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**SUPREME COURT OF THE STATE OF WASHINGTON**

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In re the Estate of James W. Haviland, Deceased.

DONALD HAVILAND, ELIZABETH HAVILAND, and MARTHA  
CLAUSER,

Appellants,

v.

MARY HAVILAND,

Respondent.

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**BRIEF OF AMICUS CURIAE  
BRUCE R. MOEN**

---

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**TABLE OF CONTENTS**

I. INTEREST OF AMICUS..... 1

II. INTRODUCTION..... 1

III. ARGUMENT..... 3

    A. The Ruling of the Court of Appeals is  
    Consistent with the Canons of Probate Law.. ..... 3

        1. The State has plenary power to pass new  
        laws governing succession. .... 3

        2. Personal representatives and the courts  
        have authority to clear title and recover assets  
        of decedents prior to the close of the probate  
        process. .... 5

    B. Limiting Application of the Amendments to the  
    Estates of Decedents Dying After July 26, 2009  
    Would Lead to Errors and Lack of Uniformity ..... 13

IV. CONCLUSION ..... 15

APPENDIX

## TABLE OF AUTHORITIES

### Cases

<i>Baker v. Leonard</i> , 120 Wn.2d 538, 843 P.2d 1050 (1993) .....	13
<i>In re Estate of Bailey</i> , 58 Wn.2d 685, 364 P.2d 539 (1961) .....	9
<i>In re Estate of Dyer</i> , 161 Wash. 498, 297 P. 196 (1931).....	12
<i>In re Estate of Graley</i> , 183 Wash. 268, 48 P.2d 634 (1935).....	7
<i>In re Estate of Hamilton</i> , 190 Wash. 646, 70 P.2d 426 (1937) .....	9
<i>In re Estate of Jones</i> , 152 Wn.2d 1, 93 P.2d 147 (2004) .....	7
<i>In re Estate of Kissinger</i> , 166 Wn.2d 120, 206 P.3d 665 (2009).....	4
<i>In re Estate of Little</i> , 106 Wn.2d 269, 721 P.2d 950 (1986) .....	4
<i>In re Estate of Peterson</i> , 12 Wn.2d 686, 123 P.2d 733 (1942) .....	5, 6, 7, 9
<i>In re Estate of Phillips</i> , 46 Wn.2d 1, 278 P.2d 627 (1955).....	11, 12
<i>In re Estate of Smaldino</i> , 151 Wn. App. 356, 212 P.3d 579 (2009), rev. denied 168 Wn.2d 1033, 212 P.3d 1061 (2010).....	11
<i>In re Estate of Smith</i> , 179 Wash. 417, 38 P.2d 244 (1934).....	9
<i>In re Estate of Toth</i> , 138 Wn.2d 650, 981 P.2d 439 (1999).....	1
<i>In re Estate of Ward</i> , 183 Wash. 604, 49 P.2d 485 (1935).....	4
<i>In re Estate of Whitehead</i> , No. 58624-I, noted at 139 Wn. App. 1038 (2007) (unpublished; not cited as authority). .....	9
<i>Gibson v. Slater</i> , 42 Wash. 347, 84 P. 648 (1906).....	6
<i>Hesthagen v. Harby</i> , 78 Wn.2d 934, 481 P.2d 438 (1971)....	5, 12-13
<i>Krohn v. Kirsch</i> , 81 Wash. 222, 142 P. 647 (1914) .....	11
<i>Lewis County v. Gordon</i> , 20 Wash. 80, 54 P. 779 (1898) .....	15
<i>Pitzer v. Union Bank</i> , 141 Wn.2d 539, 9 P.3d 805 (2000).....	12, 15
<i>Reed v. Campbell</i> , 476 U.S. 852, 106 S.Ct. 2234, 90 L.Ed.2d 858 (1986).....	12

<i>Smith v. Stiles</i> , 68 Wash. 345, 123 P. 448 (1912).....	6
<i>Wendler v. Woodward</i> , 93 Wash. 684, 161 P. 1043 (1916) .....	6

**Washington Statutes**

RCW 11.04.250.....	6
RCW 11.11.901.....	14
RCW 11.18.....	8
RCW 11.20.020.....	14
RCW 11.42.....	8
RCW 11.48.060.....	10
RCW 11.68.100(1) .....	7
RCW 11.72.002.....	8
RCW 11.76.050.....	7
RCW 11.84.....	<i>passim</i>
RCW 11.84.010(2) .....	2, 13
RCW 11.84.020. ....	4
RCW 11.84.180.....	10
RCW 11.84.900.....	2, 11
RCW 11.96A.020(1).....	3, 8
RCW 11.96A.030 .....	6
RCW 11.96A.040(3).....	8

**Other State Statutes**

Ky. Rev. Stat. §392.090 .....	5
N.C. Gen. Stat. §28-149(6) .....	5
N.Y. Est. Powers & Trusts Law §5-1.2 .....	5
VA. Code §64.1-16.3.....	5

**Other Authorities**

Sneddon, K., *Beyond the Personal Representative: The Potential of Succession Without Administration*, 50 S. Tex. L. Rev. 449 (2009)..... 3

Sutherland, STATUTORY CONSTRUCTION, § 124 ..... 15

## I. INTEREST OF AMICUS

Bruce R. Moen is a private attorney who is frequently appointed to serve as an independent personal representative in complex and contested probates, and who is a recognized expert on probate administration, probate litigation, and the recovery of misappropriated probate and nonprobate assets.<sup>1</sup> The interest of the amicus is in the rational, orderly and uniform operation of the laws that govern the distribution of probate and non-probate assets of decedents in Washington and in the interpretation of RCW 11.84 by this Court that is consistent with Washington common law and Title 11 RCW.

## II. INTRODUCTION

The decision of the court of appeals is in keeping with bedrock principles of probate law: (1) the State has plenary authority over succession; (2) title vesting at death vests subject to the claims of the personal representative; and (3) personal representatives and the courts have the authority to recover assets of decedents prior to the conclusion of the probate process. The narrow holding of the court of appeals that the amendments to

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<sup>1</sup> See, e.g., *In re the Estate of Toth*, 138 Wn.2d 650, 656, 981 P.2d 439 (1999). See also Appendix (attaching curriculum vitae and list of articles and chapters written for continuing legal education seminars and other professional publications).

RCW 11.84 apply prospectively to the distribution of assets in an open probate is entirely consistent with pre-existing law in this area of practice.

Conversely, limiting application of the amendments to estates of decedents dying after July 26, 2009 would result in erroneous trial court rulings and lack of uniformity. The amendments to RCW 11.84, unlike other sections of Title 11, do not state that they apply only to individuals who die after a certain date. Instead, the amendments state that they apply to “[a]ny deceased person who, at any time during life in which he or she was a vulnerable adult, was the victim of financial exploitation by an abuser.” See RCW 11.84.010(2). Personal representatives and courts reading this provision would have no reason to know from the text of the statute or the remedial purpose of the legislation, see RCW 11.84.900 (“[t]his chapter shall be construed broadly ...”), that the amendments apply only to the estates of individuals who die or who were abused after July 26, 2009. Thus, such a narrow construction would detract from the efficiency and the fairness of the probate system and be contrary to the orderly distribution of decedents’ estates.

### III. ARGUMENT

#### A. The Ruling of the Court of Appeals is Consistent with the Canons of Probate Law.

##### 1. The State has plenary power to pass new laws governing succession.

Probate is the judicial process of transferring property upon death in accordance with the terms of a valid will or the laws of intestacy. The process (1) clears title, (2) protects creditors, and (3) distributes the assets to the decedent's rightful beneficiaries.<sup>2</sup> Courts exercise plenary authority over decedents' assets prior to final distribution and have "full and ample power and authority ... to administer and settle ... [a]ll matters concerning the estates and assets of ... deceased persons, including matters involving nonprobate assets and powers of attorney, in accordance with this title [Title 11]; and ... [a]ll trust matters." RCW 11.96A.020(1).

The State has plenary authority to change the laws governing succession; therefore, new law may be applied to open estates that "vested" prior to the new law, provided the legislature so intended:

The state's power over property passing by will or through the statutes of descent and distribution is plenary. It may

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<sup>2</sup> Sneddon, K., *Beyond the Personal Representative: The Potential of Succession Without Administration*, 50 S. TEX. L. REV. 449, 459 (2009).

take all of the estate if it sees fit, and if it may take all, it may take any part less than all. The state's right to direct its disposition is unlimited.<sup>3</sup>

The State's plenary authority to regulate succession is not limited to tax cases. The same broad authority was articulated in *In re Estate of Little*, 106 Wn.2d 269, 273, 721 P.2d 950 (1986), which concerned interpretation of Washington's ancestral estate statute: "Since succession to intestate property is at the will of (and subject to the sovereign political power of) the state, the state may regulate and control such succession as it deems necessary."

The amendments to RCW ch. 11.84 regulate succession by providing that a certain category of individuals, "abusers," may not "acquire any property or receive any benefit as the result of the death of the decedent[.]" RCW 11.84.020. These amendments follow other types of disinheritance statutes that are premised on the wrongful conduct of the putative heir or beneficiary. The genesis and equitable origins of Washington's statute disinheriting slayers is discussed in *In re Estate of Kissinger*, 166 Wn.2d 120, 206 P.3d 665 (2009). Other jurisdictions have adopted as part of

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<sup>3</sup> *In re Estate of Ward*, 183 Wash. 604, 609-610, 49 P.2d 485 (1935) (holding that new inheritance statutes may be applied to the estates of decedents who die prior to the effective date of new law, because the new law taxes succession and not the property (citations omitted)).

their succession laws statutes disinheriting persons for child abandonment,<sup>4</sup> spousal abandonment,<sup>5</sup> and adultery.<sup>6</sup>

**2. Personal representatives and the courts have authority to clear title and recover assets of decedents prior to the close of the probate process.**

Superior courts are charged with direct responsibility for the proper administration of every estate. The court is not "merely a referee in a contest between private disputants. Instead, it is the agency primarily charged with the important function of administering decedents' estates." *In re Estate of Peterson*, 12 Wn.2d 686, 722, 123 P.2d 733 (1942). "The administrator of a decedent's estate is an officer of the court and stands in a fiduciary relationship to those beneficially interested in the estate." *Hesthagen v. Harby*, 78 Wn.2d 934, 942, 481 P.2d 438 (1971).

Title vesting at death is not valid against claims by the

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<sup>4</sup> For example, North Carolina law prohibits inheritance by any parent who has willfully abandoned the care, custody, nurture and maintenance of the parent's minor child. N.C. Gen. Stat. § 28-149(6).

<sup>5</sup> For example, Virginia law disinherits abandoning spouses as well as parents who abandon minor or incapacitated children and fail to resume the parental relationships and duties. VA. Code § 64.1-16.3. Under New York law a spouse can be disqualified from receiving benefits of a "surviving spouse" for the failure to support the other spouse. N.Y. Est. Powers & Trusts Law § 5-1.2.

<sup>6</sup> For example, Kentucky law bars a spouse from inheriting if he or she "voluntarily leaves the other and lives in adultery." Ky. Rev. Stat. § 392.090.

personal representative,<sup>7</sup> which would include a petition to disinherit under RCW 11.84.<sup>8</sup> “While it is true that the heirs take title immediately, the administrator has the right of possession and the concomitant right to recover possession for the estate.” *Wendler v. Woodward*, 93 Wash. 684, 685-6, 161 P. 1043 (1916) (citing *Gibson v. Slater*, 42 Wash. 347, 84 P. 648 (1906); *Smith v. Stiles*, 68 Wash. 345, 123 P. 448 (1912)). “This would include the right to any and all auxiliary and immediate and permanent equitable relief.” *Id.* “Only after an estate has been closed can the heirs, by acquiring these additional rights in the property, become entitled to treat it as their own.” *In re Estate of Peterson*, 12 Wn.2d at 734.

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<sup>7</sup> RCW 11.04.250 provides in pertinent part: “That no person shall be deemed a devisee until the will has been probated. The title and right to possession of such lands, tenements, or hereditaments so vested in such heirs or devisees, together with the rents, issues, and profits thereof, shall be good and valid against all persons claiming adversely to the claims of any such heirs, or devisees, excepting only the personal representative when appointed, and persons lawfully claiming under such personal representative; and any one or more of such heirs or devisees, or their grantees, jointly or severally, may sue for and recover their respective shares or interests in any such lands, tenements, or hereditaments and the rents, issues, and profits thereof, whether letters testamentary or of administration be granted or not, from any person except the personal representative and those lawfully claiming under such personal representative.”

<sup>8</sup> Petitions to disinherit under RCW 11.84 are matters under the Trust and Dispute Resolution Act, RCW 11.96A.030, that may be commenced by the Personal Representative or other interested parties. In the instant case, the Personal Representative filed the petition, which was joined by Dr. Haviland’s children.

For example, while title to real property may vest in a devisee at death, the personal representative has the authority and the duty, under the court's supervision, to determine whether real property of the estate should be sold, and may sell the real property over the objections of the "vested" devisee. See *In re Estate of Jones*, 152 Wn.2d 1, 93 P.2d 147 (2004). As *In re Estate of Peterson*, 12 Wn.2d 686, and many other cases have articulated,<sup>9</sup> vesting of title may occur at death, but distribution rights are confirmed at the conclusion of the probate through the decree or declaration of distribution.<sup>10</sup>

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<sup>9</sup> See, e.g., *In re Estate of Graley*, 183 Wash. 268, 274-275, 48 P.2d 634 (1935) (holding that the State did not receive a vested interest in escheated property immediately at the death of the decedent despite statutory language providing that escheated property shall "immediately vest in the state of Washington" because to do so would have precluded the County from assessing taxes between the time of the owner's death and the decree of escheat.)

<sup>10</sup> RCW 11.68.100(1) governs the final distribution of estates where personal representatives have nonintervention powers, and provides: "When the estate is ready to be closed, the court, upon application by the personal representative who has nonintervention powers, shall have the authority and it shall be its duty, to make and cause to be entered a decree which either: (a) Finds and adjudges that all approved claims of the decedent have been paid, finds and adjudges the heirs of the decedent or those persons entitled to take under his or her will, and distributes the property of the decedent to the persons entitled thereto; or (b) Approves the accounting of the personal representative and settles the estate of the decedent in the manner provided for in the administration of those estates in which the personal representative has not acquired nonintervention powers. RCW 11.76.050 governs the final distribution of estates where personal representatives do not have nonintervention powers and provides: "The court shall have the authority

Under law predating the amendments to RCW 11.84, personal representatives frequently recover assets that have already been distributed to putative heirs. The court in an open probate retains jurisdiction over the decedent's probate and non-probate assets.<sup>11</sup> For example, this amicus was appointed personal representative in an estate that had been distributed prior to the final decree to the wife who it was later found had hired her teenage son and his friend to kill her husband. Notwithstanding the slayer wife's possession of the property, and notwithstanding the fact that "title" had vested the moment she succeeded in her plan to kill her husband, the assets remained subject to the superior court's

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to make partition, distribution and settlement of all estates in any manner which to the court seems right and proper, to the end that such estates may be administered and distributed to the persons entitled thereto."

<sup>11</sup> See RCW 11.96A.020(1); RCW 11.96A.040(3) (The superior courts may: ... administer and settle the affairs and the estates of incapacitated, missing, or deceased individuals including but not limited to decedents' nonprobate assets; administer and settle matters that relate to nonprobate assets and arise under chapter 11.18 or 11.42 RCW; administer and settle all matters relating to trusts; ... and do all other things proper or incident to the exercise of jurisdiction under this section.); RCW 11.72.002 ("Upon application of the personal representative, with or without notice as the court may direct, the court may order the personal representative to deliver to any distributee who consents to it, possession of any specific real or personal property to which he or she is entitled under the terms of the will or by intestacy, provided that other distributees and claimants are not prejudiced thereby. The court may at any time prior to the decree of final distribution order him or her to return such property to the personal representative, if it is for the best interests of the estate. The court may require the distributee to give security for such return.")

jurisdiction and the personal representative's authority to recover them.<sup>12</sup> The same would be true for assets distributed to an abuser prior to a final decree of distribution.

In addition to the Slayer and Abuser Statute, personal representatives often resort to equitable remedies to retain or recover property of a putative heir or beneficiary that has vested at death. The doctrine of retainer recognizes the fundamental principal of probate law that no beneficiary may claim a distributive right from an estate until he or she has satisfied all obligations to it. See *In re Estate of Bailey*, 58 Wn.2d 685, 699, 364 P.2d 539 (1961); *In re Estate of Hamilton*, 190 Wash. 646, 653, 70 P.2d 426 (1937); *In re Estate of Smith*, 179 Wash. 417, 421, 38 P.2d 244 (1934). In addition, for property already distributed to the putative heir or beneficiary, the personal representative also has the authority to assert a constructive trust in equity against property that the devisee or legatee may claim "vested" title to, and compel the return of the title to the estate. *In re Estate of Peterson*, 12 Wn.2d at 724-725.

The amendments to RCW ch. 11.84 supplement existing

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<sup>12</sup> See *In re Estate of Whitehead*, No. 58624-6-I, noted at 139 Wn. App. 1038, (2007) (unpublished; not cited as authority).

remedies by allowing personal representatives and courts to disinherit abusers without necessarily determining how much the abuser misappropriated from the vulnerable adult. See RCW 11.84.180. Under the doctrine of retainer and other civil remedies, the personal representative could obtain recovery of the amounts that could be traced to the abuser, or if the abuser was a defalcating fiduciary, the amount missing from the estate.<sup>13</sup> In the experience of undersigned amicus, however, these remedies are frequently inadequate because it is often impossible to quantify the amount missing due to the abuser's refusal to adequately account for the vulnerable adult's assets and the destruction of financial records that occurs routinely after the passage of time (usually seven years).<sup>14</sup> The undersigned amicus has been personal representative in numerous estates where despite formal discovery, forensic accountings, and even court-ordered accountings, it has not been possible to reconstruct how much was actually taken by

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<sup>13</sup> See, e.g., RCW 11.48.060 ("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.")

<sup>14</sup> Both problems were present in the Haviland estate. See CP 20 (showing bank records date only back to 2002). See *also* CP 36, 41, 208.

the abuser.<sup>15</sup> The amendments to RCW ch. 11.84 shift the burden to the abuser to come forward with evidence to establish equitable reasons to permit inheritance notwithstanding the finding of abuse, which will promote the remedial purpose of the statute, which is to preclude the abuser from profiting from his or her wrongful conduct. See RCW 11.84.900

If this Court looks beyond the present case, where the probate is still open, and considers whether the amendments to RCW ch. 11.84 could be applied to an estate that has been closed by final decree, even then application should be permissible if there are grounds to reopen the estate. Estates can be reopened for fraudulently withholding assets from the probate process. “A decree of distribution from which no appeal is taken is final and conclusive upon all parties of whom the court has jurisdiction.” *In re Estate of Phillips*, 46 Wn.2d 1, 21, 278 P.2d 627 (1955) (quoting *Krohn v. Kirsch*, 81 Wash. 222, 142 P. 647 (1914); other citations omitted.) “It is not conclusive, however, as to property which has

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<sup>15</sup> See, e.g., *In re Estate of Smaldino*, 151 Wn. App. 356, 212 P.3d 579 (2009), rev. denied 168 Wn.2d 1033, 212 P.3d 1061 (2010). Although this amicus succeeded in obtaining a judgment of \$448,804 against the defalcating fiduciary, who was also a beneficiary under the will, for mismanagement and misappropriation occurring both before and after the decedents' deaths, *id.* at 360, the personal representative was never able to reconstruct how much was missing, due to the abuser's contemptuous refusal to provide an accounting.

been fraudulently withheld from administration[.]” *Id.* (citing *In re Estate of Dyer*, 161 Wash. 498, 297 P. 196 (1931)). On a case by case basis, therefore, application of the amendments to RCW ch. 11.84 to closed probates may be permissible if a basis can be established for reopening the probate.<sup>16</sup>

Applying these amendments to recover property that vested at death in an abuser falls squarely within the historical roles that superior courts and personal representatives play in distributing a decedent’s assets to his or her rightful beneficiaries. There are many reported decisions from Washington and other jurisdictions recognizing that legal title passing at death may not confer equitable title, even in situations where the assets have already been distributed. For example, *Hesthagen v. Harby*, 78 Wn.2d 934,

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<sup>16</sup> Both the United States Supreme Court and the Washington Supreme Court have noted “the marked difference” between the way an “open probate” and a “closed probate” should be treated when determining if new law applies. *Pitzer v. Union Bank*, 141 Wn.2d 539, 551, 9 P.3d 805 (2000). In *Reed v. Campbell*, 476 U.S. 852, 855-56, 106 S.Ct. 2234, 90 L.Ed.2d 858 (1986), the Court held that its prior equal protection decision declaring unconstitutional a statute barring inheritance by an illegitimate child could be applied in a currently open probate proceeding initiated before the date of the Court’s equal protection decision. The Court held that a State’s interest in the orderly disposition of decedents’ estates was served by applying new law in an open probate, but the “interest of finality” may bar reopening a closed probate. *Id.* at 864, *quoted in Pitzer v. Union Bank*, 141 Wn.2d at 551-552 (holding that requisite equitable basis did not exist for imposing a constructive trust or for reopening a probate that had been closed for over 20 years).

affirmed the imposition of a constructive trust upon proceeds from the decedent's estate that had been distributed and closed three years earlier based on the personal representative's failure to notify statutory heirs. *Baker v. Leonard*, 120 Wn.2d 538, 548, 843 P.2d 1050 (1993) recognized two bases for imposing a constructive trust on property that has already been distributed: first, when there was "some element of wrongdoing," and, second, when "the evidence established the decedent's intent that the legal title holder was not the intended beneficiary ...." Both bases are present where a putative heir or beneficiary financially exploited the decedent.

**B. Limiting Application of the Abuser Amendments to the Estates of Decedents Dying After July 26, 2009 Would Lead to Errors and Lack of Uniformity.**

The orderly disposition of decedents' property is a paramount goal that would not be served by reading into the amendments limiting language that the legislature did not include. The amendments do not include any provisions that limit their application to individuals who die after a certain date. By its terms, the new law applies to the property of "[a]ny deceased person who, at any time during life in which he or she was a vulnerable adult, was the victim of financial exploitation by an abuser." RCW 11.84.010(2).

By contrast, other amendments to Title 11 contain express and specific "effective date" limitations. For example, in 1999, the legislature made it very clear that the newly enacted Testamentary Disposition of Nonprobate Assets Act was not to be applied to the estates of decedents who predeceased the effective date of the legislation:

This chapter applies to any will of an owner who dies while a resident of this state on or after July 1, 1999, regardless of whether the will was executed or republished before or after July 1, 1999, and regardless of whether the beneficiary of the nonprobate asset was designated before or after July 1, 1999.

RCW 11.11.901. See also 11.20.020 note ("Effective date -- Application -- 1977 ex.s. c 234: 'This 1977 amendatory act shall take effect on October 1, 1977 and shall apply to all proceedings in probate with respect to decedents whose deaths occurred after the effective date.' [1977 ex.s. c 234 § 31.]").

Limiting the RCW 11.84 amendments to decedents who died after July 26, 2009, when no such limitation is found in the statute, would not only contravene the Legislature's intent, it would also invite error and, consequently, result in a lack of uniform application of the law. The law "must operate equally and uniformly upon all brought within the relations and circumstances for which it

provides." *Lewis County v. Gordon*, 20 Wash. 80, 54 P. 779 (1898) (quoting Sutherland, STATUTORY CONSTRUCTION, § 124; other citations omitted). The orderly distribution of decedents' assets is a paramount concern of the probate process. *Pitzer v. Union Bank*, 141 Wn.2d at 551-552. Adopting an interpretation that is not apparent from the plain text or purpose of the statute would invite trial court errors, prevent uniform decision-making by trial courts, and thereby diminish fairness and confidence in the process.

#### IV. CONCLUSION

This Court should affirm the court of appeals.

RESPECTFULLY SUBMITTED this 9 day of May, 2012.

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Bruce R. Moen  
Professional Qualifications  
January 23, 2012

I have been in private practice in the State of Washington since 1976. My practice has been limited to estate administration and estate litigation for approximately 15 years. It involves accepting appointments as a fiduciary in contested administrations and also representing private parties in estate litigation. I have been appointed by the court as Administrator, Special Administrator, Special Master, Guardian, or Trustee in contested estates approximately 100 times in the last 20 years. I have had approximately 200 appointments as Guardian ad litem. I am regularly consulted by attorneys engaged in defending and prosecuting estate matters or in resolving difficult issues of estate administration. I have administered literally hundreds of estates and participated in related litigation. I have served periodically as a Judge pro tem in King County Superior Court and have served regularly as a pro tem Court Commissioner from 1990 to 2010.

I have lectured at legal seminars sponsored by the Washington State Bar Association, the Seattle-King County Bar Association, and the National Business Institute. I have authored over thirty articles for legal seminars and have authored a chapter on guardianship for the Family Law Desk Book, 1989, 1996, 2000 and 2006 editions, published by the Washington State Bar Association. I have been quoted as a "commentator" by the Washington State Supreme Court in the published opinion of *In the Matter of the Estate of Toth*, 138 Wn.2d 650 (1999).

I have testified in Court as an expert witness and have been qualified as an expert witness in estate litigation in numerous cases. The Court of Appeals referred to me as an "acknowledged expert in the field of the administration of trusts, guardianships, and estates" and based their holding upon my testimony in an unpublished opinion. *In Re Estate of Sullivan*, Washington State Court of Appeals, Division I, Docket No. 49266-7-I (February 13, 2003).

I am rated "av" by Martindale-Hubbell and have been listed in *The Bar Register of Preeminent Lawyers* published by Martindale-Hubbell 1995 through 2011 Editions. I was named as a Super Lawyer by Washington Law and Politics Magazine, 2006 through 2008 and was named in "2010 Top Lawyers" in Seattle Met Magazine, July 2010.

<u>DATE</u>	<u>PUBLISHER</u>	<u>PUBLICATIONS AND LECTURES</u>
June 1989	WSBA	Chapter 58, Guardianship, Family Law Deskbook, 1989 Edition
August 1992	SKCBA	Complex Guardianships
November 1992	SKCBA	Jurisdiction and Procedure in Probate Litigation
November 1992	SKCBA	Guardianship and the Law
May 1993	NBI	Beginning the Administration Process. Litigation and Probate
July 1993	WSBA	Complex Guardianship Issues: Trusts and Guardianships, Inter-relationships
August 1993	SKCBA	Guardianships Gone Bad
January 1994	NBI	Fundamental Principles of Will Drafting. Planning Methods Re Medical Treatment
April 1994	SKCBA	Jurisdiction and Procedure in Probate Litigation
February 1996	WSBA	Conflicts Between Probate and Non-Probate Beneficiaries (co-authored with Carol J. Hunter, Esq.)
March 1996	SKCBA	Jurisdiction and Procedure in Probate Litigation
October 1996	WSBA	Team Approach: Probate Litigation
December 1996	NBI	Litigation Issues in Probate
September 1997	WSBA	Probate Litigation
November 1998	SKCBA	Jurisdiction and Procedure in Probate Litigation
January 1999	NBI	Litigation Issues in Probate Inventory and Fair Market Value
October 1999	SKCBA	Jurisdiction and Procedure in Probate Litigation
January 2000	IPE	Closing the Estate Handling Special Issues in Estate Administration
May 2000	NBI	Taking Inventory and Determining Fair Market Value of Special Assets. Handling Litigation Issues in Probate
July 2000	HMS	Probate Litigation
October 2000	KCBA	Jurisdiction and Procedure in Probate Litigation
October 2000	WSBA	Chapter 61, Guardianship, Washington Family Law Deskbook
November 2000	SKCBA	Professional Guardianship Certification: Advanced Court Issues
January 2001	IPE	Fundamentals of Will Drafting How and When to Close an Estate
March 21, 2001	KCBA	Estate Planning in Guardianships
Jan 2001	IPE	How and When to Close the Estate
October 2001	SCKBA	Jurisdiction and Procedure in Probate Litigation
Dec 2001	NBI	Handling Litigation Issues In Probate
July, 2003	IPE	Chapter IV, Administration of the Estate, The Probate Process For Paralegals
July, 2003,	IPE	Chap III, How To Prepare and File the Inventory, The Probate Process For Paralegals
Oct 2003	NBI	Chap I, Who Is In Charge? Oddities and Challenges in Washington Probate Law
Oct 2003	NBI	Chap III, The Assets Oddities and Challenges in Washington Probate Law
Oct 2003	NBI	Chap VI, Miscellaneous Issues Oddities and Challenges in Washington Probate Law
Nov 2003	SKCBA	Jurisdiction and Procedure in Probate Litigation
April 2004	NBI	Identifying and Solving Selected Problems in Estate Administration

<u>DATE</u>	<u>PUBLISHER</u>	<u>PUBLICATIONS AND LECTURES</u>
April 2004	NBI	Handling Litigation Issues in Probate
June 2004	NBI – Wn Probate: Beyond the Basics	Chap 4 – Identifying and Solving Selected Problems in Administration
June 2004	NBI – Wn Probate: Beyond the Basics	Chap VI Handling Litigation Issues in Probate
Dec 2004	KCBA – Probate Litigation	Chap 1 – New Developments in Probate Litigation
Feb 2005	WSBA	Chapter 61, Guardianship, Family Law Deskbook, 2005 Edition
June 2005	NBI	Chap VI, Master Litigation Issues In Probate
Dec 2005	NBI – Confidently Administering Estates	Chap VI, Ethical Challenges in Estate Administration
Dec 2005	KCBA – Probate Institute, Administration	Fees & Costs of Administration; Factors to Consider and Practice Tips
Dec 2005	KCBA – Probate Litigation & Ethics	New Developments in Probate Litigation
March 2006	Lorman – Litigation of Estates, Trusts, Guardianships	Chap II Will Contests
June 2006	NBI – Administering Estate Start – Finish	Chap V Maintaining Ethical Balance In Probate Practice
Feb 2007	Advanced Guardianship Issues, KCBA	Chap One, An Essay on Common Law John H. Hertog & Bruce R. Moen
June 2007	NBI - Probate Process From Start To Finish	Chap V Maintaining Ethical Balance In Probate Practice
Dec 2008	KCBA – Annual Probate Litigation	Delivery of Assets and Collecting Judgments Against Fiduciaries
Dec 2009	KCBA – Annual Probate Litigation Seminar	Slayer's Statute
Summer 2010	RRPT Publication of WSBA	The Codicil – Slayer's Statute
Mar 2, 2012	WSBA 9 <sup>th</sup> Annual T&E Litigation Seminar	Deadman Statute – Repeal or Maintain? Co-authored with Scott AW Johnson
March 27, 2012	NBI Resolving Estate, Will, Trust Contests	Chapter 1 - Contest grounds
March 27, 2012	NBI Resolving Estate, Will, Trust Contests	Chapter 2 – Pursuing and Defending Claims Against Fiduciaries
May 7, 2012	WSBA RPPT MidYear Meeting and Seminar	Chapter ??– Cleaning Up After the Rogue Fiduciary