

**Chapter 4.32 RCW
PLEADINGS**

Sections

- 4.32.070 Objection may be taken by answer.
- 4.32.120 Setoff against beneficiary of trust estate.
- 4.32.130 Setoff in probate actions brought by personal representatives.
- 4.32.140 Setoff in probate actions against personal representatives.
- 4.32.150 Setoff must be pleaded.
- 4.32.170 Answer may be stricken.
- 4.32.250 Effect of minor defects in pleading.

RCW 4.32.070 Objection may be taken by answer. When any of the matters enumerated in *RCW 4.32.050 do not appear upon the face of the complaint, the objection may be taken by answer. [Code 1881 s 79; 1877 p 18 s 79; 1854 p 139 s 42; RRS s 261.]

***Reviser's note:** RCW 4.32.050 was repealed by 1984 c 76 s 11.

RCW 4.32.120 Setoff against beneficiary of trust estate. If the plaintiff be a trustee to any other, or if the action be in a name of the plaintiff who has no real interest in the contract upon which the action is founded, so much of a demand existing against those whom the plaintiff represents or for whose benefit the action is brought, may be set off as will satisfy the plaintiff's debt, if the same might have been set off in an action brought by those beneficially interested. [Code 1881 s 498; 1877 p 107 s 502; RRS s 267.]

RCW 4.32.130 Setoff in probate actions brought by personal representatives. In actions brought by executors and administrators, demands against their testators and intestates, and belonging to defendant at the time of their death, may be set off by the defendant in the same manner as if the action had been brought by and in the name of the deceased. [Code 1881 s 499; 1877 p 107 s 503; RRS s 268.]

RCW 4.32.140 Setoff in probate actions against personal representatives. In actions against executors and administrators and against trustees and others, sued in their representative character, the defendants may set off demands belonging to their testators or intestates or those whom they represent, in the same manner as the person so represented would have been entitled to set off the same, in an action against them. [Code 1881 s 501; 1877 p 107 s 505; RRS s 270.]

RCW 4.32.150 Setoff must be pleaded. To entitle a defendant to a setoff he or she must set the same forth in his or her answer. [2011 c 336 s 104; Code 1881 s 502; 1877 p 108 s 506; RRS s 271.]

RCW 4.32.170 Answer may be stricken. Sham, frivolous and irrelevant answers and defenses may be stricken out on motion, and

upon such terms as the court may in its discretion impose. [Code 1881 s 85; 1877 p 19 s 85; 1869 p 21 s 83; 1854 p 140 s 47; RRS s 275.]

RCW 4.32.250 Effect of minor defects in pleading. A notice or other paper is valid and effectual though the title of the action in which it is made is omitted, or it is defective either in respect to the court or parties, if it intelligently refers to such action or proceedings; and in furtherance of justice upon proper terms, any other defect or error in any notice or other paper or proceeding may be amended by the court, and any mischance, omission or defect relieved within one year thereafter; and the court may enlarge or extend the time, for good cause shown, within which by statute any act is to be done, proceeding had or taken, notice or paper filed or served, or may, on such terms as are just, permit the same to be done or supplied after the time therefor has expired. [1988 c 202 s 2; 1893 c 127 s 24; RRS s 250.]

Rules of court: *Cf. CR 6(b), RAP 5.2, 18.22.*

Severability—1988 c 202: See note following RCW 2.24.050.