

Senate File 2099 - Enrolled

Senate File 2099

AN ACT

RELATING TO PROBATE AND THE ADMINISTRATION OF SMALL ESTATES AND
INCLUDING EFFECTIVE DATE AND APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 633.3, Code 2018, is amended by adding
the following new subsection:

NEW SUBSECTION. 30A. *Probate assets* — means a
decendent's property subject to administration by a personal
representative.

Sec. 2. Section 635.1, Code 2018, is amended to read as follows:

635.1 When applicable.

When the gross value of the probate assets of a decedent subject to the jurisdiction of this state does not exceed ~~one~~ two hundred thousand dollars, and upon a petition as provided in [section 635.2](#) of an authorized petitioner in accordance with sections 633.227 and [633.228](#), or section 633.290, subsection 1, paragraph "a" or "b", the clerk shall issue letters of appointment for administration to the proposed personal representative named in the petition, if qualified to serve pursuant to [section 633.63](#) or upon court order pursuant to section 633.64. Unless otherwise provided in [this chapter](#), the provisions of [chapter 633](#) apply to an estate ~~probated~~ administered pursuant to [this chapter](#).

Sec. 3. Section 635.2, subsection 5, Code 2018, is amended to read as follows:

5. A statement that the probate ~~property~~ assets of the decedent subject to the jurisdiction of this state ~~does~~ do not have an aggregate gross value of more than the amount permitted under the provisions of [section 635.1](#) and the approximate amount of personal property and income for the purposes of setting a bond.

Sec. 4. Section 635.7, Code 2018, is amended to read as follows:

635.7 Report and inventory — value and conversion.

1. The personal representative is required to file the report and inventory for which provision is made in section 633.361, including all probate and nonprobate assets. This chapter does not exempt the personal representative from complying with the requirements of [section 422.27](#), [450.22](#), [450.58](#), [633.480](#), or [633.481](#), and the administration of an estate whether converted to or from a small estate shall be considered one proceeding pursuant to [section 633.330](#).

2. The report and inventory shall ~~show the gross value of probate assets subject to the jurisdiction of this state~~ separately specify which assets are probate assets subject to the jurisdiction of this state and clearly state their gross value and the sum thereof.

3. If the gross value of probate assets subject to the jurisdiction of this state exceeds the amount permitted for a small estate under [section 635.1](#), the estate shall be administered as provided in [chapter 633](#).

4. If the report and inventory in an estate ~~probated~~ administered pursuant to [chapter 633](#) ~~shows~~ separately specifies the gross value of the probate assets subject to the jurisdiction of this state does not exceed the amount permitted under [section 635.1](#), the estate shall be administered as a small estate upon the filing of a statement by the personal representative that the estate is a small estate.

5. If the personal representative files a report to convert the estate administration to or from a small estate based on the gross value of probate assets subject to the jurisdiction of this state, the clerk shall make the conversion without an order of the court.

~~5.~~ 6. Other interested parties may apply to convert proceedings from a small estate to a regular estate or from a regular estate to a small estate which the court may grant only upon good cause shown ~~with approval from the court~~.

Sec. 5. Section 635.8, Code 2018, is amended to read as follows:

635.8 Closing by sworn statement.

1. The personal representative shall file with the court a closing statement and proof of service thereof to all interested parties within a reasonable time ~~from the date of issuance of the letters of appointment~~ after the expiration of all times following all notices required in chapter 633. The closing statement shall be verified or affirmed under penalty of perjury ~~stating~~ and shall include all of the following statements and information:

a. To the best knowledge of the personal representative, the gross value of the probate assets subject to the jurisdiction of this state does not exceed the amount permitted under section 635.1.

b. The estate has been fully administered and will be distributed to persons entitled thereto if no objection is filed to the closing statement and the accounting and proposed distribution within thirty days after service thereof.

~~c.~~ An accounting and proposed distribution ~~of the~~ estate explaining how and to whom the probate assets will be distributed including an accurate description of all the real estate of which the decedent died seized, stating the nature and extent of the interest in the real estate and its disposition.

~~d.~~ A copy of the closing statement and a notice of an opportunity to object to and request a hearing has been sent, as provided in section 633.40, to all interested parties Notice to all interested parties that the parties have thirty days from the date of service of the closing statement in which to request a hearing by filing an objection with the court.

~~e.~~ A statement ~~as to whether or not~~ that all statutory requirements pertaining to taxes have been complied with, including whether federal estate tax due has been paid, whether a lien continues to exist for any federal estate tax, and whether inheritance tax was paid or a tax return was filed in this state.

~~f.~~ A statement that all statutory requirements pertaining to claims have been complied with and a statement describing the resolution of all claims, including charges, and whether a lien continues to exist on any property as security for any claim.

~~f.~~ g. The amount of fees to be paid to the personal representative and the personal representative's attorney with the appropriate documentation showing compliance with subsection 4.

2. If no actions or proceedings involving the estate are pending in the court thirty days after service of the closing statement to all interested parties as provided in section 633.40, the estate shall be distributed according to the closing statement.

3. The estate clerk shall close the estate without order of the court and the personal representative shall be discharged upon the earlier of either of the following:

~~a.~~ The filing of an affidavit of mailing or other proof of service of the closing statement and a statement of asset distribution by the personal representative Filing an affidavit of mailing or other proof of service of the closing statement and filing proof of asset distribution, including receipts and

other evidence of disbursement.

b. Sixty days after the filing of the closing statement and an affidavit of mailing or other proof of service thereof.

4. The fees for the personal representative shall not exceed three percent of the gross value of the probate assets of the estate, unless the personal representative itemizes the personal representative's services to the estate. The personal representative's attorney shall be paid reasonable fees as approved by the court or as agreed to in writing by the personal representative and such writing shall be executed by the time of filing the probate report and inventory. All interested parties shall have the opportunity to object and request a hearing as to all fees reported in the closing statement.

5. If a closing statement is not filed within twelve months of the date of issuance of a letter of appointment, an interlocutory report shall be filed within such time period. Such report shall be provided to all interested parties at least once every six months until the closing statement has been filed unless excused by the court for good cause shown. The provisions of [section 633.473](#) requiring final settlement within three years shall apply to an estate probated pursuant to [this chapter](#). A closing statement filed under [this section](#) has the same effect as final settlement of the estate under chapter 633.

Sec. 6. EFFECTIVE DATE. The following take effect July 1, 2018:

The sections of this Act amending sections 633.3, 635.2, 635.7, and 635.8.

Sec. 7. EFFECTIVE DATE. The following takes effect July 1, 2020:

The section of this Act amending section 635.1.

Sec. 8. APPLICABILITY. The following apply July 1, 2018, to estates of decedents dying on or after July 1, 2018, and other estates opened previously and for which administration has not been completed as of July 1, 2018:

The sections of this Act amending sections 633.3, 635.2, and 635.8.

Sec. 9. APPLICABILITY. The following applies July 1, 2018,
to estates of decedents dying on or after July 1, 2018:

The section of this Act amending section 635.7.

Sec. 10. APPLICABILITY. The following applies July 1, 2020,
to estates of decedents dying on or after July 1, 2020:

The section of this Act amending section 635.1.

CHARLES SCHNEIDER
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2099, Eighty-seventh General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2018

KIM REYNOLDS
Governor