

Sen. Judiciary 2/9 Do Pass H (p. 988)

HOUSE FILE 2368

FEB 19 1982

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

Place On Calendar

(Formerly House File 2280)

Passed House, Date 3-4-82 (p. 673) Passed Senate, Date 4-15-82 (p. 1224)

Vote: Ayes 95 Nays 0 Vote: Ayes 44 Nays 1

Approved May 14, 1982

*Repassed House as amended by Senate  
4-21-82 (p. 1609)  
97-0*

### A BILL FOR

- 1 An Act adding unpaid support payments and other related
- 2 judgments as an additional class of debts of an estate
- 3 given preference over payment of certain other debts
- 4 and charges.

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

HOUSE FILE 2368

S-5603

1 Amend House File 2368 as follows:

- 2 1. Page 1, line 23, by inserting after the word
- 3 "action" the words "to the extent that the support,
- 4 awards, and judgments have accrued at the time of
- 5 death of the decedent".

S-5603 FILED

BY BOB RUSH

APRIL 14, 1982

A. R. BUD KUDART

*Adopted 4/15 (p. 1224)*

SENATE AMENDMENT TO HOUSE FILE 2368

H-5883

1 Amend House File 2368 as follows:

- 2 1. Page 1, line 23, by inserting after the word
- 3 "action" the words "to the extent that the support,
- 4 awards, and judgments have accrued at the time of
- 5 death of the decedent".

H-5883 FILED APRIL 19, 1982

RECEIVED FROM THE SENATE

*House concurred 4/21 (p. 1609)*

1 Section 1. Section 633.425, Code 1981, is amended to read  
2 as follows:

3 633.425 CLASSIFICATION OF DEBTS AND CHARGES. In any  
4 estate in which the assets are, or appear to be, insufficient  
5 to pay in full all debts and charges of the estate, the  
6 personal representative shall classify ~~such~~ the debts and  
7 charges as follows:

- 8 1. Court costs.
- 9 2. Other costs of administration.
- 10 3. Reasonable funeral and burial expenses.
- 11 4. All debts and taxes having preference under the laws  
12 of the United States.
- 13 5. Reasonable and necessary medical and hospital expenses  
14 of the last illness of the decedent, including compensation  
15 of persons attending ~~him~~ at ~~his~~ the decedent's last illness.
- 16 6. All taxes having preferences under the laws of this  
17 state.
- 18 7. All debts owing to employees for labor performed during  
19 the ninety days next preceding the death of the decedent.
- 20 8. All unpaid support payments as defined in section  
21 598.1, subsection 2, and all additional unpaid awards and  
22 judgments against the decedent in any dissolution, separate  
23 maintenance, uniform support, or paternity action.
- 24 8 9. All other claims allowed.

25 EXPLANATION

26 When an estate has insufficient assets to pay all of the  
27 debts and charges, the debts and charges are paid in the order  
28 provided in section 633.425. This bill adds unpaid support  
29 payments including child support, alimony, separate maintenance  
30 and other unpaid awards and judgments awarded in a dissolution,  
31 separate maintenance, uniform support or paternity action  
32 as an additional class of claims to be paid in preference  
33 to certain other claims. The bill takes effect July 1 follow-  
34 ing its enactment.

35

extent that the support, awards, and judgments have accrued at the time of death of the decedent.

0 9. All other claims allowed.

HOUSE FILE 2368

AN ACT

ADDING UNPAID SUPPORT PAYMENTS AND OTHER RELATED JUDGMENTS AS AN ADDITIONAL CLASS OF DEBTS OF AN ESTATE GIVEN PREFERENCE OVER PAYMENT OF CERTAIN OTHER DEBTS AND CHARGES.

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

Section 1. Section 633.425, Code 1981, is amended to read as follows:

633.425 CLASSIFICATION OF DEBTS AND CHARGES. In any estate in which the assets are, or appear to be, insufficient to pay in full all debts and charges of the estate, the personal representative shall classify ~~such~~ the debts and charges as follows:

1. Court costs.
2. Other costs of administration.
3. Reasonable funeral and burial expenses.
4. All debts and taxes having preference under the laws of the United States.
5. Reasonable and necessary medical and hospital expenses of the last illness of the decedent, including compensation of persons attending ~~him~~ at ~~his~~ the decedent's last illness.
6. All taxes having preferences under the laws of this state.
7. All debts owing to employees for labor performed during the ninety days next preceding the death of the decedent.
8. All unpaid support payments as defined in section 598.1, subsection 2, and all additional unpaid awards and judgments against the decedent in any dissolution, separate maintenance, uniform support, or paternity action to the

\_\_\_\_\_  
DELWYN STROMER  
Speaker of the House

\_\_\_\_\_  
TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2368, Sixty-ninth General Assembly.

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ELIZABETH A. ISAACSON  
Chief Clerk of the House

Approved May 14, 1982

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ROBERT D. RAY  
Governor

H.F. 2368