

CHAPTER 195
PERSONAL PROPERTY WILLS
S. F. 307

AN ACT to permit a separate writing to identify bequests of certain tangible personal property in wills.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 633.275, Code 1981, is amended to read as follows:

633.275 TESTAMENTARY ADDITIONS TO TRUSTS. A devise or bequest, the validity of which is determinable by the law of this state, may be made by a will to the trustee of a trust established, or to be established, by the testator, or by the testator and some other person or persons, or by some other person or persons, (including a funded or unfunded life insurance trust, although the trustor has reserved some or all rights of ownership of the insurance contracts), if the trust is identified in the testator's will, and if its terms are set forth in a written instrument (other than a will) executed before or concurrently with the execution of the testator's will, or in the valid last will of a person who has predeceased the testator (regardless of the existence, size, or character or the corpus of the trust). The devise or bequest ~~shall~~ is not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the will or after the death of the testator. Unless the testator's will provides otherwise, the property so devised or bequeathed ~~+~~(1) shall not be deemed to be held under a testamentary trust of the testator, but shall become a part of the trust to which it is given, and ~~+~~(2) shall be administered and disposed of in accordance with ~~the--provisions--of~~ the instrument or will setting forth the terms of the trust, including any amendments thereto made before the death of the testator, (regardless of whether any such amendment was made before or after the execution of the testator's will), and, if the testator's will so provides, including any amendments to the trust made after the death of the testator. A revocation or termination of the trust before the death of the testator ~~shall--cause~~ causes the devise or bequest to lapse. This section does not invalidate a devise or bequest made by a will executed prior to January 1, 1964.

Sec. 2. Section 633.276, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

633.276 SEPARATE IDENTIFICATION OF BEQUEST. A will may refer to a written statement, letter, or list to dispose of items of tangible personal property not otherwise specifically disposed of by the will, except tangible personal property used in trade or business. Tangible personal property, for purposes of this section, includes household goods, furnishings, furniture, personal effects, clothing, jewelry, books, works of art, ornaments, and automobiles. If the writing is dated and is either in the handwriting of the

testator or is signed by testator, and if it describes the items and distributees with reasonable certainty, the personal representative shall distribute the described items of tangible personal property to the distributees entitled to them. The writing may be referred to as one to be in existence at the time of the testator's death. The writing may be prepared before or after the execution of the will. The writing may be altered, added to, or changed in any respect by the testator after its preparation, and it may be a writing which has no significance apart from its effect upon the dispositions made by the will. Property passing by the writing shall be considered as property passing as a specific bequest under will.

Approved June 14, 1981

CHAPTER 196
ESTATE ADMINISTRATION LIMITATION
S. F. 515

AN ACT relating to a limitation on the time period for the filing of estates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 633.331, Code 1981, is amended to read as follows:

633.331 LIMITATION OF ADMINISTRATION. ~~Probate--of--a--will,--original~~
~~administration~~ Administration of an ~~intestate estate, testate or intestate,~~
domiciliary or ancillary ~~administration-of-an-estate,~~ shall not be granted
after five years from the death of the decedent, whether ~~he-die~~ the decedent
died within or without this state, unless a petition ~~therefor~~ for
administration is filed prior to the expiration of the five-year period.
~~Provided,--however,--that~~ However, ~~the limitation-herein-provided-shall-not~~
~~apply-to-the-probate-of-a-will-of-a-decedent-who-died--prior--to--January--1,~~
1964 will of a decedent may be admitted after the expiration of the five-year
period as documentary evidence of title only.

Approved May 4, 1981