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HOUSE BILL 1410

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Morton and Appelwick

Read first time 01/27/93. Referred to Committee on Judiciary.

1            AN ACT Relating to descent and distribution; and amending RCW  
2 11.04.015.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 11.04.015 and 1974 ex.s. c 117 s 6 are each amended to  
5 read as follows:

6            The net estate of a person dying intestate, or that portion thereof  
7 with respect to which the person shall have died intestate, shall  
8 descend subject to the provisions of RCW 11.04.250 and RCW 11.02.070,  
9 and shall be distributed as follows:

10           (1) Share of surviving spouse. The surviving spouse shall receive  
11 the following share:

12           (a) All of the decedent's share of the net community estate; and

13           (b) One-half of the net separate estate if the intestate is  
14 survived by issue; or

15           (c) Three-quarters of the net separate estate if there is no  
16 surviving issue, but the intestate is survived by one or more of his  
17 parents, or by one or more of the issue of one or more of his parents;

18 or

1 (d) All of the net separate estate, if there is no surviving issue  
2 nor parent nor issue of parent.

3 (2) The surviving spouse shall receive none of the decedent's share  
4 of the net community estate and none of the decedent's separate estate  
5 when the decedent has previously petitioned for a legal separation, a  
6 dissolution of marriage, or a declaration of invalidity and the  
7 petition for separation, dissolution, or invalidity is still pending.  
8 The decedent's share of the net community estate and the decedent's  
9 separate estate shall be distributed as set out under subsection (3) of  
10 this section.

11 (3) Shares of others than surviving spouse. The share of the net  
12 estate not distributable to the surviving spouse, or the entire net  
13 estate if there is no surviving spouse, shall descend and be  
14 distributed as follows:

15 (a) To the issue of the intestate; if they are all in the same  
16 degree of kinship to the intestate, they shall take equally, or if of  
17 unequal degree, then those of more remote degree shall take by  
18 representation.

19 (b) If the intestate not be survived by issue, then to the parent  
20 or parents who survive the intestate.

21 (c) If the intestate not be survived by issue or by either parent,  
22 then to those issue of the parent or parents who survive the intestate;  
23 if they are all in the same degree of kinship to the intestate, they  
24 shall take equally, or, if of unequal degree, then those of more remote  
25 degree shall take by representation.

26 (d) If the intestate not be survived by issue or by either parent,  
27 or by any issue of the parent or parents who survive the intestate,  
28 then to the grandparent or grandparents who survive the intestate; if  
29 both maternal and paternal grandparents survive the intestate, the  
30 maternal grandparent or grandparents shall take one-half and the  
31 paternal grandparent or grandparents shall take one-half.

32 (e) If the intestate not be survived by issue or by either parent,  
33 or by any issue of the parent or parents or by any grandparent or  
34 grandparents, then to those issue of any grandparent or grandparents  
35 who survive the intestate; taken as a group, the issue of the maternal  
36 grandparent or grandparents shall share equally with the issue of the  
37 paternal grandparent or grandparents, also taken as a group; within  
38 each such group, all members share equally if they are all in the same

1 degree of kinship to the intestate, or, if some be of unequal degree,  
2 then those of more remote degree shall take by representation.

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