

**633.309 Time within which action must be commenced.**

1. An action to contest or set aside the probate of a will must be commenced in the court in which the will was admitted to probate within the later to occur of four months from the date of second publication of notice of admission of the will to probate or one month following the mailing of the notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, at such persons' last known addresses.

2. A party claiming the decedent's will was procured in whole or in part by tortious interference with inheritance must join such claim together in a timely will contest. The time period set out in [this section](#) applies to both the will contest and procurement of the decedent's will by tortious interference with inheritance if the party making the claim was given notice pursuant to [section 633.304](#).

[C51, §1659; R60, §1075, 1865, 2740; C73, §486, 2529; C97, §3447; S13, §2963-g, 3447; C24, 27, 31, 35, 39, §11007; C46, 50, 54, 58, 62, §614.1(3); C66, 71, 73, 75, 77, 79, 81, §633.309]

[84 Acts, ch 1080, §8](#); [89 Acts, ch 35, §5](#); [2023 Acts, ch 124, §4](#)