

FILED MAR 10 1979

SENATE FILE 424

By COMMITTEE ON JUDICIARY
Approved 3/19 (p. 254)

Passed Senate, Date 3-26-79 (p. 248) Passed House, Date 4-26-79 (p. 1423)

Vote: Ayes 48 Nays 0 Vote: Ayes 26 Nays 0

Approved June 5, 1979

*Repealed Senate as amended by House
4-26-79 (p. 1423)
46-0*

A BILL FOR

1 An Act relating to the filing of objections to estate or
2 property appraisement.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section four hundred fifty point twenty-eight
2 (450.28), Code 1979, is amended to read as follows:

3 450.28 NOTICE OF APPRAISEMENT. It shall be the duty of
4 all appraisers appointed under the provisions of this chapter,
5 upon receiving a commission as herein provided, to ~~forthwith~~
6 give notice to the director of revenue and other persons known
7 to be interested in the property to be appraised, of the time
8 and place at which they will appraise such property, which
9 time shall not be less than ten days from the date of such
10 notice. The notice shall further state that the director
11 of revenue or any person interested in the estate or property
12 appraised may, within sixty days after filing of the appraise-
13 ment with the clerk of court, file objections to the
14 appraisal. The notice shall be served in the same manner
15 as is prescribed for the commencement of civil actions, or
16 in such other manner as the court in its discretion, may
17 prescribe upon application of any appraiser or any interested
18 party.

19 Sec. 2. Section four hundred fifty point twenty-nine
20 (450.29), Code 1979, is amended to read as follows:

21 450.29 RETURNS-REQUIRED NOTICE OF FILING. Upon service
22 of such notice and the making of such appraisal, the said
23 notice, return thereon and appraisal shall be filed with
24 the clerk, and a copy of such appraisal shall at once be
25 filed by the clerk with the director of revenue. The clerk
26 shall send a notice, by ordinary mail, to each attorney of
27 record of the estate and to each person known to be interested
28 in the estate or property appraised, and the notice shall
29 state that an appraisal has been filed with the clerk of
30 court and shall state the date the appraisal was filed.

31 Sec. 3. Section four hundred fifty point thirty-one
32 (450.31), Code 1979, is amended to read as follows:

33 450.31 OBJECTIONS. The director of revenue or any person
34 interested in the estate or property appraised may, within
35 ~~forty-five~~ sixty days ~~thereafter~~ after filing of the

1 appraisement with the clerk, file objections to said
2 appraisement and give notice thereof as in beginning civil
3 actions, to the director of revenue or the representative
4 of the estate or trust, if any, otherwise to the person
5 interested as heir, legatee, or transferee, on the hearing
6 of which as an action in equity either party may produce
7 evidence competent or material to the matters therein involved.

8 Sec. 4. This Act is effective January first following
9 its enactment.

10 EXPLANATION

11 This bill expands the period for filing an objection to
12 an appraisement of an estate or property under chapter 450
13 of the Code from 45 days to 60 days. It also requires the
14 notice given to the director of revenue and other persons
15 known to be interested in the property, to state that
16 objections may be filed within 60 days after filing of the
17 appraisement. The bill further provides that the period for
18 filing an objection to an appraisement runs from the date
19 the appraisement is filed with the clerk of court, and that
20 the clerk of court shall send a notice that the appraisement
21 has been filed to each attorney of record and other persons
22 known to be interested in the property.

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H-4024

1 Amend Senate File 424 as follows:

2 1. Page 1, line 6, by inserting after the word
3 "revenue" the words ", the attorney of record of
4 the estate, if any,".

5 2. Page 1, by striking lines 21 through 30
6 and inserting in lieu thereof the following:

7 "450.29 RETURNS-REQUIRED NOTICE OF FILING.

8 Upon service of such notice and the making of such
9 appraisement, the said notice, return thereon and
10 appraisement shall be filed with the clerk, and a
11 copy of such the appraisement shall at once be
12 filed by the clerk with the director of revenue.

13 The clerk shall send a notice, by ordinary mail,
14 to the attorney of record of the estate, if any,
15 to the personal representative of the estate, and
16 to each person known to be interested in the
17 estate or property appraised. The notice shall
18 state the date the appraisement was filed with the
19 clerk of court and shall include a copy of the
20 appraisement."

H-4024 FILED
APRIL 19, 1979

Adopted 4/26 (p. 1424) BY SHIMANEK of Jones
RITSEMA of Sioux

HOUSE AMENDMENT TO SENATE FILE 424

S-3596

1 Amend Senate File 424 as follows:

2 1. Page 1, line 6, by inserting after the word
3 "revenue" the words ", the attorney of record of the
4 estate, if any,".

5 2. Page 1, by striking lines 21 through 30 and
6 inserting in lieu thereof the following:

7 "450.29 RETURNS-REQUIRED NOTICE OF FILING. Upon
8 service of such notice and the making of such
9 appraisement, the said notice, return thereon and
10 appraisement shall be filed with the clerk, and a
11 copy of such the appraisement shall at once be filed
12 by the clerk with the director of revenue. The clerk
13 shall send a notice, by ordinary mail, to the attorney
14 of record of the estate, if any, to the personal
15 representative of the estate, and to each person known
16 to be interested in the estate or property appraised.
17 The notice shall state the date the appraisement was
18 filed with the clerk of court and shall include a
19 copy of the appraisement."

S-3596 FILED
APRIL 24, 1979

RECEIVED FROM THE HOUSE

*Senate referred to committee 4/25 (p. 1397)
Motion to reconsider (p. 1416) prevailed 4/26 (1422)
Senate concurred 4/26 (p. 1422)*

SENATE FILE 424

AN ACT
RELATING TO THE FILING OF OBJECTIONS TO ESTATE OR PROPERTY
APPRAISEMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section four hundred fifty point twenty-eight (450.28), Code 1979, is amended to read as follows:

450.28 NOTICE OF APPRAISEMENT. It shall be the duty of all appraisers appointed under the provisions of this chapter, upon receiving a commission as herein provided, to ~~forthwith~~ give notice to the director of revenue, the attorney of record of the estate, if any, and other persons known to be interested in the property to be appraised, of the time and place at which they will appraise such property, which time shall not be less than ten days from the date of such notice. The notice shall further state that the director of revenue or any person interested in the estate or property appraised may, within sixty days after filing of the appraisal with the clerk of court, file objections to the appraisal.

The notice shall be served in the same manner as is prescribed for the commencement of civil actions, or in such other manner as the court in its discretion, may prescribe upon application of any appraiser or any interested party.

Sec. 2. Section four hundred fifty point twenty-nine (450.29), Code 1979, is amended to read as follows:

450.29 ~~RETURNS-REQUIRED~~ NOTICE OF FILING. Upon service of such notice and the making of such appraisal, the ~~said~~ notice, return thereon and appraisal shall be filed with the clerk, and a copy of ~~such~~ the appraisal shall at once be filed by the clerk with the director of revenue. The clerk shall send a notice, by ordinary mail, to the attorney of record of the estate, if any, to the personal representative of the estate, and to each person known to be interested in the estate or property appraised. The notice shall state the date the appraisal was filed with the clerk of court and shall include a copy of the appraisal.

Sec. 3. Section four hundred fifty point thirty-one (450.31), Code 1979, is amended to read as follows:

450.31 OBJECTIONS. The director of revenue or any person interested in the estate or property appraised may, within ~~forty-five sixty days thereafter~~ after filing of the appraisal with the clerk, file objections to said appraisal and give notice thereof as in beginning civil actions, to the director of revenue or the representative of the estate or trust, if any, otherwise to the person interested as heir, legatee, or transferee, on the hearing of which as an action in equity either party may produce evidence competent or material to the matters therein involved.

Sec. 4. This Act is effective January first following its enactment.

TERRY E. BRANSTAD
President of the Senate

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 424, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved June 5, 1979

ROBERT D. RAY
Governor