

Senate File 235 - Enrolled

Senate File 235

AN ACT

RELATING TO THE DENIAL AND CONTEST OF PROBATE CLAIMS.

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

Section 1. Section 633.438, Code 2021, is amended to read as follows:

633.438 General denial of claims.

Where a claim has been filed, but not admitted in writing by the personal representative before a request for hearing has been given as hereinafter provided, the claim shall be considered as generally denied by the personal representative without any pleading on behalf of the personal representative.

Sec. 2. Section 633.440, Code 2021, is amended to read as follows:

633.440 Contents of notice of disallowance.

Such a notice of disallowance shall advise the claimant that the claim has been disallowed and will be forever barred unless the claimant shall within twenty days after the date of mailing the notice, file a request for hearing on the claim with the clerk, ~~and mail a copy of such request for hearing to the personal representative and the attorney of record, if any, by certified mail.~~

Sec. 3. Section 633.442, Code 2021, is amended to read as follows:

633.442 Claims barred after twenty days.

Unless the claimant shall within twenty days after the date of mailing the notice of disallowance, file a request

~~for hearing with the clerk and mail a copy of the request for hearing to the personal representative and to the attorney of record, if any, the claim shall be deemed disallowed, and shall be forever barred.~~

Sec. 4. Section 633.443, Code 2021, is amended to read as follows:

633.443 Request for hearing by claimant.

At the time of the filing of a claim against an estate, or at any time thereafter prior to the time that the claim may be barred by the provisions of [section 633.442](#), or the approval of the final report of the personal representative after notice to the claimant, the claimant may file a request for hearing with the clerk, ~~and mail a copy of the request for hearing to the personal representative and attorney of record, if any.~~

Sec. 5. Section 633.444, Code 2021, is amended to read as follows:

633.444 Applicability of rules of civil procedure.

~~Within twenty days from the filing of the request for hearing on a claim, the personal representative shall move or plead to said claim~~ The personal representative shall file a pre-answer motion or answer to a claim within twenty days from the filing of the request for hearing on the claim in the same manner as though the claim were a petition filed in an ordinary action, and thereafter, all provisions of law and rules of civil procedure applicable to motions, pleadings and the trial of ordinary actions shall apply; provided, however, that a restatement of such claim shall not be barred by the provisions of [section 633.410](#).

Sec. 6. Section 633.447, Code 2021, is amended to read as follows:

633.447 Trial and hearing.

The trial of a claim and the offsets or counterclaims, if any, shall be to the court without a jury. However, the court may, in its discretion, either on its own motion or upon the motion of any party, submit the matter to a jury. In the event that the amount of the claim or a counterclaim exceeds the sum ~~of three hundred dollars~~ stated in section 631.1, subsection 1, either party shall be entitled to a jury trial, if a written

demand is made as provided in the rules of civil procedure in relation to the trial of ordinary actions.

Sec. 7. Section 633.448, Code 2021, is amended to read as follows:

633.448 Allowance and judgment.

Upon the trial of a claim, offsets and counterclaims, the amount owing by or to the estate, if any, shall be determined. A claim against the estate shall be allowed for the net amount. Judgment shall be rendered for any amount found to be due the estate. If a judgment is rendered against a claimant for any net amount, execution may issue in the same manner as on judgments in civil cases. The judgment against any interested party may be deducted from any amounts the estate owes to the interested party.

JAKE CHAPMAN
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 235, Eighty-ninth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2021

KIM REYNOLDS
Governor