

### **633.374 Allowance to surviving spouse.**

The court shall, upon application, set off and order paid to the surviving spouse, as part of the costs of administration, sufficient of the decedent's property as it deems reasonable for the proper support of the surviving spouse for the period of twelve months following the death of the decedent. When said application is not made by the personal representative, notice of hearing upon the application shall be given to the personal representative. The court shall take into consideration the station in life of the surviving spouse and the assets and condition of the estate. The allowance shall also include such additional amount as the court deems reasonable for the proper support, during such period, of dependents of the decedent who reside with the surviving spouse. Such allowance to the surviving spouse shall not abate upon the death or remarriage of such spouse.

[C51, § 1338; R60, § 2370; C73, § 2375, 2377; C97, § 3314; C24, 27, 31, 35, 39, § **11923, 11924**; C46, 50, 54, 58, 62, § 635.12, 635.13; C66, 71, 73, 75, 77, 79, 81, § 633.374]