

633.304 Notice of probate of will with administration.

On admission of a will to probate, the executor, as soon as letters are issued, shall cause to be published once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the estate is pending and at any time during the pendency of administration that the executor has knowledge of the name and address of a person believed to own or possess a claim which will not or may not be paid or otherwise satisfied during administration, provide by ordinary mail to each such claimant at the claimant's last known address, and as soon as practicable give notice, except to any executor, by ordinary mail to the surviving spouse, each heir of the decedent and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons' last known addresses, a notice of admission of the will to probate and of the appointment of the executor, in which shall be included a notice that any action to set aside the probate of the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice or thereafter be forever barred, and in which shall be included a notice to debtors to make payment, and to creditors having claims against the estate to file them with the clerk within four months from the second publication of the notice, or thereafter be forever barred.

As used in this section, "heir" means only such person as would, in an intestate estate, be entitled to a share under section 633.219.

The notice shall be substantially in the following form:

Notice of Probate of Will,
of Appointment of Executor,
and Notice to Creditors

In the District Court of Iowa
in and for County.
Probate No.

.....
In the Estate of, Deceased
To All Persons Interested in the Estate of, Deceased,
who died on or about (date):

You are hereby notified that on the day of
(month), (year), the last will and testament of
....., deceased, bearing date of the day of
..... (month), (year), was admitted to probate in the
above named court and that was appointed
executor of the estate. Any action to set aside the will must be
brought in the district court of said county within the later to occur
of four months from the date of the second publication of this
notice or one month from the date of mailing of this notice to all
heirs of the decedent and devisees under the will whose identities
are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are
requested to make immediate payment to the undersigned, and
creditors having claims against the estate shall file them with the
clerk of the above named district court, as provided by law, duly
authenticated, for allowance, and unless so filed by the later to
occur of four months from the second publication of this notice or
one month from the date of mailing of this notice (unless otherwise
allowed or paid) a claim is thereafter forever barred.

Dated this day of (month), (year)

.....
Executor of estate

.....
Address

.....
Attorney for executor

.....
Address

Date of second publication

..... day of (month), (year)

(Date to be inserted by publisher)

[C51, §1357, 1358; R60, §2389, 2390; C73, §2366; C97, §3304; C24, 27, 31, 35, 39, §11890; C46, 50, 54, 58, 62, §633.46; C66, 71, 73, 75, 77, 79, 81, §633.304]

84 Acts, ch 1080, §6; 89 Acts, ch 35, §3; 93 Acts, ch 111, §3; 2000 Acts, ch 1058, §67; 2000 Acts, ch 1150, §4; 2002 Acts, ch 1119, §98

Referred to in §590.1, 633.230, 633.305, 633A.3109, 633A.3111, 635.13