

HOUSE BILL REPORT

SB 6417

As Passed House:

March 6, 2002

Title: An act relating to the filing of wills in superior court.

Brief Description: Regarding the filing of wills in superior court.

Sponsors: By Senator Johnson.

Brief History:

Committee Activity:

Judiciary: 2/28/02 [DP].

Floor Activity:

Passed House: 3/6/02, 93-0.

Brief Summary of Bill

- Clarifies that wills filed with the court clerk are noted for the record.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Hurst, Vice Chair; Carrell, Ranking Minority Member; Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Staff: Trudes Hutcheson (786-7384).

Background:

Any person having custody or control over a person's will must file the will with the court or deliver the will to the person named as executor, within 30 days of receiving notice that the testator has died. Filing the will with the court is generally the first step in probate.

County clerks act as administrative and financial officers for the superior courts of the counties. They are required to keep certain records, such as judgments and other court orders. Current law states that all wills shall be recorded by the clerk after filing.

Summary of Bill:

The statute is amended to clarify that the clerk notes a filed will in the record as part of the clerk's requirement to keep various records for the county.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: When a will is filed, the county clerk should open a case file and assign a case number to it. The clerks need clarification of this statute on what to do when wills are filed in the courts.

Testimony Against: None.

Testified: Betty Gould, Washington State Association of County Clerks.