

June 2026

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FRAUD ALERT – HOW TO PROTECT YOURSELF BY BETH A. MCDANIEL, JD, CELA

In 2024, Washington residents made 87,780 complaints to the U.S. Federal Trade Commission regarding fraud and identity theft. In 2024, older U.S. adults reported losing \$2.4 billion in scams, up from \$600 million in 2020...

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WASHINGTON SAVES – MANDATORY 401(K) REQUIREMENT

BY BETH A. MCDANIEL, JD, CELA



Washington Saves is a state-mandated Roth 401(K) program signed into law in 2024 and taking effect January 1, 2027. It applies to Washington employees whose employers have had a Washington business for at least two years and do not

offer a 401(K). Beginning in 2027, eligible employees 18 years and older will be automatically enrolled in a Washington Saves Roth IRA. While participation will be automatic, employees may opt out at any time. Employees will also have the choice to adjust their contribution levels or stop participating at any time.

More information about this program can be found at wasaves.com

HEIR SEARCH COMPANIES: NEW STATE LAWS REGARDING FOLLOWING A FAMILY TREE **BY BETH A. MCDANIEL, JD, CELA**

As discussed in our April and May 2026 newsletters, effective June 11, 2026, there are significant changes to Washington's probate laws. Most changes affect..

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Unfortunately, scammers are becoming increasingly sophisticated and manipulative in their tactics.

Here are a few scams which target older adults:

Scenario #1 – Fraud on Chase Account

A Texas woman received a call from 'Chase Bank' stating there had been suspicious activity on her account. She was asked if she had made a \$2,000 purchase at a Walmart in another state, which she had not. The 'bank' then asked her about three other purchases, which she confirmed were legitimate. The 'bank' then accurately provided her with the last four digits of her Chase credit card. Not fully convinced, the woman texted her daughter during the call, gave her the bank's phone number, and asked her to verify that the number belonged to Chase Bank.

The daughter verified the phone number online, called the number, and the call was answered as Chase Bank.

'Chase' then told the woman they needed to verify her account and thus would be sending her an access code. The access code the woman received looked identical to all the other access codes she had previously received from Chase. The woman provided the access number to 'Chase.' After the call ended, the woman called the number on the back of her Chase credit card. She was instructed to go to a Chase branch in person. After unsuccessfully finding someone available to assist her at two different Chase branches, the woman found help at a third Chase branch and was subsequently told that over \$40,000 had been transferred out of her account.

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Scenario #2 – Alleged Theft by Bank Employee

Here, bank customers are informed by their ‘bank’ that a bank employee is stealing from customers’ accounts and that they urgently need to move money out of their accounts. The customers are instructed to immediately go to their nearest branch to withdraw funds. The ‘bank’ further instructs the customer to not provide the bank employee with the true reason for the transfer, but to provide an excuse like the money is needed for a home repair like a new roof.

Per the bank manager I spoke with about this scam, if the bank suspects a customer is being scammed, they will take the customer to a private room to inform them of their concerns. According to the bank manager, most customers are grateful that the bank stopped them

from being a scam victim; however, according to the bank manager, there are customers who refuse to believe they are being scammed. Of course, and sadly, these customers learn they are scam victims once their funds are stolen from their accounts.

Scenario #3 – Lottery Scam

On May 14, 2026, a Jamaican citizen was sentenced to a three-year prison term for defrauding a 73-year-old Vancouver, Washington resident out of \$600,000 through a lottery scam.

As reported by the Department of Justice, the perpetrator first contacted the victim in 2020. He posed as an employee of Publisher’s Clearinghouse and claimed the victim won \$22 million and a car, but that she needed to pay taxes and fees to access her winnings. The caller convinced the victim that the FBI was recording the call, and she was not to

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tell anyone about her big win. Between August 2020 and February 2024, the perpetrator persuaded the victim to send money through various U.S. couriers which then routed the money to the perpetrator in Jamaica.

The money requests started small and grew over time. The perpetrator told the victim that money she previously sent was lost or stolen and thus she needed to send more. The perpetrator told the victim to borrow against her home so she could send more money. The perpetrator ultimately convinced the victim to sell her home to cover the additional “costs and fees” necessary to claim her big prize.

Reportedly, the perpetrator was relentless in contacting the victim using various phone numbers and texting programs. Throughout the fraud, he contacted her thousands of

times. When the victim tried to cut off contact, the perpetrator tried sending both tow trucks and pizza deliveries.

In addition, he asked the victim’s landlord for a welfare check just to try to get back in touch with the victim.

The FBI offers tips for avoiding being a fraud victim:

- Recognize scam attempts and end all communication with the perpetrator.
- Create a shared verbal family password or phrase that only you and your loved ones know.
- Search online for contact information (name, email, phone number, addresses) and the proposed offer. Know that other people have likely posted information online about individuals and businesses trying to run identical scams.

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- Resist the pressure to act quickly. Scammers create a sense of urgency to produce fear and lure victims into immediate action.
 - Call the police immediately if you feel you or a loved one are in danger.
 - Be cautious of unsolicited phone calls, mailings, and door-to-door services offers.
 - Never give or send any personally identifiable information, money, gold or other precious metals, jewelry, gift cards, checks, or wire information to unverified people or businesses.
 - Make sure all computer anti-virus and security software and malware protections are up to date. Use reputable anti-virus software and firewalls.
 - Disconnect from the internet and shut down your device if you see a pop-up message or locked screen. Pop-ups are regularly used by perpetrators to spread malicious software. Enable pop-up blockers to avoid accidentally clicking on a pop-up.
 - Be careful what you download onto your computer. Never open an email attachment from someone you do not know and be wary of email attachments forwarded to you.
 - Take precautions to protect your identity if a criminal gains access to your device or account. Immediately contact your financial institutions to place protections on your accounts and monitor your accounts and personal information for suspicious activity.
- If you suspect you or a loved one is the victim of a scam, a report should be made to your local police or sheriff's office. Additionally, the crime can also be reported to the national elder fraud line run by the Department of Justice

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(833-Fraud-11) and to the AARP Fraud Watch Network Helpline: 877-908-3360. Know that you are not alone, and that being a victim of a scam is not a sign of diminished capacity.

CONT: HEIR SEARCH COMPANIES: NEW STATE LAWS REGARDING FOLLOWING A FAMILY TREE

estates in which the decedent died without a Will or in which the decedent died with a Will, but no one named in the Will to serve as personal representative is willing or able to serve. The new probate laws also provide regulations regarding inheritance loan companies and heir search companies. This article addresses heir search companies.

Heir search companies are companies which specialize in locating missing heirs, beneficiaries, and unknown heirs. There are two types of heir search companies. One type of heir search company charges a percentage and the other charges a

non-percentage fee. The percentage fee typically comes from the 'found' heir's estate. A non-percentage fee is typically paid by the personal representative of the estate as such a company assists the personal representative in locating the heirs.

It has long been the law in Washington that within 20 days following the appointment of the personal representative, the personal representative, or the personal representative's attorney, must give notice of their appointment to each heir, legatee, and devisee of the estate. Notice must be served personally or by mail. If an address for

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an heir, legatee, or devisee is unknown to the personal representative, a guardian ad litem can be appointed by the court to receive notice on their behalf.

Effective June 11, 2026, for estates where the decedent died without a Will, within 30 days after their date of appointment the personal representative must file with the Court a report confirming that proper notice of the probate has been given. The report must contain the names and addresses of “each heir, legatee, devisee, beneficiary, and transferee to which the personal representative provided notice of their appointment and pendency of the probate, the details of the personal representative’s search to identify such persons, and the date on which notice was provided.” In estates in which the personal representative is not 100% certain they have located

and provided notice of the estate to each heir, legatee, devisee, beneficiary, and transferee, they will likely need to retain the services of an heir search company.

As you can imagine, an heir search may take longer than 30 days. Thus, there will be estates where the personal representative may decide to hold off on requesting their appointment until they have more certainty regarding the names and addresses of third parties requiring notice of their appointment. Such delays may create additional and problematic delays for securing the assets and payments to creditors.

There are also heir search companies that search for heirs independently of the personal representative. These companies review public court filings to locate estates in which there was no Will (“intestate estates”) to try to

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locate 'missing heirs' and get these heirs to sign agreements in which they will provide to the heir search company a percentage of their inheritance (20-50%) in exchange for their being 'found' by the heir search company and for the heir search company's service as an intermediary between the heir and the personal representative.

Effective June 11, 2026, Washington law provides new regulations of these 'percentage share' heir search companies when an heir has contractually agreed to give the heir search company a percentage of their share:

For the agreement to be effective, these conditions must be met:

1. The heir search company's compensation is limited to a portion of the heir's share of the estate, and the heir search

company's compensation is contingent upon the heir's receiving a distribution from the estate.

2. The agreement must be in writing, signed by the heir and the heir search company, and timely delivered to the heir.
3. The agreement must be in at least 10-font type and in principally the same language used in the discussions or negotiations leading to the execution of the agreement.
4. The agreement must be filed with the court and served on the personal representative (by written or electronic means) within 45 days following the date of execution, but no less than 14 days prior to a motion for distribution.
5. Prior to filing and serving the agreement, the heir search company must redact personally identifying information for the

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heir other than the heir's name and address.

To be valid, the agreement must contain the following terms:

1. A plain language description of the heir's interest, the percentage interest of the heir search company's interest in the event of a distribution, and an option for the heir to obtain from the heir search company a good faith interest estimate of the value of the interest and the value of the partial share once the values are ascertainable.
2. A plain description of the services provided to the heir from the heir search company in exchange for the partial share of the heir's interest.

The agreement with the heir search company is voidable if it contains any of the following:

1. A provision holding the heir search company harmless;
2. A provision requiring binding arbitration;
3. A provision granting to the heir search company the power to represent the heir's interest in the estate beyond the heir's interest described in the agreement;
4. A provision granting to the heir search company the authority to hire or select the personal representative;
5. A provision requiring payment by the heir to the heir finder for services relating to matters beyond the heir's interest described in the agreement.
6. A provision permitting the heir search company to get recourse against the heir if the partial share of the heir's interest has a value less than the value anticipated by the heir find at the

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time of the agreement; or

7. Any provision which effectively assigns full ownership of the heir's interest to the heir search company.

Under the new laws, the court may refuse to order distribution in accordance with the terms of the agreement if the court finds any of the following:

1. The heir search company's partial share of the heir's interest is grossly unreasonable.
2. The agreement was obtained by fraud, duress, or undue influence, or contained unconscionable terms at the time of the agreement.
 - a. There is a presumption that the agreement was obtained by undue influence if both of the following conditions were met:
 - i. The partial shares were acquired from an heir whose name and address were both already identified in the probate petition.
 - ii. The heir's interest in which the partial distribution was acquired included an asset already known to the heir or the personal representative.
3. The heir search company, or a principal or agent of, or person acting at the 'behest or in concert with, the heir search company also purchased a major asset of the estate for substantially less than fair market value; or
4. The heir search company did not substantially comply with the requirements of the law.

For a willful violation of the legal requirements, the court may order

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the heir search company to pay to the heir up to three times the value of the partial shares of the heir's interest, in addition to any other sanction or remedy.

Finally, notice of any motion brought against the heir search company must be provided at least 14 days prior to the hearing.

An individual approached by an heir search company should not rush into an agreement. The individual should ask the company for the estate details in writing and verify those details with the appropriate Court, if known. It is important to receive

independent legal advice regarding the agreement prior to agreeing to any fee or contract terms with an heirship company. It is also important to compare notes with other family members prior to signing an agreement.

Know that even if the information provided by the company appears to be valid, by your finding out information regarding the probate from the court and contacting the personal representative or their counsel directly, you will receive the entire share you are entitled to under the law.

Disclaimer: this newsletter is informational only and should not be construed as legal advice.
