

Judiciary
Doyle, Chair
Kudart
Rush

MAR 12 1982

HOUSE FILE 2453

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Place in Calendar

(Formerly Study Bill 553)

Passed House, Date 3-24-82 (p. 975) Passed Senate, Date 4-7-82 (p. 1091)

Vote: Ayes 96 Nays 0 Vote: Ayes 42 Nays 0

Approved May 17, 1982

*Repassed House as amended by Senate
4-14-82 (p. 1473)
97-0*

A BILL FOR

1 An Act relating to the dollar limitation on the administration
2 of certain small estates.

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

4

SENATE AMENDMENT TO HOUSE FILE 2453

5

H-5802

6

1 Amend House File 2453 as follows:

7

2 1. Page 1, by inserting before line 1 the
3 following:

8

4 "Sec. ____ Section 635.1, subsection 1, unnumbered
5 paragraph 1, Code 1981, as amended by Acts of the
6 Sixty-ninth General Assembly, 1981 Session, chapter
7 199, section 1, is amended to read as follows:

9

8 When the gross value of the probate and nonprobate
9 property of a decedent subject to the jurisdiction
10 of this state does not exceed ~~thirty~~ fifty thousand
11 dollars in property subject to taxation under section
12 450.3, upon the petition of the spouse or a child
13 of the decedent, the clerk shall issue to a resident
14 of the state of Iowa designated by the petitioner
15 letters of appointment of executor or administrator
16 for administration of a small estate if either of
17 the following occur:

18

18 Sec. ____ Section 635.1, subsection 2, unnumbered
19 paragraph 1, Code 1981, as amended by Acts of the
20 Sixty-ninth General Assembly, 1981 Session, chapter
21 199, section 1, is amended to read as follows:

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22 When the gross value of the probate and nonprobate
23 property of a decedent subject to the jurisdiction
24 of this state does not exceed ~~ten~~ fifteen thousand
25 dollars in property subject to taxation under section
26 450.3, upon the petition of a parent of the decedent
27 the clerk shall issue to a resident of the state of
28 Iowa designated by the petitioner, letters of
29 appointment as executor or administrator for
30 administration of a small estate if either of the
31 following occur:".

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2. Renumber sections as necessary.

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H-5802 FILED APRIL 8, 1982

RECEIVED FROM SENATE

House concurred 4/14 (p. 1473)

2453

54723

1 Section 1. Section 635.1, subsection 3, unnumbered para-
2 graph 1, Code 1981, as amended by Acts of the Sixty-ninth
3 General Assembly, 1981 Session, chapter 199, section 1, is
4 amended to read as follows:

5 When the entire estate of the decedent does not exceed
6 the sum of ~~one~~ ten thousand dollars after deducting the debts,
7 as defined in chapter 450, upon the petition of a person re-
8 lated within the fourth degree of consanguinity to the
9 decedent, the clerk shall issue to a resident of the state
10 of Iowa designated by the petitioner, letters of appointment
11 as executor or administrator for administration of a small
12 estate if either of the following occur:

13 Sec. 2. This bill applies to the administration of estates
14 for persons dying on or after its effective date.

15 EXPLANATION

16 This bill allows the use of small estate proceedings by
17 certain related persons where the entire estate does not
18 exceed ten thousand dollars after deducting debts. Such
19 estates are not subject to Iowa inheritance tax under the
20 1981 amendment to chapter 450. The bill takes effect July
21 1 following its enactment for persons dying on or after that
22 date.

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S-5492

1 Amend House File 2453 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. ____ . Section 635.1, subsection 1, unnumbered
5 paragraph 1, Code 1981, as amended by Acts of the
6 Sixty-ninth General Assembly, 1981 Session, chapter
7 199, section 1, is amended to read as follows:

8 When the gross value of the probate and nonprobate
9 property of a decedent subject to the jurisdiction
10 of this state does not exceed ~~thirty~~ fifty thousand
11 dollars in property subject to taxation under section
12 450.3, upon the petition of the spouse or a child
13 of the decedent, the clerk shall issue to a resident
14 of the state of Iowa designated by the petitioner
15 letters of appointment of executor or administrator
16 for administration of a small estate if either of
17 the following occur:

18 Sec. ____ . Section 635.1, subsection 2, unnumbered
19 paragraph 1, Code 1981, as amended by Acts of the
20 Sixty-ninth General Assembly, 1981 Session, chapter
21 199, section 1, is amended to read as follows:

22 When the gross value of the probate and nonprobate
23 property of a decedent subject to the jurisdiction
24 of this state does not exceed ~~ten~~ fifteen thousand
25 dollars in property subject to taxation under section
26 450.3, upon the petition of a parent of the decedent the
27 clerk shall issue to a resident of the state of Iowa
28 designated by the petitioner, letters of appointment
29 as executor or administrator for administration of
30 a small estate if either of the following occur:".

31 2. Renumber sections as necessary.

S-5492 FILED

BY ARTHUR A. SMALL, JR.

APRIL 6, 1982

Adopted 4/7 (p. 1091)

HOUSE FILE 2453

AN ACT

RELATING TO THE DOLLAR LIMITATION ON THE ADMINISTRATION OF CERTAIN SMALL ESTATES.

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

Section 1. Section 635.1, subsection 1, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 199, section 1, is amended to read as follows:

When the gross value of the probate and nonprobate property of a decedent subject to the jurisdiction of this state does not exceed ~~thirty~~ fifty thousand dollars in property subject to taxation under section 450.3, upon the petition of the spouse or a child of the decedent, the clerk shall issue to a resident of the state of Iowa designated by the petitioner letters of appointment of executor or administrator for administration of a small estate if either of the following occur:

Sec. 2. Section 635.1, subsection 2, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 199, section 1, is amended to read as follows:

When the gross value of the probate and nonprobate property of a decedent subject to the jurisdiction of this state does not exceed ~~ten~~ fifteen thousand dollars in property subject to taxation under section 450.3, upon the petition of a parent of the decedent the clerk shall issue to a resident of the state of Iowa designated by the petitioner, letters of appointment as executor or administrator for administration of a small estate if either of the following occur:

Sec. 3. Section 635.1, subsection 3, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 199, section 1, is amended to read as follows:

When the entire estate of the decedent does not exceed the sum of ~~one ten~~ thousand dollars after deducting the debts, as defined in chapter 450, upon the petition of a person related within the fourth degree of consanguinity to the decedent, the clerk shall issue to a resident of the state of Iowa designated by the petitioner, letters of appointment as executor or administrator for administration of a small estate if either of the following occur:

Sec. 4. This bill applies to the administration of estates for persons dying on or after its effective date.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2453, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House
Approved 5/17, 1982

ROBERT D. RAY
Governor

H.F. 2453