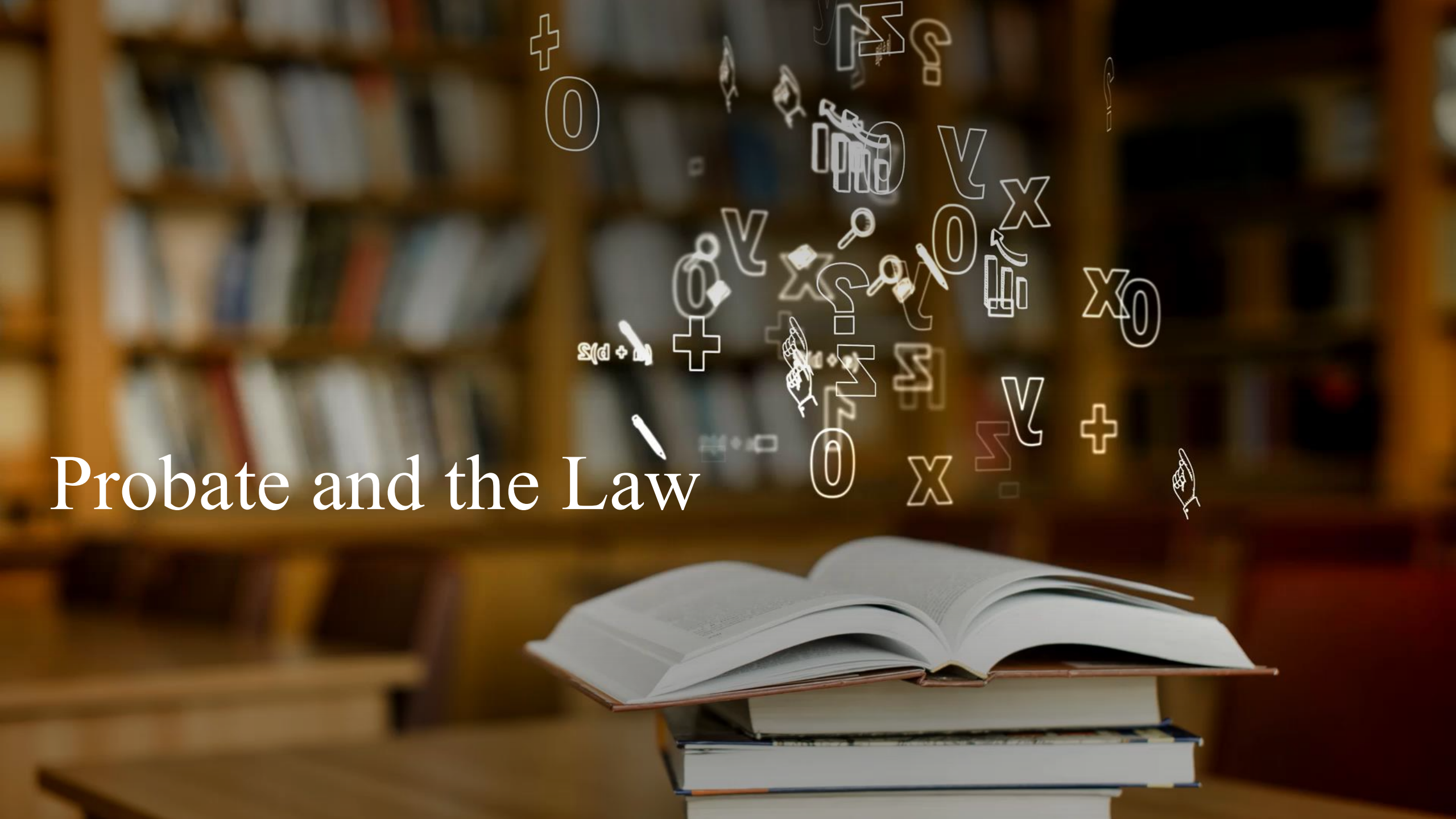
Probate and the Law



The Problem

- Bad Actors (vultures, swindlers, crooks, wrongdoers, etc.) identified people who died and then if no corresponding probate was found to have been filed, under prior law, after 40 days, any "suitable person" could petition for probate.

- While these people were clearly not suitable (based on subsequent actions), they would apply to serve as PR over these estates.

- Involved both Lawyers and Non-lawyers.

- Attorneys involved are no longer practicing.

The Scope

- Once appointed, self-dealing and other inappropriate (criminal?) behavior was engaged in

- Over 5 years (Mach 2019-January 2024), involving property in 13 counties, approximately 213 estates and approximately 90 homes, these individuals "took" more than 28 Million from would-be heirs/beneficiaries.



How heirs lost their inheritance

- Property was purchased for amounts significantly under value, property was taken as payment for "fees", and court rules not complied with.



Discovery by Northwest Justice Project

Scheme was discovered by the Northwest Justice Project's foreclose Prevention Unit in part.



Attorney General Investigation and Recovery

- AGO sues the operators - holding $7M in favor of AGO for those harmed. Clearly this is significantly less than received by the bad actors.

- AGO presses for change in law.

- Result- new law- HB 2445, effective 6/11/2026.
- New law wrought with issues – again we have a law using a cannon to kill a misquote (but stay tuned).

Unintended Consequences

- Like many laws, the new law significantly imposes unnecessary burdens on those who have been faithfully assisting clients in situations similar to those involved in the spring board for the litigation.

- The fees are likely easily doubled for estates and often these are the estates that lack liquidity or are of low value.

- Common sense is not being used as far as we know.

- Under current law the parties cannot agree to waive bond and non-intervention powers.

The Result

- Intestacy estates more expensive and very likely to affect the estates that can least afford to have to meet stringent requirements without the true need for it.
- Why?

Best Practices for Probate Practitioners

- Review new statute (speaker to touch on highlights)
- Change your basic forms.
- New requirements - heir search and financial disclosure require.
- Report on request of any interested party (defense, undue burden).
- Presumed closed after 24 months, while not usual, in taxable estates, or other existing factors, this time frame is insufficient so the PR will be required to file for a waiver of the presumption or risk a forced order to close.
- No longer a fee to reopen estate in Spokane County

Current Update

- Attorney General update as of 11/10/2026

Real life (unfortunate) stories.