

RCW 26.16.240 Quasi-community property—Effect of lifetime transfers—Claims by surviving spouse or surviving domestic partner—Waiver. (1) If a decedent domiciled in this state on the date of his or her death made a lifetime transfer of a property interest that is quasi-community property to a person other than the surviving spouse or surviving domestic partner within three years of death, then within the time for filing claims against the estate as provided by RCW 11.40.010, the surviving spouse or surviving domestic partner may require the transferee to restore to the decedent's estate one-half of such property interest, if the transferee retains the property interest, and, if not, one-half of its proceeds, or, if none, one-half of its value at the time of transfer, if:

(a) The decedent retained, at the time of death, the possession or enjoyment of or the right to income from the property interest;

(b) The decedent retained, at the time of death, a power, either alone or in conjunction with any other person, to revoke or to consume, invade or dispose of the property interest for the decedent's own benefit; or

(c) The decedent held the property interest at the time of death with another with the right of survivorship.

(2) Notwithstanding subsection (1) of this section, no such property interest, proceeds, or value may be required to be restored to the decedent's estate if:

(a) Such property interest was transferred for adequate consideration;

(b) Such property interest was transferred with the consent of the surviving spouse or surviving domestic partner; or

(c) The transferee purchased such property interest in property from the decedent while believing in good faith that the property or property interest was the separate property of the decedent and did not constitute quasi-community property.

(3) All property interests, proceeds, or value restored to the decedent's estate under this section shall belong to the surviving spouse or surviving domestic partner pursuant to RCW 26.16.230 as though the transfer had never been made.

(4) The surviving spouse or surviving domestic partner may waive any right granted hereunder by written instrument filed in the probate proceedings. If the surviving spouse or surviving domestic partner acts as personal representative of the decedent's estate and causes the estate to be closed before the time for exercising any right granted by this section expires, such closure shall act as a waiver by the surviving spouse or surviving domestic partner of any and all rights granted by this section. [2008 c 6 s 622; 1988 c 34 s 3; 1986 c 72 s 3.]

Part headings not law—Severability—2008 c 6: See RCW 26.60.900 and 26.60.901.