

Date: March 9, 2005

Adopted By: 

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Rule: 3502	Establishment of Lots Created by Testamentary Provision or the Laws of Descent
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LEGISLATIVE HISTORY: Adopted June 23, 1997 as POL 3502, Repromulgated pursuant to SCC 30.82 Rulemaking on March ____, 2005.

SEE ALSO:

SCC APPLICABILITY: 30.41A.020(2) SCC and 30.41B.020(2) SCC

PURPOSE: This rule outlines the requirements to be met in obtaining Lot Status for properties divided by testamentary provision or by the laws of descent.

RULE SUMMARY:

1. Divisions of Land made by Testamentary Provisions or by the Laws of Descent are Exempt from Platting Requirements – RCW 58.17.040(3).
2. A Will may Expressly Describe the Division and Distribution of Property to Individual Beneficiaries without Complying with the Platting Requirements.
3. A Will may be Used to Divide Property when the Division is not Specifically Described and the Property is Passed to More than One Beneficiary.
 - a) Legal title to property passing under a will's residuary clause upon completion of probate is held by the beneficiaries as tenants in common.
 - b) Undivided property received under the residuary clause of a will may be divided among the devisees (tenants in common) into separate parcels without complying with platting requirements.
 - c) A division, among those holding title as tenants in common of the undivided land, is received under the residuary clause of a will and may be accomplished by a subsequent agreement or partition action.
4. Property may be Passed Under the Laws of Descent in the Absence of a Will (Intestate).
 - a) Legal title to property passing under the laws of descent is held by the beneficiaries as tenants in common.
 - b) Property held in tenancy in common resulting from intestacy is divisible into separate parcels without complying with the platting requirements.
 - c) The division among those holding title as tenants in common of the undivided land, which is received under operation of the laws of descent, is exempt from platting requirements and may be accomplished by a subsequent agreement or partition action.
5. All Divisions of Land made under the RCW 58.17.040(3) Exemption Remain Subject to the Normal Land Use, Zoning and Building Requirements and must Comply with the Applicable Regulations which are Currently in Effect or which were in Effect on the Date of the Actual Transfer of Title by Devise or Intestacy.