

**633.242 Rights of election personal to surviving spouse.**

The right of the surviving spouse to take an elective share, and the right of the surviving spouse to receive a life estate in the homestead, are personal. They are not transferable and cannot be exercised for the spouse subsequent to the spouse's death. If the surviving spouse dies prior to filing an election, it shall be conclusively presumed that the surviving spouse does not take such elective share.

[C66, 71, 73, 75, 77, 79, 81, §633.242]

[2005 Acts, ch 38, §18](#)

Referred to in [§633.236](#), [633.237](#)