
SENATE BILL 6138

State of Washington

56th Legislature

2000 Regular Session

By Senators Johnson, Heavey and Gardner

Read first time 01/10/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to disclaimers of interests; and amending RCW
2 11.86.051.

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

4 **Sec. 1.** RCW 11.86.051 and 1989 c 34 s 5 are each amended to read
5 as follows:

6 (1) A beneficiary may not disclaim an interest if:

7 ~~((1))~~ (a) The beneficiary has accepted the interest or a benefit
8 thereunder;

9 ~~((2))~~ (b) The beneficiary has assigned, conveyed, encumbered,
10 pledged, or otherwise transferred the interest, or has contracted
11 therefor;

12 ~~((3))~~ (c) The interest has been sold or otherwise disposed of
13 pursuant to judicial process; or

14 ~~((4))~~ (d) The beneficiary has waived the right to disclaim in
15 writing. The written waiver of the right to disclaim also is binding
16 upon all persons claiming through or under the beneficiary.

17 (2) Notwithstanding the provisions of subsection (1)(a) through (c)
18 of this section, a beneficiary's receipt of a benefit from property
19 shall not necessarily bar such beneficiary's disclaimer of an interest

1 in the same property when, prior to the date of the transfer of the
2 interest to be disclaimed, the beneficiary already owned an interest in
3 such property in joint tenancy, as community property, or otherwise.
4 Any such receipt, in the absence of clear and convincing evidence to
5 the contrary, shall be presumed to be an enjoyment or use of the
6 interest the beneficiary already owned, and only after such interest
7 and any benefit from such interest have been exhausted, shall the
8 beneficiary be deemed to have received or accepted any part of the
9 interest to be disclaimed.

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