that must state as follows:

4 (a) The date of the decedent's death and the decedent's residence  
5 at the time of death;

6 (b) Whether or not the decedent died testate or intestate;

7 (c) If the decedent died testate, the date of the decedent's last  
8 will and testament and the date of the order probating the will;

9 (d) That each creditor's claim which was justly due and properly  
10 presented as required by law has been paid or otherwise disposed of  
11 by agreement with the creditor, and that the amount of ((estate))  
12 taxes ((due as the result of the decedent's death)) assessable  
13 against the estate has been determined, settled, and paid or  
14 otherwise provided for;

15 (e) That the personal representative has completed the  
16 administration of the decedent's estate without court intervention,  
17 and the estate is ready to be ((closed)) settled and distributed;

18 (f) If the decedent died intestate, the names, addresses (if  
19 known), and relationship of each heir of the decedent, together with  
20 the distributive share of each heir; and

21 (g) The amount of fees paid or to be paid to each of the  
22 following: (i) Personal representative or representatives; (ii)  
23 lawyer or lawyers; (iii) appraiser or appraisers; and (iv) accountant  
24 or accountants; and that the personal representative believes the  
25 fees to be reasonable and does not intend to obtain court approval of  
26 the amount of the fees or to submit an estate accounting to the court  
27 for approval.

28 ~~(2) ((Subject to the requirement of notice as provided in this~~  
29 ~~section, unless an heir, devisee, or legatee of a decedent petitions~~  
30 ~~the court either for an order requiring the personal representative~~  
31 ~~to obtain court approval of the amount of fees paid or to be paid to~~  
32 ~~the personal representative, lawyers, appraisers, or accountants, or~~  
33 ~~for an order requiring an accounting, or both, within thirty days~~  
34 ~~from the date of filing a declaration of completion of probate, the~~  
35 ~~personal representative will be automatically discharged without~~  
36 ~~further order of the court and the representative's powers will cease~~  
37 ~~thirty days after the filing of the declaration of completion of~~  
38 ~~probate, and the declaration of completion of probate shall, at that~~  
39 ~~time, be the equivalent of the entry of a decree of distribution in~~  
40 ~~accordance with chapter 11.76 RCW for all legal intents and purposes.~~

1       ~~(3)~~) If:

2       (a) (i) The personal representative with nonintervention powers  
3 files a declaration as specified in subsection (1) of this section;

4       (ii) The personal representative provides the notice as required  
5 by subsection (4) of this section; and

6       (iii) No party, as defined in RCW 11.96A.030, petitions the court  
7 under subsection (3) of this section; then:

8       (b) (i) The filing of the declaration will be the legal equivalent  
9 of the entry of a decree of distribution under chapter 11.76 RCW;

10       (ii) The amount of fees paid or to be paid will be deemed  
11 reasonable and will be approved;

12       (iii) The acts of the personal representative will be approved;

13       (iv) The personal representative, and any bond ensuring the  
14 proper actions of the personal representative, will be discharged;  
15 and

16       (v) The estate will be determined to have been properly and fully  
17 distributed and settled.

18       (3) If the personal representative provides the notice as  
19 required by subsection (4) of this section, then, within 30 days  
20 following the filing of a declaration of completion of probate under  
21 this section, any party, as defined in RCW 11.96A.030, may petition  
22 the court under chapter 11.96A RCW to enforce the party's rights, to  
23 review the reasonableness of the fees, and/or to compel the personal  
24 representative to close the estate under RCW 11.68.100.

25       (4) Within five days of the date of the filing of the declaration  
26 of completion, the personal representative or the personal  
27 representative's lawyer shall mail a copy of the declaration of  
28 completion to each (~~heir, legatee, or devisee of the decedent~~)  
29 party as defined in RCW 11.96A.030, who: (a) Has not waived notice of  
30 the filing, in writing, filed in the cause; and (b) either has not  
31 received the full amount of the distribution to which the (~~heir,~~  
32 legatee, or devisee)) party is entitled or has a property right that  
33 might be affected adversely by the discharge of the personal  
34 representative under this section, together with a notice which shall  
35 be substantially as follows:

36                                   CAPTION                                   NOTICE OF FILING OF  
37                                   OF                                   DECLARATION OF COMPLETION  
38                                   CASE                                   OF PROBATE

1 NOTICE IS GIVEN that the attached Declaration of  
2 Completion of Probate was filed by the undersigned in  
3 the above-entitled court on the . . . . day of . . . . .,  
4 (year) . . . .; unless you ~~((shall file a))~~ petition ~~((in))~~ the  
5 above-entitled court ~~((requesting the court to approve))~~  
6 under chapter 11.96A RCW to enforce your rights, to  
7 review the reasonableness of the fees, ~~((or for an~~  
8 ~~accounting, or both, and serve a copy thereof upon))~~  
9 and/or to compel the personal representative ~~((or the~~  
10 ~~personal representative's lawyer))~~ to close the estate  
11 under RCW 11.68.100, within thirty days after the date  
12 of the filing of the Declaration of Completion of Probate,  
13 the ~~((amount))~~ schedule of fees ~~((paid or to be paid))~~ set  
14 forth in the Declaration of Completion of Probate will be  
15 deemed reasonable, the acts of the personal  
16 representative will be deemed approved and the payment  
17 of those fees will be approved, the personal  
18 representative (and any bond ensuring the proper action  
19 of the personal representative) will be automatically  
20 discharged without further order of the court, the estate  
21 will be deemed to have been properly and fully  
22 distributed and settled, and the Declaration of  
23 Completion of Probate will be final and deemed the  
24 equivalent of a Decree of Distribution entered under  
25 chapter 11.76 RCW.

26 ~~((If you file and serve a petition within the period~~  
27 ~~specified, the undersigned will request the court to fix a~~  
28 ~~time and place for the hearing of your petition, and you~~  
29 ~~will be notified of the time and place thereof, by mail, or~~  
30 ~~personal service, not less than ten days before the hearing~~  
31 ~~on the petition.~~

32 Dated this . . . . day of . . . . ., (year) . . . . .)

33 .....

34 Personal ((Representative))

35 Representative's Name

36 ~~((4))~~ (5) If all ~~((heirs, devisees, and legatees))~~ parties as  
37 defined in RCW 11.96A.030 of the decedent entitled to notice under  
38 this section waive, in writing, the notice required by this section,

1 the personal representative will be automatically discharged without  
2 further order of the court and the declaration of completion of  
3 probate will become effective as a decree of distribution upon the  
4 date of filing thereof. In those instances where the personal  
5 representative has been required to furnish bond, and a declaration  
6 of completion is filed pursuant to this section, any bond furnished  
7 by the personal representative shall be automatically discharged upon  
8 the discharge of the personal representative.

9 **Sec. 4015.** RCW 11.68.112 and 1997 c 252 s 69 are each amended to  
10 read as follows:

11 If the declaration of completion of probate and the notice of  
12 filing of declaration of completion of probate state that the  
13 personal representative intends to make final distribution within  
14 five business days after the final date on which a (~~beneficiary~~  
15 ~~could petition for an order to approve fees or to require an~~  
16 ~~accounting)) party as defined in RCW 11.96A.030 entitled to notice  
17 under RCW 11.68.110 could file a petition under RCW 11.68.110(3),  
18 which date is referred to in this section as the "effective date of  
19 the declaration of completion," (~~and~~) if the notice of filing of  
20 declaration of completion of probate sent to each (~~beneficiary who~~  
21 ~~has not received everything to which that beneficiary is entitled~~  
22 ~~from the decedent's estate)) party as defined in RCW 11.96A.030  
23 entitled to notice under RCW 11.68.110 specifies the amount of the  
24 minimum distribution to be made to that (~~beneficiary)) party, and if  
25 no party as defined in RCW 11.96A.030 entitled to notice under RCW  
26 11.68.110 petitions the court under RCW 11.68.110(3) within 30 days  
27 from the date of filing a declaration of completion of probate, the  
28 personal representative retains, for five business days following the  
29 effective date of the declaration of completion, the power to make  
30 the stated minimum distributions. In this case, the personal  
31 representative is discharged from all (~~claims)) liability other than  
32 (~~those)) any liability relating to the actual distribution of the  
33 reserve, at the effective date of the declaration of completion. The  
34 personal representative is only discharged from liability for the  
35 distribution of the reserve when the whole reserve has been  
36 distributed and each beneficiary has received at least the  
37 distribution which that beneficiary's notice stated that the  
38 beneficiary would receive.~~~~~~~~~~

1       **Sec. 4016.** RCW 11.68.114 and 1998 c 292 s 203 are each amended  
2 to read as follows:

3       (1) The personal representative retains the powers to: Deal with  
4 the taxing authority of any federal, state, or local government; hold  
5 a reserve in an amount not to exceed three thousand dollars, for the  
6 determination and payment of any additional taxes, interest, and  
7 penalties, and of all reasonable expenses related directly or  
8 indirectly to such determination or payment; pay from the reserve the  
9 reasonable expenses, including compensation for services rendered or  
10 goods provided by the personal representative or by the personal  
11 representative's employees, independent contractors, and other  
12 agents, in addition to any taxes, interest, or penalties assessed by  
13 a taxing authority; receive and hold any credit, including interest,  
14 from any taxing authority; and distribute the residue of the reserve  
15 to the intended beneficiaries of the reserve; if:

16       (a) In lieu of the statement set forth in RCW 11.68.110(1)(e),  
17 the declaration of completion of probate states that:

18               The personal representative has completed the  
19 administration of the decedent's estate without court  
20 intervention, and the estate is ready to be closed, except  
21 for the determination of taxes and of interest and penalties  
22 thereon as permitted under this section;

23 and

24       (b) The notice of the filing of declaration of completion of  
25 probate must be in substantially the following form:

26                               CAPTION                       NOTICE OF FILING OF  
27                               OF                               DECLARATION OF COMPLETION  
28                               CASE                               OF PROBATE

29       NOTICE IS GIVEN that the attached Declaration of  
30 Completion of Probate was filed by the undersigned in the  
31 above-entitled court on the . . . day of . . . , . . . ;  
32 unless you (~~file a~~) petition (~~in~~) the above-entitled  
33 court (~~requesting the court to approve~~) under chapter  
34 11.96A RCW to enforce your rights, to review the  
35 reasonableness of the fees, (~~or for an accounting, or both,~~  
36 and serve a copy thereof upon) and/or to compel the personal  
37 representative (~~or the personal representative's lawyer~~) to

1 close the estate under RCW 11.68.100, within thirty days  
2 after the date of the filing of the Declaration of Completion  
3 of Probate:

4 (i) The schedule of fees set forth in the Declaration of  
5 Completion of Probate will be deemed reasonable and the  
6 payment of those fees will be approved;

7 (ii) The Declaration of Completion of Probate will be  
8 final and deemed the equivalent of a Decree of Distribution  
9 entered under chapter 11.76 RCW;

10 (iii) The acts that the personal representative performed  
11 before the Declaration of Completion of Probate was filed  
12 will be deemed approved, and the personal representative will  
13 be automatically discharged without further order of the  
14 court with respect to all such acts; and

15 (iv) The personal representative will retain the power to  
16 deal with the taxing authorities, together with \$. . . . for  
17 the determination and payment of all remaining tax  
18 obligations. Only that portion of the reserve that remains  
19 after the settlement of any tax liability, and the payment of  
20 any expenses associated with such settlement, will be  
21 distributed to the persons legally entitled to the reserve.

22 ~~((2) If the requirements in subsection (1) of this section~~  
23 ~~are met, the personal representative is discharged from all~~  
24 ~~claims other than those relating to the settlement of any tax~~  
25 ~~obligations and the actual distribution of the reserve, at~~  
26 ~~the effective date of the declaration of completion.))~~

27 The personal representative ~~((is))~~ (and any bond ensuring the  
28 proper action of the personal representative) will be  
29 discharged from liability ~~((from))~~ for the settlement of any  
30 tax obligations and the distribution of the reserve, and the  
31 personal representative's powers will cease, thirty days  
32 after the personal representative has mailed to those persons  
33 who would have shared in the distribution of the reserve had  
34 the reserve remained intact and has filed with the court  
35 copies of checks or receipts showing how the reserve was in  
36 fact distributed, unless a person with an interest in the  
37 reserve petitions the court earlier within the thirty-day  
38 period for an order requiring an accounting of the reserve or  
39 an order determining the reasonableness, or lack of  
40 reasonableness, of distributions made from the reserve.

1 . . . . .

2 Personal Representative's Name

3 (2) If the requirements in subsection (1) of this section are met  
4 and if no party as defined in RCW 11.96A.030 entitled to notice under  
5 RCW 11.68.110 petitions the court under chapter 11.96A RCW to enforce  
6 the party's rights, to review the reasonableness of the fees, and/or  
7 to compel the personal representative to close the estate under RCW  
8 11.68.100, within 30 days from the date of filing a declaration of  
9 completion of probate, the personal representative is discharged from  
10 all liability other than liability relating to the settlement of any  
11 tax obligations and the actual distribution of the reserve, at the  
12 final date on which a beneficiary could petition the court under  
13 subsection (1) of this section, which date is referred to in this  
14 section as the "effective date of the declaration of completion." The  
15 personal representative is discharged from liability for the  
16 settlement of any tax obligations and the distribution of the  
17 reserve, the personal representative's powers cease, and the  
18 declaration of completion of probate will be final and deemed the  
19 equivalent of a decree of distribution entered under chapter 11.76  
20 RCW with respect to the distribution of the reserve, 30 days after  
21 the personal representative has mailed to those persons who would  
22 have shared in the distribution of the reserve had the reserve  
23 remained intact and has filed with the court copies of checks or  
24 receipts showing how the reserve was in fact distributed, unless a  
25 person with an interest in the reserve petitions the court earlier  
26 within the 30-day period for an order requiring an accounting of the  
27 reserve or an order determining the reasonableness, or lack of  
28 reasonableness, of distributions made from the reserve. If the  
29 personal representative has been required to furnish a bond, any bond  
30 furnished by the personal representative is automatically discharged  
31 upon the final discharge of the personal representative.

32 **Sec. 4017.** RCW 11.68.120 and 2010 c 8 s 2059 are each amended to  
33 read as follows:

34 A personal representative who has acquired nonintervention powers  
35 in accordance with this chapter may present a matter, as defined in  
36 RCW 11.96A.030, to the court for resolution or for instructions under  
37 chapter 11.96A RCW at any time. A personal representative shall not  
38 be deemed to have waived ((his or her)) the personal representative's

1 nonintervention powers by seeking or obtaining any order or decree  
2 during the course of (~~his or her~~) the administration of the estate.

3 **Sec. 4018.** RCW 11.96A.030 and 2015 c 115 s 1 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "Citation" or "cite" and other similar terms, when required  
8 of a person interested in the estate or trust or a party to a  
9 petition, means to give notice as required under RCW 11.96A.100.  
10 "Citation" or "cite" and other similar terms, when required of the  
11 court, means to order, as authorized under RCW 11.96A.020 and  
12 11.96A.060, and as authorized by law.

13 (2) "Matter" includes any issue, question, or dispute involving:

14 (a) The determination of any class of creditors, devisees,  
15 legatees, heirs, next of kin, or other persons interested in an  
16 estate, trust, nonprobate asset, or with respect to any other asset  
17 or property interest passing at death;

18 (b) The direction of a personal representative or trustee to do  
19 or to abstain from doing any act in a fiduciary capacity;

20 (c) The determination of any question arising in the  
21 administration of an estate or trust, or with respect to any  
22 nonprobate asset, or with respect to any other asset or property  
23 interest passing at death, that may include, without limitation,  
24 questions relating to: (i) The construction of wills, trusts,  
25 community property agreements, and other writings; (ii) a change of  
26 personal representative or trustee; (iii) a change of the situs of a  
27 trust; (iv) an accounting from a personal representative or trustee;  
28 (v) the determination of fees for a personal representative or  
29 trustee; or (vi) the powers and duties of a statutory trust  
30 (~~advisor~~) director or directed trustee of a directed trust under  
31 chapter (~~11.98A~~) 11.98B RCW;

32 (d) The grant to a personal representative or trustee of any  
33 necessary or desirable power not otherwise granted in the governing  
34 instrument or given by law;

35 (e) An action or proceeding under chapter 11.84 RCW;

36 (f) The amendment, reformation, or conformation of a will or a  
37 trust instrument to comply with statutes and regulations of the  
38 United States internal revenue service in order to achieve  
39 qualification for deductions, elections, and other tax requirements,

1 including the qualification of any gift thereunder for the benefit of  
2 a surviving spouse who is not a citizen of the United States for the  
3 estate tax marital deduction permitted by federal law, including the  
4 addition of mandatory governing instrument requirements for a  
5 qualified domestic trust under section 2056A of the internal revenue  
6 code, the qualification of any gift thereunder as a qualified  
7 conservation easement as permitted by federal law, or the  
8 qualification of any gift for the charitable estate tax deduction  
9 permitted by federal law, including the addition of mandatory  
10 governing instrument requirements for a charitable remainder trust;

11 (g) With respect to any nonprobate asset, or with respect to any  
12 other asset or property interest passing at death, including joint  
13 tenancy property, property subject to a community property agreement,  
14 or assets subject to a pay on death or transfer on death designation:

15 (i) The ascertaining of any class of creditors or others for  
16 purposes of chapter 11.18 or 11.42 RCW;

17 (ii) The ordering of a qualified person, the notice agent, or  
18 resident agent, as those terms are defined in chapter 11.42 RCW, or  
19 any combination of them, to do or abstain from doing any particular  
20 act with respect to a nonprobate asset;

21 (iii) The ordering of a custodian of any of the decedent's  
22 records relating to a nonprobate asset to do or abstain from doing  
23 any particular act with respect to those records;

24 (iv) The determination of any question arising in the  
25 administration under chapter 11.18 or 11.42 RCW of a nonprobate  
26 asset;

27 (v) The determination of any questions relating to the abatement,  
28 rights of creditors, or other matter relating to the administration,  
29 settlement, or final disposition of a nonprobate asset under this  
30 title;

31 (vi) The resolution of any matter referencing this chapter,  
32 including a determination of any questions relating to the ownership  
33 or distribution of an individual retirement account on the death of  
34 the spouse of the account holder as contemplated by RCW 6.15.020(6);

35 (vii) The resolution of any other matter that could affect the  
36 nonprobate asset; (~~and~~)

37 (h) With respect to any custodianship under a uniform transfers  
38 to minors act, the determination of any issues subject to court  
39 determination under chapter 11.114 RCW; and

1        (i) The reformation of a will or trust to correct a mistake under  
2 RCW 11.96A.125.

3        (3) "Nonprobate assets" has the meaning given in RCW 11.02.005.

4        (4) "Notice agent" has the meanings given in RCW 11.42.010.

5        (5) "Party" or "parties" means ~~((each of the following persons~~  
6 ~~who has an interest in the subject of the particular proceeding and~~  
7 ~~whose name and address are known to, or are reasonably ascertainable~~  
8 ~~by, the petitioner;~~

9        ~~(a) The trustor if living;~~

10       ~~(b) The trustee;~~

11       ~~(c) The personal representative;~~

12       ~~(d) An heir;~~

13       ~~(e) A beneficiary, including devisees, legatees, and trust~~  
14 ~~beneficiaries;~~

15       ~~(f) The surviving spouse or surviving domestic partner of a~~  
16 ~~decedent with respect to his or her interest in the decedent's~~  
17 ~~property;~~

18       ~~(g) A guardian ad litem;~~

19       ~~(h) A creditor;~~

20       ~~(i) Any other person who has an interest in the subject of the~~  
21 ~~particular proceeding;~~

22       ~~(j) The attorney general if required under RCW 11.110.120;~~

23       ~~(k) Any duly appointed and acting legal representative of a party~~  
24 ~~such as a guardian, special representative, or attorney-in-fact;~~

25       ~~(l) Where applicable, the virtual representative of any person~~  
26 ~~described in this subsection the giving of notice to whom would meet~~  
27 ~~notice requirements as provided in RCW 11.96A.120;~~

28       ~~(m) Any notice agent, resident agent, or a qualified person, as~~  
29 ~~those terms are defined in chapter 11.42 RCW;~~

30       ~~(n) The owner or the personal representative of the estate of the~~  
31 ~~deceased owner of the nonprobate asset that is the subject of the~~  
32 ~~particular proceeding, if the subject of the particular proceeding~~  
33 ~~relates to the beneficiary's liability to a decedent's estate or~~  
34 ~~creditors under RCW 11.18.200; and~~

35       ~~(o) A statutory trust advisor or directed trustee of a directed~~  
36 ~~trust under chapter 11.98A RCW)) any person who has a legal or~~  
37 ~~equitable interest in, or who holds a power or a claim with respect~~  
38 ~~to, the subject of a matter. Each of the terms "party" or "parties"~~  
39 ~~must be construed liberally in its context to fulfill the purposes of~~  
40 ~~the procedural rules contained in this chapter as supplemented by the~~

1 court rules and to promote justice, without creating new substantive  
2 rights that do not otherwise exist under the laws of this state or  
3 principles of equity, and may include without limitation the  
4 following:

5 (a) With respect to any property held subject to a revocable  
6 trust:

7 (i) Each trustee of the property subject to the trust; and

8 (ii) Each trustor who transferred the property;

9 (b) With respect to any property held subject to an irrevocable  
10 trust:

11 (i) Each trustee of the trust holding the property;

12 (ii) Each qualified beneficiary, as defined in RCW 11.98.002, of  
13 the property subject to the trust and any other beneficiary whose  
14 interest is protected under the constitutional principles of due  
15 process; and

16 (iii) Each holder of a power relating to the property;

17 (c) With respect to any testate property:

18 (i) Each personal representative appointed to execute the will  
19 governing that property;

20 (ii) Each devisee or legatee of that testate property;

21 (iii) Each holder of a power relating to the testate property  
22 following the testator's death; and

23 (iv) Each creditor whose claim has been established by allowance  
24 or judgment;

25 (d) With respect to any intestate property:

26 (i) Each personal representative appointed to administer that  
27 property;

28 (ii) Each heir of the decedent who owned that property;

29 (iii) Each holder of a power relating to the intestate property  
30 following the owner's death; and

31 (iv) Each creditor whose claim has been established by allowance  
32 or judgment;

33 (e) With respect to any nonprobate asset, or with respect to any  
34 other asset or property interest passing at death, including joint  
35 tenancy property, property subject to a community property agreement,  
36 or assets subject to a pay on death or transfer on death designation:

37 (i) Each custodian of the property;

38 (ii) Each transferee and beneficiary of the property; and

39 (iii) Each qualified person, the notice agent, or resident agent,  
40 as those terms are defined in chapter 11.42 RCW;

1 (f) With respect to any custodial property subject to a uniform  
2 transfers to minors act:

3 (i) Each custodian of the custodial property;

4 (ii) The minor, as defined in RCW 11.114.010, for whose benefit  
5 the custodian holds the custodial property; and

6 (iii) Each other person who holds a power under chapter 11.114  
7 RCW to act on behalf of the minor;

8 (g) With respect to any community property, each spouse;

9 (h) With respect to a matter relating to the powers and duties of  
10 a trust director or a directed trustee, or both:

11 (i) Each trust director with an interest in the matter;

12 (ii) Each directed trustee;

13 (iii) Each beneficiary, holder of a power, or other person whose  
14 interest or power is affected by the matter and is protected under  
15 the constitutional principles of due process;

16 (i) Each creditor whose claim has been allowed but has not been  
17 paid;

18 (j) The attorney general to the extent that the attorney general  
19 is a necessary and proper party under RCW 11.110.120 and  
20 corresponding common law;

21 (k) Each person who claims a legal right, title, or interest in  
22 property being subjected to probate or trust administration,  
23 nonprobate assets, other property passing at death, or custodial  
24 property, including without limitation the resolution of rights and  
25 duties under RCW 11.18.200 and questions relating to legal ownership  
26 or abatement; and

27 (l) When necessary, a party's representative or representatives,  
28 which may include without limitation guardians; custodians; guardians  
29 ad litem; special representatives; virtual representatives; attorneys  
30 in fact; fiduciaries; and notice agents, resident agents, and  
31 qualified persons, as those terms are defined in chapter 11.42 RCW.

32 (6) "Persons interested in the estate (~~or trust~~" means the  
33 trustor, if living, all persons beneficially interested in the estate  
34 or trust, persons holding powers over the trust or estate assets, the  
35 attorney general in the case of any charitable trust where the  
36 attorney general would be a necessary party to judicial proceedings  
37 concerning the trust, and any personal representative or trustee of  
38 the estate or trust)), trust, nonprobate asset, other property  
39 passing at death, or custodial property" means all persons legally or  
40 beneficially interested in the estate, trust, nonprobate asset, other

1 property passing at death, or custodial property; all persons holding  
2 powers with respect to the trust, estate, nonprobate asset, other  
3 property passing at death, or custodial property; the attorney  
4 general in the case of any charitable trust where the attorney  
5 general would be a necessary party to judicial proceedings concerning  
6 the trust; all fiduciaries of the estate, trust, nonprobate asset, or  
7 other property passing at death; and all custodians of custodial  
8 property.

9 (7) (~~"Representative" and other similar terms refer to a person~~  
10 ~~who virtually represents another under RCW 11.96A.120.~~

11 ~~(8))~~ "Trustee" means any acting and qualified trustee of the  
12 trust.

13 (8) "Virtual representative" and other similar terms refer to a  
14 person who virtually represents another under RCW 11.96A.120 or other  
15 applicable law.

16 **Sec. 4019.** RCW 11.96A.110 and 2011 c 327 s 8 are each amended to  
17 read as follows:

18 (1) Subject to RCW 11.96A.160, in all judicial proceedings under  
19 this title that require notice, the notice must be personally served  
20 on or mailed to all parties or the parties' legal or virtual  
21 representatives and to any other persons to whom notice may be  
22 required under applicable law at least twenty days before the hearing  
23 on the petition unless a different period is provided by statute or  
24 ordered by the court. The date of service shall be determined under  
25 the rules of civil procedure. Notwithstanding the foregoing, notice  
26 that is provided in an electronic transmission and electronically  
27 transmitted complies with this section if the party receiving notice  
28 has previously consented in a record delivered to the party giving  
29 notice to receiving notice by electronic transmission. Consent to  
30 receive notice by electronic transmission may be revoked at any time  
31 by a record delivered to the party giving notice. Consent is deemed  
32 revoked if the party giving notice is unable to electronically  
33 transmit two consecutive notices given in accordance with the  
34 consent.

35 (2) Proof of the service, mailing, or electronic delivery  
36 required in this section must be made by affidavit or declaration  
37 filed at or before the hearing.

1 (3) For the purposes of this title, the terms "electronic  
2 transmission" and "electronically transmitted" have the same meaning  
3 as set forth in RCW 23B.01.400.

4 **Sec. 4020.** RCW 11.96A.220 and 1999 c 42 s 402 are each amended  
5 to read as follows:

6 RCW 11.96A.210 through 11.96A.250 shall be applicable to the  
7 resolution of any matter, as defined by RCW 11.96A.030, other than  
8 matters subject to chapter 11.88 or 11.92 RCW, or a trust for a minor  
9 or other incapacitated person created at its inception by the  
10 judgment or decree of a court unless the judgment or decree provides  
11 that RCW 11.96A.210 through 11.96A.250 shall be applicable. If all  
12 parties agree to a resolution of any such matter, then the agreement  
13 shall be evidenced by a written agreement signed by all parties.  
14 Subject to the provisions of RCW 11.96A.240, the written agreement  
15 shall be binding and conclusive on all persons interested in the  
16 estate (~~(or)~~), trust, nonprobate asset, other property passing at  
17 death, or custodial property. The agreement shall identify the  
18 subject matter of the dispute and the parties. If the agreement or a  
19 memorandum of the agreement is to be filed with the court under RCW  
20 11.96A.230, the agreement may, but need not, include provisions  
21 specifically addressing jurisdiction, governing law, the waiver of  
22 notice of the filing as provided in RCW 11.96A.230, and the discharge  
23 of any special representative who has acted with respect to the  
24 agreement.

25 If a party who virtually represents another under RCW 11.96A.120  
26 signs the agreement, then the party's signature constitutes the  
27 signature of all persons whom the party virtually represents, and all  
28 the virtually represented persons shall be bound by the agreement.

**Section 4021 not effective until Jan. 1, 2022 - see note at top of bill**

29 **Sec. 4021.** RCW 11.96A.220 and 2020 c 312 s 718 are each amended  
30 to read as follows:

31 RCW 11.96A.210 through 11.96A.250 shall be applicable to the  
32 resolution of any matter, as defined by RCW 11.96A.030, other than  
33 matters subject to chapter 11.130 RCW, or a trust for a minor or  
34 other incapacitated person created at its inception by the judgment  
35 or decree of a court unless the judgment or decree provides that RCW  
36 11.96A.210 through 11.96A.250 shall be applicable. If all parties  
37 agree to a resolution of any such matter, then the agreement shall be  
38 evidenced by a written agreement signed by all parties. Subject to

1 the provisions of RCW 11.96A.240, the written agreement shall be  
2 binding and conclusive on all persons interested in the estate  
3 (~~(or)~~), trust, nonprobate asset, other property passing at death, or  
4 custodial property. The agreement shall identify the subject matter  
5 of the dispute and the parties. If the agreement or a memorandum of  
6 the agreement is to be filed with the court under RCW 11.96A.230, the  
7 agreement may, but need not, include provisions specifically  
8 addressing jurisdiction, governing law, the waiver of notice of the  
9 filing as provided in RCW 11.96A.230, and the discharge of any  
10 special representative who has acted with respect to the agreement.

11 If a party who virtually represents another under RCW 11.96A.120  
12 signs the agreement, then the party's signature constitutes the  
13 signature of all persons whom the party virtually represents, and all  
14 the virtually represented persons shall be bound by the agreement.

15 **Sec. 4022.** RCW 11.96A.230 and 2001 c 14 s 2 are each amended to  
16 read as follows:

17 (1) Any party, or a party's legal representative, may file the  
18 written agreement or a memorandum summarizing the written agreement  
19 with the court having jurisdiction over the estate or trust. The  
20 agreement or a memorandum of its terms may be filed within thirty  
21 days of the agreement's execution by all parties only with the  
22 written consent of the special representative. The agreement or a  
23 memorandum of its terms may be filed after a special representative  
24 has commenced a proceeding under RCW 11.96A.240 only after the court  
25 has determined that the special representative has adequately  
26 represented and protected the parties represented. Failure to  
27 complete any action authorized or required under this subsection does  
28 not cause the written agreement to be ineffective and the agreement  
29 is nonetheless binding and conclusive on all persons interested in  
30 the estate or trust.

31 (2) On filing the agreement or memorandum, the agreement will be  
32 deemed approved by the court and is equivalent to a final court order  
33 binding on all persons interested in the estate (~~(or)~~), trust,  
34 nonprobate asset, other property passing at death, or custodial  
35 property.

36 **Sec. 4023.** RCW 11.98.900 and 1985 c 30 s 60 are each amended to  
37 read as follows:

1       (1) The provisions of RCW 11.98.130 through 11.98.160 are  
2 applicable to any instrument purporting to create a trust regardless  
3 of the date such instrument bears, unless it has been previously  
4 adjudicated in the courts of this state.

5       (2) To the extent that this chapter is in conflict with RCW  
6 11.68.090, RCW 11.68.090 prevails.

7       **Sec. 4024.** RCW 11.100.050 and 1985 c 30 s 72 are each amended to  
8 read as follows:

9       (1) The provisions of this chapter govern fiduciaries acting  
10 under wills, agreements, court orders, and other instruments  
11 effective before or after January 1, 1985.

12       (2) To the extent that this chapter is in conflict with RCW  
13 11.68.090, RCW 11.68.090 prevails.

14       **Sec. 4025.** RCW 11.104A.900 and 2002 c 345 s 602 are each amended  
15 to read as follows:

16       (1) In applying and construing chapter 345, Laws of 2002,  
17 consideration must be given to the need to promote uniformity of the  
18 law with respect to its subject matter among states that enact  
19 similar laws.

20       (2) To the extent that this chapter is in conflict with RCW  
21 11.68.090, RCW 11.68.090 prevails.

22       **Sec. 4026.** RCW 11.114.020 and 2006 c 204 s 2 are each amended to  
23 read as follows:

24       (1) This chapter applies to a transfer that refers to this  
25 chapter in the designation under RCW 11.114.090(1) by which the  
26 transfer is made if at the time of the transfer, the transferor, the  
27 minor, or the custodian is a resident of this state or the custodial  
28 property is located in this state. The custodianship so created  
29 remains subject to this chapter despite a subsequent change in  
30 residence of a transferor, the minor, or the custodian, or the  
31 removal of custodial property from this state.

32       (2) A person designated as custodian under this chapter is  
33 subject to personal jurisdiction in this state with respect to any  
34 matter relating to the custodianship.

35       (3) A transfer that purports to be made and which is valid under  
36 the uniform transfers to minors act, the uniform gifts to minors act,  
37 or a substantially similar act of another state is governed by the

1 law of the designated state and may be executed and is enforceable in  
2 this state if at the time of the transfer, the transferor, the minor,  
3 or the custodian is a resident of the designated state or the  
4 custodial property is located in the designated state.

5 (4) A matter, whether at law or in equity, involving an account  
6 established under this chapter (~~subject to court determination is~~  
7 ~~governed by the procedures provided in RCW 11.96A.080 through~~  
8 ~~11.96A.200. However, no guardian ad litem is required for the minor,~~  
9 ~~except under RCW 11.114.190(1), in the case of a petition by an~~  
10 ~~unrepresented minor under the age of eighteen years)) shall be  
11 addressed, resolved, and settled under the procedures provided under  
12 chapter 11.96A RCW.~~

13 NEW SECTION. Sec. 4027. (1) Sections 4003 through 4017, 4023,  
14 and 4024 of this act apply to all probate estates, regardless of  
15 whether the probate action commenced before or after the effective  
16 date of this section.

17 (2) Section 4026 of this act applies to all accounts established  
18 under chapter 11.114 RCW, regardless of whether the account was  
19 established before or after the effective date of this section.

20 NEW SECTION. Sec. 4028. Section 4020 of this act expires  
21 January 1, 2022.

22 NEW SECTION. Sec. 4029. Section 4021 of this act takes effect  
23 January 1, 2022.

Passed by the Senate February 10, 2021.  
Passed by the House April 8, 2021.  
Approved by the Governor April 26, 2021.  
Filed in Office of Secretary of State April 26, 2021.

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