

SENATE BILL REPORT

HB 1060

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 13, 1991

**Brief Description:** Requiring the notice to the creditors of a deceased person to be filed with the clerk of the court.

**SPONSORS:** Representatives Ludwig, Padden, R. Meyers, Orr, Winsley and Sheldon.

HOUSE JUDICIARY COMMITTEE

SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Susan Carlson (786-7418)

**Hearing Dates:** March 13, 1991

**BACKGROUND:**

In 1989 the state probate code was amended to require that personal representatives provide actual notice to creditors of how to file a claim against the estate, instead of relying on notice by publication. In the amendment process, language requiring that creditors file their claims with the court was omitted. It is suggested that this omission was unintentional since other provisions of the probate code implicitly require filing with the court. The ambiguity has raised significant questions about the proper filing of a creditor's claim which has resulted in litigation.

**SUMMARY:**

Creditors of an estate must file their claims with the court. An emergency clause makes this provision take effect immediately upon enactment.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**TESTIMONY FOR:**

The bill would correct an ambiguity that has resulted in litigation.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Doug Lawrence, Washington State Bar Association Real Property, Probate and Trust Section (pro)