Chapter 11.48 RCW
PERSONAL REPRESENTATIVES—GENERAL PROVISIONS—ACTIONS BY AND AGAINST

Sections

11.48.010 General powers and duties.
11.48.020 Right to possession and management of estate—Prohibition on acquiring estate assets or proceeds.
11.48.025 Continuation of decedent's business.
11.48.030 Chargeable with whole estate.
11.48.040 Not chargeable on special promise to pay decedent's debts unless in writing.
11.48.050 Allowance of necessary expenses.
11.48.060 May recover for embezzled or alienated property of decedent.
11.48.070 Concealed or embezzled property—Proceedings for discovery.
11.48.080 Uncollectible debts—Liability—Purchase of claims by personal representative.
11.48.090 Actions for recovery of property and on contract.
11.48.120 Action on bond of previous personal representative.
11.48.130 Compromise of claims.
11.48.140 Recovery of decedent's fraudulent conveyances.
11.48.150 Several personal representatives considered as one.
11.48.160 Default judgment not evidence of assets—Exception.
11.48.180 Liability of executor de son tort.
11.48.190 Executor of executor may not sue for estate of first testator.
11.48.200 Arrest and attachment, when, authorized.
11.48.210 Compensation—Attorney's fees.

Rules of court: *Executors*
compromises and settlements: SPR 98.08W, 98.10W.
fees, application for, notice: SPR 98.12W.

Costs against fiduciaries: RCW 4.84.150.

District judge without jurisdiction as to actions against personal representative: RCW 3.66.030.

Ejectment and quieting title: Chapter 7.28 RCW.

Evidence, transaction with person since deceased: RCW 5.60.030.

Execution of writ—Levy: RCW 6.17.130.

Execution on judgments in name of personal representative: RCW 6.17.030.

Executor, administrator, subject to garnishment: RCW 6.27.050.

Fiduciary may sue in own name: ***Rules of court:*** *CR 17.*

Frauds, statute of, agreement of personal representative to answer damages from own estate: RCW 19.36.010.

Investment in certain federal securities authorized: Chapter 39.60 RCW.

Judgment against executor, administrator, effect: RCW 4.56.050.

Larceny: RCW 9A.56.100.

Limitation of actions
against executor, administrator for misconduct: RCW 4.16.110.
generally: Chapter 4.16 RCW.
recovery of realty sold by personal representative: RCW 4.16.070.
statutes tolled by death, personal disability, reversal of judgment: RCW 4.16.190, 4.16.200, 4.16.240.

Real estate broker's license requirement, exemption: RCW 18.85.151.

Replacement of lost or destroyed probate records: RCW 5.48.060.

Setoff, by and against executors, administrators: RCW 4.32.130, 4.32.140, 4.56.050.

Survival of actions: Chapter 4.20 RCW.

"Taxable person," personal representative defined as: RCW 82.04.030.

Unknown heirs, pleading, lis pendens, etc: RCW 4.28.140 through 4.28.160; ***Rules of court:*** *CR 10.*

Witnesses, competency in actions involving representatives or fiduciaries: RCW 5.60.030.

RCW 11.48.010 General powers and duties. It shall be the duty of every personal representative to settle the estate, including the administration of any nonprobate assets within control of the personal representative under RCW 11.18.200, in his or her hands as rapidly and as quickly as possible, without sacrifice to the probate or nonprobate estate. The personal representative shall collect all debts due the deceased and pay all debts as hereinafter provided. The personal representative shall be authorized in his or her own name to maintain and prosecute such actions as pertain to the management and settlement of the estate, and may institute suit to collect any debts due the estate or to recover any property, real or personal, or for trespass of any kind or character. [1994 c 221 s 30; 1965 c 145 s 11.48.010. Prior: 1917 c 156 s 147; RRS s 1517; prior: Code 1881 s 1528; 1854 p 291 s 141.]

Effective dates—1994 c 221: See note following RCW 11.100.035.

RCW 11.48.020 Right to possession and management of estate—Prohibition on acquiring estate assets or proceeds. (1) Every personal representative shall, after having qualified or been appointed, by giving bond as hereinbefore provided, have a right to

the immediate possession of all the real as well as personal estate of the deceased, and may receive the rents and profits of the real estate until the estate shall be settled or delivered over, by order of the court, to the heirs or devisees, and shall keep in tenantable repair all houses, buildings and fixtures thereon, which are under his or her control.

(2) Unless approved by the court, a personal representative appointed under RCW 11.28.120(3) may not: (a) Purchase or acquire for his or her own account or personal interest any estate asset; or (b) receive for his or her own account or personal interest any proceeds from the sale of an estate asset. Such personal representative requesting approval to purchase or acquire such asset or receive such proceeds shall petition the court and provide 14 days' notice of the hearing to the heirs, legatees, devisees, beneficiaries, and transferees of the estate. The petition shall be denied unless the personal representative establishes clearly and convincingly that the requested purchase, acquisition, or receipt is consistent with the personal representative's duty of loyalty and all applicable laws, and would not be voidable by any heir, legatee, devisee, beneficiary, or transferee of the estate. Such personal representative who violates or attempts to violate (a) or (b) of this subsection may be sanctioned by the court up to three times the value of the relevant asset or proceeds, in addition to any other sanction or remedy. [2026 c 204 s 6; 2010 c 8 s 2030; 1965 c 145 s 11.48.020. Prior: 1917 c 156 s 94; RRS s 1464; prior: Code 1881 s 1444; 1860 p 189 s 132; 1854 p 278 s 65.]

When title vests: RCW 11.04.250.

RCW 11.48.025 Continuation of decedent's business. Upon a showing of advantage to the estate the court may authorize a personal representative to continue any business of the decedent, other than the business of a partnership of which the decedent was a member: PROVIDED, That if decedent left a nonintervention will or a will specifically authorizing a personal representative to continue any business of decedent, and his or her estate is solvent, or a will providing that the personal representative liquidate any business of decedent, this section shall not apply.

The order shall specify:

(1) The extent of the authority of the personal representative to incur liabilities;

(2) The period of time during which he or she may operate the business;

(3) Any additional provisions or restrictions which the court may, at its discretion, include.

Any interested person may for good cause require the personal representative to show cause why the authority granted him or her should not be limited or terminated. The order to show cause shall set forth the manner of service thereof and the time and place of hearing thereon. [2010 c 8 s 2031; 1965 c 145 s 11.48.025. Prior: 1955 c 98 s 1.]

Request for special notice of proceedings in probate—Prohibitions: RCW 11.28.240.

RCW 11.48.030 Chargeable with whole estate. Every personal representative shall be chargeable in his or her accounts with the whole estate of the deceased which may come into his or her possession. He or she shall not be responsible for loss or decrease or destruction of any of the property or effects of the estate, without his or her fault. [2010 c 8 s 2032; 1965 c 145 s 11.48.030. Prior: 1917 c 156 s 155; RRS s 1525; prior: Code 1881 s 1538; 1860 p 210 s 241; 1854 p 295 s 161.]

RCW 11.48.040 Not chargeable on special promise to pay decedent's debts unless in writing. No personal representative shall be chargeable upon any special promise to answer damages, or to pay the debts of the testator or intestate out of his or her own estate, unless the agreement for that purpose, or some memorandum or note thereof, is in writing and signed by such personal representative, or by some other person by him or her thereunto specially authorized. [2010 c 8 s 2033; 1965 c 145 s 11.48.040. Prior: 1917 c 156 s 154; RRS s 1524; prior: Code 1881 s 1537; 1854 p 295 s 160.]

Agreement to answer damages from own estate must be in writing: RCW 19.36.010.

RCW 11.48.050 Allowance of necessary expenses. He or she shall be allowed all necessary expenses in the care, management, and settlement of the estate. [2010 c 8 s 2034; 1965 c 145 s 11.48.050. Prior: 1917 c 156 s 156; RRS s 1526; prior: Code 1881 s 1541; 1854 p 295 s 164.]

Rules of court: *SPR 98.12W.*

Attorney's fee to contestant of erroneous account or report: RCW 11.76.070.

Broker's fee and closing expenses—Sale, mortgage or lease: RCW 11.56.265.

Compensation—Attorney's fee: RCW 11.48.210.

Monument, expense of: RCW 11.76.130.

Order of payment of debts: RCW 11.76.110.

Will contests, costs: RCW 11.24.050.

RCW 11.48.060 May recover for embezzled or alienated property of decedent. If any person, before the granting of letters testamentary or of administration, shall embezzle or alienate any of the moneys, goods, chattels, or effects of any deceased person, he or she shall stand chargeable, and be liable to the personal representative of the estate, in the value of the property so embezzled or alienated, together with any damage occasioned thereby, to be recovered for the benefit of the estate. [2010 c 8 s 2035; 1965 c 145 s 11.48.060.

Prior: 1917 c 156 s 101; RRS s 1471; prior: Code 1881 s 1455; 1854 p 278 s 67.]

Larceny: RCW 9A.56.100.

RCW 11.48.070 Concealed or embezzled property—Proceedings for discovery. The court shall have authority to bring before it any person or persons suspected of having in his or her possession or having concealed, embezzled, conveyed, or disposed of any of the property of the estate of decedents or incompetents subject to administration under this title, or who has in his or her possession or within his or her knowledge any conveyances, bonds, contracts, or other writings which contain evidence of or may tend to establish the right, title, interest, or claim of the deceased in and to any property. If such person be not in the county in which the letters were granted, he or she may be cited and examined either before the court of the county where found or before the court issuing the order of citation, and if he or she be found innocent of the charges he or she shall be entitled to recover costs of the estate, which costs shall be fees and mileage of witnesses, statutory attorney's fees, and such per diem and mileage for the person so charged as allowed to witnesses in civil proceedings. Such party may be brought before the court by means of citation such as the court may choose to issue, and if he or she refuses to answer such interrogatories as may be put to him or her touching such matters, the court may commit him or her to the county jail, there to remain until he or she shall be willing to make such answers. [2010 c 8 s 2036; 1965 c 145 s 11.48.070. Prior: 1917 c 156 s 102; RRS s 1472; prior: 1891 p 385 ss 22, 23; Code 1881 ss 1456, 1457; 1854 p 278 ss 68, 69.]

Larceny: RCW 9A.56.100.

RCW 11.48.080 Uncollectible debts—Liability—Purchase of claims by personal representative. No personal representative shall be accountable for any debts due the estate, if it shall appear that they remain uncollected without his or her fault. No personal representative shall purchase any claim against the estate he or she represents, but the personal representative may make application to the court for permission to purchase certain claims, and if it appears to the court to be for the benefit of the estate that such purchase shall be made, the court may make an order allowing such claims and directing that the same may be purchased by the personal representative under such terms as the court shall order, and such claims shall thereafter be paid as are other claims, but the personal representative shall not profit thereby. [2010 c 8 s 2037; 1965 c 145 s 11.48.080. Prior: 1917 c 156 s 157; RRS s 1527; prior: Code 1881 s 1540; 1854 p 295 s 163.]

Request for special notice of proceedings in probate—Prohibitions: RCW 11.28.240.

RCW 11.48.090 Actions for recovery of property and on contract. Actions for the recovery of any property or for the possession

thereof, and all actions founded upon contracts, may be maintained by and against personal representatives in all cases in which the same might have been maintained by and against their respective testators or intestates. [1965 c 145 s 11.48.090. Prior: 1917 c 156 s 148; RRS s 1518; prior: Code 1881 s 1529; 1860 p 206 s 222; 1854 p 291 s 142.]

Performance of decedent's contracts: Chapter 11.60 RCW.

Survival of actions: Chapter 4.20 RCW.

RCW 11.48.120 Action on bond of previous personal representative. Any personal representative may in his or her own name, for the benefit of all persons interested in the estate, as defined in RCW 11.96A.030(6) relative to a decedent's estate, maintain actions on the bond of a former personal representative of the same estate. [2021 c 140 s 4002; 2010 c 8 s 2038; 1965 c 145 s 11.48.120. Prior: 1917 c 156 s 151; RRS s 1521; prior: Code 1881 s 1532; 1854 p 291 s 145.]

RCW 11.48.130 Compromise of claims. The court may authorize the personal representative, without the necessary nonintervention powers, to compromise and compound any claim owing the estate. Unless the court has restricted the power to compromise or compound claims owing to the estate and except as provided in RCW 11.68.090, a personal representative with nonintervention powers may compromise and compound a claim owing the estate without the intervention of the court. [2021 c 140 s 4003; 1997 c 252 s 58; 1965 c 145 s 11.48.130. Prior: 1917 c 156 s 152; RRS s 1522; prior: Code 1881 s 1533; 1854 p 291 s 146.]

Rules of court: *SPR 98.08W.*

Application—2021 c 140 ss 4003-4017, 4023, 4024, and 4026: "(1) Sections 4003 through 4017, 4023, and 4024 of this act apply to all probate estates, regardless of whether the probate action commenced before or after July 25, 2021.

(2) Section 4026 of this act applies to all accounts established under chapter 11.114 RCW, regardless of whether the account was established before or after July 25, 2021." [2021 c 140 s 4027.]

Application—1997 c 252 ss 1-73: See note following RCW 11.02.005.

RCW 11.48.140 Recovery of decedent's fraudulent conveyances. When there shall be a deficiency of assets in the hands of a personal representative, and when the deceased shall in his or her lifetime have conveyed any real estate, or any rights, or interest therein, with intent to defraud his or her creditors or to avoid any right, duty, or debt of any person, or shall have so conveyed such estate, which deeds or conveyances by law are void as against creditors, the personal representative may, and it shall be his or her duty to, commence and prosecute to final judgment any proper action for the recovery of the same, and may recover for the benefit of the creditors all such real estate so fraudulently conveyed, and may also, for the

benefit of the creditors, sue and recover all goods, chattels, rights, and credits which may have been so fraudulently conveyed by the deceased in his or her lifetime, whatever may have been the manner of such fraudulent conveyance. [2010 c 8 s 2039; 1965 c 145 s 11.48.140. Prior: 1917 c 156 s 153; prior: Code 1881 s 1534; 1854 p 291 s 147.]

RCW 11.48.150 Several personal representatives considered as one. In an action against several personal representatives, they shall all be considered as one person representing their testator or intestate, and judgment may be given and execution issued against all of them who are defendants in the action. [1965 c 145 s 11.48.150. Prior: Code 1881 s 719; 1877 p 146 s 723; 1869 p 165 s 660; RRS s 968.]

RCW 11.48.160 Default judgment not evidence of assets—Exception. When a judgment is given against a personal representative for want of answer, such judgment is not to be deemed evidence of assets in his or her hands, unless it appear that the complaint alleged assets and that the notice was served upon him or her. [2010 c 8 s 2040; 1965 c 145 s 11.48.160. Prior: Code 1881 s 720; 1877 p 146 s 724; 1869 p 166 s 661; RRS s 969.]

RCW 11.48.180 Liability of executor de son tort. No person is liable to an action as executor of his or her own wrong for having taken, received, or interfered with the property of a deceased person, but is responsible to the personal representatives of such deceased person for the value of all property so taken or received, and for all injury caused by his or her interference with the estate of the deceased. [2010 c 8 s 2041; 1965 c 145 s 11.48.180. Prior: Code 1881 s 722; 1877 p 146 s 726; 1869 p 166 s 663; RRS s 971.]

RCW 11.48.190 Executor of executor may not sue for estate of first testator. An executor of an executor has no authority as such to commence or maintain an action or proceeding relating to the estate of the testator of the first executor, or to take any charge or control thereof. [1965 c 145 s 11.48.190. Prior: Code 1881 s 723; 1877 p 147 s 727; 1869 p 166 s 664; RRS s 972.]

Administrator with will annexed on death of executor: RCW 11.28.060.

RCW 11.48.200 Arrest and attachment, when, authorized. In an action against a personal representative as such, the remedies of arrest and attachment shall not be allowed on account of the acts of his or her testator or intestate, but for his or her own acts as such personal representative, such remedies shall be allowed for the same causes in the manner and with like effect as in actions at law generally. [2010 c 8 s 2042; 1965 c 145 s 11.48.200. Prior: Code 1881 s 724; 1877 p 147 s 729; 1869 p 167 s 666; RRS s 973.]

RCW 11.48.210 Compensation—Attorney's fees. If testator by will makes provision for the compensation of his or her personal representative, that shall be taken as his or her full compensation unless he or she files in the court a written instrument renouncing all claim for the compensation provided by the will before qualifying as personal representative. The personal representative, when no compensation is provided in the will, when he or she renounces all claim to the compensation provided in the will, or when he or she administers an intestate estate, shall be allowed such compensation for his or her services as the court shall deem just and reasonable. Additional compensation may be allowed for his or her services as attorney and for other services not required of a personal representative. An attorney performing services for the estate at the instance of the personal representative shall have such compensation therefore out of the estate as the court shall deem just and reasonable. Such compensation may be allowed at the final account; but at any time during administration a personal representative or his or her attorney may apply to the court for an allowance upon the compensation of the personal representative and upon attorney's fees. A personal representative appointed under RCW 11.28.120(3) shall receive no compensation in connection with administration of the estate from any person or entity other than the estate unless allowed by the court. If the court finds that the personal representative has failed to discharge his or her duties as such in any respect, it may deny him or her any compensation whatsoever or may reduce the compensation which would otherwise be allowed. [2026 c 204 s 7; 2010 c 8 s 2043; 1965 c 145 s 11.48.210. Prior: 1917 c 156 s 158; RRS s 1528; prior: Code 1881 s 1541; 1854 p 295 s 164.]

Rules of court: *SPR 98.12W.*

Allowance of necessary expenses: RCW 11.48.050.

Will contests, costs: RCW 11.24.050.