

534.302 Ownership of savings accounts.

1. *Ownership.* Savings accounts may be opened and held solely and absolutely in the person's own right by, or in trust for, any person, including an adult or minor individual, male or female, single or married, a partnership, association, fiduciary corporation, or political subdivision or public or government unit or any other corporation or legal entity. Savings accounts shall be represented only by the account of each savings account holder on the books of the association, and shall be transferable only on the books of the association and upon proper application by the transferee and upon acceptance of the transferee as a savings account holder upon terms approved by the board of directors. The association may treat the holder of record of a savings account as the owner for all purposes without being affected by any notice to the contrary unless the association has acknowledged in writing notice of a pledge of the savings account.

2. *Evidence of ownership.* An account book may be issued to each savings account holder on the books of the association and the account book shall, if issued, indicate the withdrawal value of the account. A separate certificate for a savings account may be issued in lieu of an account book in form to be approved by the superintendent.

3. *Duplicate account books and certificates.* Upon the filing with an association by any one of the holders of record as shown by the books of the association, or by the holder's legal representative, of an affidavit to the effect that the account book or certificate evidencing a savings account with the association has been lost or destroyed, and that the account book or certificate has not been pledged or assigned in whole or in part, the association shall issue a new account book or certificate in the name of the holder or holders of record, the replacement book or certificate disclosing that it is issued in lieu of one lost or destroyed, and the association shall in no way be liable thereafter on account of the original account book or certificate, provided that the board of directors shall, if in its judgment it is necessary, require a bond in an amount it deems sufficient to indemnify the association against any loss which might result from the issuance of the new account book or certificate.

4. *Minors.* An association and a federal savings and loan association may issue a savings account to any minor as the sole and absolute owner of the account, and pay withdrawals and act with respect to the account on the order of the minor. Any payment or delivery of rights to any minor, or a receipt of acquittance signed by a minor, who holds a savings account, shall be a valid and sufficient release and discharge of the institution for any payment so made or delivery of right to the minor. In the case of a minor, the receipt, acquittance or other action required by the institution to be taken by the minor shall be binding upon the minor with like effect as if the minor were of full age and legal capacity. The parent or guardian of a minor shall not in the capacity of parent or guardian have the power to attach or in any manner to transfer any savings account issued to or in the name of the minor, provided, however, that in the event of the death of the minor the receipt of acquittance of either parent or of a person standing in loco parentis to the minor shall be a valid and sufficient discharge of the institution for any sum or sums not exceeding one thousand dollars in the aggregate unless the minor previously has given written notice to the institution not to accept the signature of the parent or person.

5. *Joint accounts.* When a savings account is opened in any association or federal savings and loan association in the name of two or more persons, whether minor or adult, in such form that the moneys in the account are payable to either or the survivor or survivors then the account and all additions thereto shall be the property of those persons as joint tenants. The moneys in the account may be paid to or on the order of any one of them during their lifetimes or to or on the order of any one of the survivors of them after the death of any one or more of them upon presentation of the pass or account book or other evidence of ownership as required by the articles or bylaws of the association. The opening of the account in such form shall, in the absence of fraud or undue influence, be conclusive evidence in any act or proceedings to which either the association or the surviving party or parties is a party, of the intention of all of the parties to the account to vest title to the account and the additions thereto in the survivor or survivors. By written instructions given to the institution by all the parties to the account, the signatures of more than one of the persons during their

lifetime or of more than one of the survivors after the death of any one of them may be required on any check, receipt or withdrawal order, in which case the institution shall pay the moneys in the account only in accordance with the instructions, but instructions of the parties shall not in any event limit the right of the survivor or survivors to receive the moneys in the account.

Payment of all or any of the moneys in an account as provided in the preceding paragraph of this subsection shall discharge the institution from liability with respect to the moneys so paid, prior to receipt by the institution of a written notice from any one of the parties directing the institution not to permit withdrawals in accordance with the terms of the account or the instructions. After receipt of such a notice an institution may refuse without liability to honor any check, receipt, or withdrawal order on the account pending determination of the rights of the parties. An institution paying any survivor in accordance with the provisions of this subsection shall not be liable as a result of that action for any estate, inheritance or succession taxes which may be due this state.

6. *Pledge to association of savings account in joint tenancy.* The pledge to any association or federal savings and loan association of all or part of a savings account in joint tenancy signed by that person or those persons who are authorized in writing to make withdrawals from the account shall, unless the terms of the savings account provide specifically to the contrary, be a valid pledge and transfer to the association of that part of the account pledged, and shall not operate to sever or terminate the joint and survivorship ownership of all or any part of the account.

7. *Accounts of administrators, executors, guardians, custodians, trustees and other fiduciaries.* Any association or federal savings and loan association may accept savings accounts in the name of any administrator, custodian, executor, guardian, trustee, or other fiduciary in trust for a named beneficiary or beneficiaries, or other fiduciary in trust for a specified class of unnamed beneficiaries. The fiduciary shall have power to vote as a member as if the membership were held absolutely, to open and to make additions to, and to withdraw the account in whole or in part. The withdrawal value of the accounts, and dividends thereon, or other rights relating thereto may be paid or delivered, in whole or in part to the fiduciary without regard to any notice to the contrary as long as the fiduciary is living. The payment or delivery to the fiduciary or a receipt or acquittance signed by the fiduciary to whom payment or delivery of rights is made shall be a valid and sufficient release and discharge of the institution for the payment or delivery so made. Whenever a person holding an account in a fiduciary capacity dies and no written notice of the revocation or termination of the fiduciary relationship has been given to an institution and the institution has no notice of any other disposition of the beneficial estate, the withdrawal value of the account and dividends on the account, or other rights relating to the account may, at the option of an institution, be paid or delivered, in whole or in part, to the beneficiary or beneficiaries. Whenever an account is opened by any person, describing the person in opening the account as trustee for another, and no other or further notice of the existence and terms of a legal and valid trust than that description has been given in writing to the association, in the event of the death of the person so described as trustee, the withdrawal value of the account or any part thereof, together with the dividends or interest on the account, may be paid to the person for whom the account was thus stated to have been opened, and the account and all additions shall be the property of that person. The payment or delivery to that person, or a receipt or acquittance signed by that person for any payment or delivery shall be a valid and sufficient release and discharge of the institution for the payment or delivery so made. An institution paying a fiduciary or beneficiary in accordance with the provisions of this subsection shall not be liable as a result of that action for any estate, inheritance or succession taxes which may be due this state.

8. *Pay on death accounts.* Any association and any federal savings and loan association may issue savings accounts in the name of one or more persons with the provision that upon the death of the owner or owners the proceeds shall be the property of the person or persons designated by the owner or owners and shown by the record of the association. After payment by the institution, the proceeds shall remain subject to the debts of the decedent and the payment of Iowa inheritance tax, if any. An institution paying the person or persons designated shall not be liable as a result of that action for any debts of the decedent or for any estate, inheritance, or succession taxes which may be due this state.

9. *Powers of attorney on savings account.* Any association or federal savings and loan association may continue to recognize the authority of an attorney authorized in writing to manage or to make withdrawals either in whole or in part from a savings account until it receives written notice or is on clear actual notice of the revocation of the attorney's authority. For the purpose of this subsection, written notice of the death or adjudication of incompetency of the savings account holder constitutes written notice of revocation of the authority of the attorney. An institution shall not be liable for damages, penalty or tax by reason of any payment made pursuant to this subsection.

10. *Savings accounts as legal investments.* Administrators, executors, custodians, guardians, trustees, and other fiduciaries of every kind and nature, insurance companies, business and manufacturing companies, banks, credit unions and all other types of financial institutions, charitable, educational, eleemosynary and public corporations and organizations, and municipalities and other public corporations and bodies, and public officials are authorized to invest funds held by them without any order of any court in share or deposit accounts or time certificates of deposit of insured savings associations which are under state supervision, or federal savings and loan associations organized under the laws of the United States and under federal supervision, and the investment shall be deemed and held to be a legal investment of the funds.

Whenever, under the laws of this state or otherwise, a deposit of securities is required for any purpose, the securities made legal investments by this subsection shall be acceptable for that deposit, and whenever, under the laws of this state or otherwise, a bond is required with security the bond may be furnished, and the securities made legal investments by this subsection in the amount of the bond, when deposited, shall be acceptable as security without other security.

The provisions of this subsection are supplemental to any and all other laws relating to and declaring what shall be legal investments for the persons, corporations, organizations, and officials referred to in this subsection and the laws relating to the deposit of securities and the making and filing of bonds for any purpose.

[C97, § 1901, 1904; C24, 27, 31, § 9343, 9344, 9357; C35, § 9330-e1; C39, § **9330.1, 9340.03, 9340.10, 9343, 9344, 9357**; C46, 50, 54, 58, § 534.21, 534.27, 534.34, 534.42, 534.43, 534.55, 534.111534.114; C62, 66, 71, 73, 75, 77, 79, 81, § 534.11; 81 Acts, ch 175, § 2; 82 Acts, ch 1253, § 10]

C85, § 534.302

90 Acts, ch 1208, §12