

# SENATE BILL REPORT

## SB 6417

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As Passed Senate, February 12, 2002

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

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

**Sponsors:** Senator Johnson.

**Brief History:**

**Committee Activity:** Judiciary: 1/21/02, 1/28/02 [DP].

Passed Senate: 2/12/02, 48-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, Poulsen, Thibaudeau and Zarelli.

**Staff:** Lidia Mori (786-7755)

**Background:** There is concern that the wording of current law pertaining to the recording of wills leads people to believe the clerk of the superior court will accept wills of persons for "safe-keeping." This practice was common early in the 20th century.

Any person having custody or control of a will is required, within 30 days of receiving knowledge of the death of the testator, to deliver the will to the court having jurisdiction or to the person named in the will as executor. Wills are filed after a filing fee of \$20 is paid and then it is assigned a case number.

**Summary of Bill:** Wills filed with the clerk of the superior court are noted by the clerk in a record of wills. A court order is required before they can be withdrawn from the record.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Many people want the court clerk to keep their wills for them. Wills that are filed are assigned a case number which, when it is appropriate, can be converted so the will can go through probate.

**Testimony Against:** None.

**Testified:** Betty Gould, WA State Assn. of County Clerks (pro); Ken Kunes, WA State Assn. of County Clerks (pro).