

633.239 Share to embrace homestead.

The share of the surviving spouse in such real estate shall be set off in such manner as to include the ordinary dwelling house given by law to the homestead, or so much thereof as will be equal to the share allotted to the spouse by section 633.238 unless the spouse prefers a different arrangement; but no such different arrangement shall be permitted unless there be sufficient property remaining to pay the claims and charges against the decedent's estate.

[C51, § 1395; R60, § 2426; C73, § 2441; C97, § 3367; C24, 27, 31, 35, 39, § **11992**; C46, 50, 54, 58, 62, § 636.7; C66, 71, 73, 75, 77, 79, 81, § 633.239]