

April 2026

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THE SENTENCING OF SAMMAMISH RESTAURANTER RICHARD RADCLIFFE BY BETH A. MCDANIEL, JD, CELA

On March 10, 2026, former Lake Sammamish restaurant owner Richard Radcliffe was sentenced in U.S. District Court to 30 months in prison for wire fraud and filing a false tax return).
Cont. on pages 3-4

THE CURRENT STATE OF THE WASHINGTON ESTATE TAX BY BETH A. MCDANIEL, JD, CELA



On March 24, 2026, Governor Ferguson signed SB 6347 into law, as amended by the House Finance Committee. Under the updated legislation, for individuals dying after July 1, 2026, the Washington State exemption is \$3 Million. For individuals dying between January 1, 2026 and June 30, 2026, the exemption remains at \$3.076 Million.

The new law also revises the tax rates on amounts exceeding the \$3 Million exception, from 10-35% down to 10-20%. As a result, Washington no longer..

Cont. on page 2

COMING SOON: CHANGE TO OUR PROBATE LAWS BY BETH A. MCDANIEL, JD, CELA

All it takes is one bad apple to spoil the barrel. Proverb

As reported in our April 2025 newsletter, from..

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CONT: THE CURRENT STATE OF THE WASHINGTON ESTATE TAX

..holds the dubious distinction of having the country's highest estate tax rate (35%); instead, we are back to being tied with Hawaii for the highest estate tax rate at 20%.

SB 6347 states that the exemption amount will be adjusted annually using the most recent consumer price index . The bill further states, "consumer price index" means the consumer price index for all urban consumers, all items for the Seattle-Tacoma-Bremerton metropolitan area as calculated by the United States bureau of labor statistics.

Effective January 1, 2018, the Seattle-Tacoma-Bremerton metropolitan area consumer price index was replaced by the Seattle-Tacoma-Bellevue metropolitan area consumer price index. In short, the new law refers to something that no longer exists. The new law very could well have said that estate tax returns need to be mailed to the Seattle

Kingdome. It is disappointing and nonsensical.

Estate taxes generated \$1.25 billion in the 2023-25 budget. Funds received from estate taxes are deposited into the Education Legacy Trust account to support public schools and access to higher education. Our state is responsible for fully funding public education. The state actually funds only 70-78% of public education. The gap is made up through local levies and federal funding.

According to the 2026 State Tax Competitive Index, which rates states' overall tax competitiveness, Washington ranks 45th. Indeed, our state tax system needs a fair, comprehensive overhaul. It is misleading for our latest estate tax law to state that it is subject to an annual adjustment which will not happen as it is tied to something that has not existed for over eight years.

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CONT: THE SENTENCING OF SAMMAMISH RESTAURANTER RICHARD RADCLIFFE

connected with his financial exploitation of an elderly patron (victim).

According to court documents, Radcliffe befriended the victim who was older and experiencing cognitive decline. Per credit card receipts, the victim visited Radcliffe's restaurant a few times in April 2019. By August 2019, the victim visited Radcliffe's restaurant more than 30 times in a single month.

The victim allegedly believed she was in a romantic relationship with Radcliffe. Shortly after making his acquaintance, the victim revised her Will to add Radcliffe and some of his other family members as primary beneficiaries. Additionally, the victim added Radcliffe's name to her bank accounts.

In October 2019, Radcliffe moved the victim into an assisted living facility.

Staff there reported that Radcliffe resisted paying for needed supplies and additional care, claiming the victim lacked funds. At the same time, Radcliffe moved into the victim's lakefront home. He reportedly boasted on social media about the move, highlighting the lake views and referred to it as 'Casa de Radcliffe.' Using the victim's funds, Radcliffe paid for home renovations and addressed deferred maintenance.

In November 2020, the victim died. Radcliffe subsequently instructed the funeral director to 'be as cheap as possible because there was not a lot of money in the estate.'

Following the victim's death, Radcliffe attempted to collect life insurance proceeds by fraudulently posing as the victim's spouse. The life insurance company reported Radcliffe to the FBI, whose

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CONT: THE SENTENCING OF SAMMAMISH RESTAURANTER RICHARD RADCLIFFE

investigation supplemented the local investigations initiated by multiple reports from concerned individuals to the Sheriff's Department and Adult Protective Services.

After Radcliffe is released from prison, he is ordered to three years of supervised release, to pay a \$20,000.00 fine, to forfeit \$515,000, and to pay \$124,000 in restitution to the IRS.

"It was exceptionally cold-hearted of Mr. Radcliffe to prey on this victim's loneliness and age," said W. Mike Herrington, Special Agent in Charge of the FBI Seattle field office. "He befriended her to take advantage of her, stealing her money, taking her home and estate. But ultimately, Mr. Radcliffe's greed caught up with him, resulting in today's well-deserved prison sentence. The FBI, IRS, and other partners will carefully follow the money to hold fraudsters accountable for their crimes."

If you have questions about anything in this newsletter, or would like to update your estate plan, please contact our client care specialist, Margo Passeau at 425-296-3121 or margo@bethmcdaniel.com.

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CONT: COMING SOON: CHANGE TO OUR PROBATE LAWS

March 2019 to January 2024, fraudster John B. Elliott (Elliott) -- who had previously lost his Washington State real estate and insurance broker licenses – conducted a scheme referred to as “probates for profit.” With the help of ‘straw’ administrators, sham companies, and a few lawyers, Elliott opened 213 probates cases, most in Skagit County. These estates included at least 90 homes with a combined value exceeding \$28 million.

Elliott conducted his scheme by taking advantage of two state laws: first, RCW 11.28.120 which states if no one has been appointed as personal representative within forty days following a decedent’s death, and it appears there is no eligible next of kin or creditor, the court may appoint any suitable person to administer such an estate. Second is RCW 11.96A.050(4), which states probate can be

commenced in any Washington State county provided no interested person objects.

On October 3, 2025, a King County Superior Court judge ordered Elliott and his associates to pay over \$7 million in restitution, penalties, attorney fees, and costs. EHB 2445 is Attorney General requested legislation which intends to end ‘probates for profit’ schemes. Additionally, it imposes restrictions on ‘heir hunters,’ which are third parties who seek fees or a percentage of heirs’ shares for locating heirs or providing funds to an heir in exchange for a portion of the heir’s share.

On March 12, 2026, Governor Ferguson signed EHB 2445 into law. The passed bill is 26 pages and does not state an effective date. Thus, it goes into effect 90 days after it was signed (June 11, 2026). The law also does not state

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whether it applies to open estates, estates opened after June 11, 2026, or the estates of individuals dying after the effective date. If and until the court instructs us otherwise, or the legislature provides further clarity, our office will presume the law applies to probates commenced after June 11, 2026.

This article provides takeaways and a summary of the new law. For brevity, this article summarizes the portions of the law which address 'probates for profit.' The portions of the law addressing 'heir hunters' will be covered in our May newsletter.

Here are some key takeaways:

1) Every competent individual over the age of 18 should have a Will, but especially those who do not have a clear family of origin from which they are not estranged.

2) One of the most important reasons to have a Will is to nominate a personal representative. Wills should be kept updated as to nominated personal representatives since relationships with nominees change, nominees die, nominees move across the world, and nominees 'age out.' Due to all the new legal requirements imposed on an unrelated person not named in the Will, it is advisable for Wills to list as many appropriate, trusted, nominee personal representatives as possible.

3) It is important for individuals to create and maintain a list which contains the names and last known addresses of their heirs, legatees, devisees, and transferees/beneficiaries of any non-probate asset as defined by Washington law as these individuals are considered 'interested individuals' under the law entitled to notice of

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the probate by personal service or US mail within 20 days of the date of the appointment of the personal representative. Here are some defined terms:

- Heir – persons, including the decedent’s surviving spouse or domestic partner, who would be entitled under the laws of intestate succession to real and personal property in a decedent’s intestate estate. Examples of heirs requiring notice could include an estranged sibling, grandparents, first cousins, etc.
- Legatee – A person who is to receive personal property from an estate.
- Devisee – A person designated in a Will to receive real property.
- Transferee/Beneficiary – A person designated to receive assets upon the owner’s death by means other than a Will, such as bank accounts or insurance.

4) You should consider whether a revocable living trust is appropriate. When someone who creates a revocable living trust dies, the trust becomes irrevocable. The Trustee of the irrevocable trust is required to give notice to the qualified trust beneficiaries within 60 days of their accepting appointment as Trustee and to keep the qualified beneficiaries reasonably informed regarding the trust administration and the material facts necessary for the qualified beneficiaries to protect their interests.

- A qualified beneficiary is a trust beneficiary whose existence can be determined. A Guardian ad Litem may be appointed to represent the interests of an incapacitated or minor qualified beneficiary.
- Notice to the qualified beneficiaries must include 1) The existence of the trust, (2) the

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identity of the trust's creator(s), (3) the trustee's name, address, and telephone number, and (4) the right to request such information as is reasonably necessary to enable the notified person to enforce his or her rights under the trust.

In short, the notice requirements in a trust administration are generally simpler and more streamlined than those required in a probate. If your family situation is complicated - particularly where numerous individuals may be entitled to notice of your probate, including individuals whom you do not know well or for whom you lack current addresses, you may want to consider establishing a revocable living trust.

For example, I assisted a client in creating a revocable living trust because she did not want her son to receive notice of her death. In another matter, I helped establish a

revocable living trust for a client who was an only child, had no children, and had no knowledge about the relatives on his mother's side, all of whom resided in Europe.

Here are the major changes to Washington probate created by the new law.

1) If an individual dies without a Will and no person entitled to serve as personal representative steps forward to serve within 60 days following the death, the court may appoint a contract services provider with the office of public guardianship or a guardian ad litem to administer the estate.

2) If an individual dies without a Will and no person entitled to serve as personal representative steps forward within 90 days after the death, the court may appoint any suitable individual to administer the

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estate. Here are provisions of the law related to suitable persons:

- First know that the law does not define 'suitable person.'
 - Under the current law, a suitable person can be appointed after 40 days; thus, this period has been increased by 50 days to 90days. As 90 days is a prolonged period, the suitable person will likely need to request the appointment of a special administrator, typically an attorney or professional fiduciary, to manage the estate assets until such time that the 90-day period ends and the suitable person can be appointed.
 - Although the suitable person is entitled to reasonable compensation for their services to the estate, they cannot purchase, acquire, or receive the proceeds from the sale of estate assets. The suitable person cannot be compensated from any person or entity other than the estate unless allowed by the court.
 - Unless the suitable person is a trust company, they are not entitled to nonintervention powers (and thus need to get their activities approved by the court with notice to the interested individuals). Unless the suitable person is a trust company, the suitable person may not petition the court for nonintervention powers and may not be granted nonintervention powers.
 - Unless the suitable person is a trust company, they are required to post a bond equal to the value of the estate assets.
 - A suitable person can only receive two personal representative appointments per year.
 - The suitable person must close the estate by submitting a final report for court approval.
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- Under current law, a Washington probate may be filed in any county, provided no interested party objects. Under the new law, for suitable persons, probate must occur in the county in which the decedent resided. If the decedent was not a Washington resident, for suitable persons serving as personal representative, the probate must occur in the county in which any part of the probate estate is located.
 - Persons who have served as a personal representative and have been removed for cause within the last 24 months;
 - Persons who have been found by a court or administrative agency within the last 36 months to have engaged in acts of dishonesty, theft, or breaches of fiduciary duty;
 - Persons who are the principal, agent of, or acting at the behest of, or in concert with, any person or entity likely to be involved in the sale, purchase, repair, or transfer of a major probate asset;
 - When any person becomes disqualified as personal representative, the court must remove them as personal representative.
 - When it appears that the personal representative is acting as a principal or agent of a person or entity involved in the sale,
- 3) Disqualified Individuals. Currently, minors, individuals of unsound mind, felons, and individuals convicted of crimes involving moral turpitude are barred from serving as a personal representative. Under the new law, the following individuals are also barred from serving as a personal representative:
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purchase, repair, or transfer of a major probate asset, the court must remove them as personal representative and impose sanctions.

Unless approved by the court, a suitable person appointed as personal representative may not purchase or acquire for their own account or interest any estate asset; or receive for their own account or personal interest any proceeds from the sale of any asset.

Any suitable person appointed as personal representative who wishes to purchase or acquire an estate asset or receive the proceeds from the sale of a probate asset must petition the court and provide notice to all interested persons. The petition will not be granted unless the personal representative establishes clearly and convincingly that the requested

purchase, acquisition, or receipt is consistent with the personal representative's duty of loyalty and applicable laws, and would not be voidable by any heir, legatee, devisee, beneficiary, or transferee of the estate.

Any suitable person appointed and serving as personal representative who violates the law by transferring an asset or receiving the proceeds of an asset without court authority may be sanctioned by the court up to three times the value of the relevant asset, or proceeds from the sale of the asset, in addition to any other sanction or remedy

The following changes under the law apply to all personal representatives:

Thirty Day Report. Within 30 days after the date of appointment, all personal representatives must file with the court a report confirming

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notice of the probate has been given to every interested party, including names and addresses. The report must include the details of the personal representative's search to identify the interested parties, and the date and manner in which the notice was provided.

Report 30 days after Opening the Estate Account. Within 30 days after opening any estate financial account, the personal representative must file with the court a report which addresses the estate account. The report shall contain the date on which the account was opened, the name of the financial institution holding the account, and each signatory on the account.

Potential Additional Reports of Estate Activities. In addition to the current requirement to file an annual report with the court, any interested person may request

the personal representative to file an additional report. Unless the court finds that the report imposes an undue burden or orders the report to be filed on a different date, the personal representative shall make, verify, and with the court such requested report no later than 90 days after such request. These additional reports are capped at two per year. Thus, it is possible for a personal representative to be required to file three reports with the court annually.

Failure to File Reports. If the personal representative fails to timely file a report, upon a request by the court or any interested person, a hearing shall occur within 14 days, and the personal representative shall be required to testify under oath regarding the facts which would have been contained in the report. The personal representative's failure to comply or testify truthfully shall result in the

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court taking any action it deems just and proper to protect the estate including sanctions or removal. If such an order were entered, the personal representative must provide a copy of the entered order to each interested individual.

Personal Representatives can file additional reports. In addition to the required annual report, and the up to two requested annual reports by interested individuals, the personal representative can file a report at any time. Additionally, the court may order an additional report at any time.

Presumption that the Estate will Close in 24 Months. If the estate has not been closed within 24 months, the court shall order a final report and petition for distribution be submitted by a certain date which may be moved only upon a showing

of cause. Note: most probates close within 18 months. On occasion, however, a probate can be open for six years or longer due to, for example, complicated assets or litigation.

In preparation of drafting this article, I watched the legislative committee videos leading up to the passage of EHB 2445. The assistant attorney general who testified on behalf of the bill said our probate laws, which are good, are based on integrity and honesty. Sadly, when these traits are lacking or are abused, we all pay the price.



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