

CHAPTER 279.

DISTRIBUTIVE SHARE AND OCCUPANCY OF HOMESTEAD BY SURVIVING SPOUSE.

S. F. 135.

AN ACT to amend section thirty-three hundred seventy-seven (3377) of the code, relating to the election between the distributive share and occupancy of homestead by surviving spouse and setting off such distributive share.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Election as between distributive share and occupancy of homestead—mentally incapable—hearing—order. That section three thousand three hundred seventy seven (3377) of the code be amended by adding at the end of said section the following:

“But when such surviving spouse is mentally incapable of making such election, the court on petition being filed alleging such disability, may set the matter down for hearing at such time and place as it may deem best, and direct what notice thereof shall be given; and at such hearing the court may enter an order electing for such spouse, which shall be the election under this section, of the person under such disability; and in case of an election of the distributive share such distributive share may be set off to such surviving spouse under disability on the petition of the guardian of such spouse and under the provisions for setting off the survivor’s share. But this act shall not apply to actions now pending in court.”

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Capital, daily newspapers published in the city of Des Moines, Iowa.

Approved March 20 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader March 24, 1913 and in the Des Moines Capital March 22, 1913.

W. S. ALLEN,
Secretary of State.

CHAPTER 280.

SHARE OF SURVIVING SPOUSE WHERE INTESTATE LEAVES NO ISSUE.

Sub. for S. F. 16.

AN ACT to repeal section three thousand three hundred seventy-nine (3379) of the code and to enact a substitute therefor, relating to the share of surviving spouse.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Repeal—survivor—parents—amount. That section three thousand three hundred seventy-nine (3379) of the code, be and the same is hereby repealed and the following enacted in lieu thereof:

If the intestate leaves no issue, the whole of the estate to the amount of seven thousand five hundred dollars (\$7,500.00), after the payment of the debts and expenses of administration, and one-half ($\frac{1}{2}$) of all of the estate in excess of said seven thousand five hundred dollars (\$7,500.00) shall go to the surviving spouse and the other one-half ($\frac{1}{2}$) of said excess shall go to the parents. If no spouse, the whole shall go to the parents.

Approved April 9 A. D. 1913.

CHAPTER 281.

LIMITATION OF ACTIONS.

H. F. 440.

AN ACT to amend the law as it appears in section three thousand four hundred and forty-seven (3447) of the code, and to fix the time within which certain actions for the recovery of real estate may be brought.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Recovery of real estate—time. That the law as it appears in section three thousand four hundred forty-seven (3447) of the code, as now amended be, and the same is hereby amended by adding thereto as an additional sub-division thereof, the following:

(d) That in all cases where any deed of trust or declaration of trust has been executed and the real estate affected thereby has been conveyed by the trustee or the surviving spouse or heirs of said trustee and such conveyance was duly recorded in the proper county prior to January 1st, 1890, and the interest of the cestui que trust thereunder has not been by such cestui que trust conveyed, or established by proper proceedings in court, no action, suit or proceeding shall be commenced or maintained to foreclose the same, or to establish or recover the interest of the cestui que trust therein, or of the surviving spouse or heirs of the cestui que trust, unless such action, suit or proceeding be commenced by filing petition and service of notice not later than the first day of March, A. D. 1914.

Approved April 9 A. D. 1913.