

FILED FEB 24 1981

SENATE FILE 307

BY COMMITTEE ON JUDICIARY

Approved 2/24 (p. 566)

Substituted for H.F. 735 4/2

Passed Senate, Date 3-5-81 (p. 678) Passed House, Date 3-12-81 (p. 765)

Vote: Ayes 45 Nays 4 Vote: Ayes 60 Nays 33

Approved June 14, 1981
Walter D. Anderson (773)

A BILL FOR

1 An Act to permit a separate writing to identify bequests
2 of certain tangible personal property in wills.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 307

H-3270

Amend Senate File 307 as follows:

1 1. Page 2, by striking lines 11 through 24 and
2 inserting in lieu thereof the following:
3 "The writing shall be dated and signed by the
4 testator, shall be witnessed and signed by two persons
5 who are not beneficiaries under the testator's will,
6 shall describe the items and distributees with
7 reasonable certainty, and shall be prepared after
8 the execution of the testator's will. Any amendment
9 to the writing shall be executed in the same manner
10 as the writing itself. Property passing by the writ-
11 ing under this section shall be considered as a
12 specific bequest under the will, and the personal
13 representative shall distribute the described items
14 of tangible personal property to the distributees
15 entitled to them."

H-3270 FILED MARCH 12, 1981

BY PELTON of Clinton

LOST (p. 765)

1 Section 1. Section 633.275, Code 1981, is amended to read
2 as follows:

3 633.275 TESTAMENTARY ADDITIONS TO TRUSTS. A devise or
4 bequest, the validity of which is determinable by the law
5 of this state, may be made by a will to the trustee of a trust
6 established, or to be established, by the testator, or by
7 the testator and some other person or persons, or by some
8 other person or persons, {including a funded or unfunded life
9 insurance trust, although the trustor has reserved some or
10 all rights of ownership of the insurance contracts}, if the
11 trust is identified in the testator's will, and if its terms
12 are set forth in a written instrument {other than a will}
13 executed before or concurrently with the execution of the
14 testator's will, or in the valid last will of a person who
15 has predeceased the testator {regardless of the existence,
16 size, or character or the corpus of the trust}. The devise
17 or bequest ~~shall~~ is not be invalid because the trust is
18 amendable or revocable, or both, or because the trust was
19 amended after the execution of the will or after the death
20 of the testator. Unless the testator's will provides
21 otherwise, the property so devised or bequeathed ~~-(1)~~ shall
22 not be deemed to be held under a testamentary trust of the
23 testator, but shall become a part of the trust to which it
24 is given; and ~~-(2)~~ shall be administered and disposed of in
25 accordance with ~~the provisions of~~ the instrument or will
26 setting forth the terms of the trust, including any amendments
27 thereto made before the death of the testator, {regardless
28 of whether any such amendment was made before or after the
29 execution of the testator's will}, and, if the testator's
30 will so provides, including any amendments to the trust made
31 after the death of the testator. A revocation or termination
32 of the trust before the death of the testator ~~shall~~ cause
33 causes the devise or bequest to lapse. This section does
34 not invalidate a devise or bequest made by a will executed
35 prior to January 1, 1964.



SENATE FILE 307

AN ACT

TO PERMIT A SEPARATE WRITING TO IDENTIFY BEQUESTS OF CERTAIN
TANGIBLE PERSONAL PROPERTY IN WILLS.

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

Section 1. Section 633.275, Code 1981, is amended to read
as follows:

633.275 TESTAMENTARY ADDITIONS TO TRUSTS. A devise or
bequest, the validity of which is determinable by the law
of this state, may be made by a will to the trustee of a trust
established, or to be established, by the testator, or by
the testator and some other person or persons, or by some
other person or persons, (including a funded or unfunded life
insurance trust, although the trustor has reserved some or
all rights of ownership of the insurance contracts), if the
trust is identified in the testator's will, and if its terms
are set forth in a written instrument (other than a will)
executed before or concurrently with the execution of the
testator's will, or in the valid last will of a person who
has predeceased the testator (regardless of the existence,
size, or character or the corpus of the trust). The devise
or bequest ~~shall~~ is not be invalid because the trust is
amendable or revocable, or both, or because the trust was
amended after the execution of the will or after the death
of the testator. Unless the testator's will provides
otherwise, the property so devised or bequeathed~~+-{}~~ shall

not be deemed to be held under a testamentary trust of the
testator, but shall become a part of the trust to which it
is given, and~~+-{}~~ shall be administered and disposed of in
accordance with ~~the provisions of~~ the instrument or will
setting forth the terms of the trust, including any amendments
thereto made before the death of the testator, (regardless
of whether any such amendment was made before or after the
execution of the testator's will), and, if the testator's
will so provides, including any amendments to the trust made
after the death of the testator. A revocation or termination
of the trust before the death of the testator ~~shall cause~~
causes the devise or bequest to lapse. This section does
not invalidate a devise or bequest made by a will executed
prior to January 1, 1964.

Sec. 2. Section 633.276, Code 1981, is amended by strik-
ing the section and inserting in lieu thereof the following:

633.276 SEPARATE IDENTIFICATION OF BEQUEST. A will may
refer to a written statement, letter, or list to dispose of
items of tangible personal property not otherwise specifically
disposed of by the will, except tangible personal property
used in trade or business. Tangible personal property, for
purposes of this section, includes household goods,
furnishings, furniture, personal effects, clothing, jewelry,
books, works of art, ornaments, and automobiles. If the
writing is dated and is either in the handwriting of the
testator or is signed by testator, and if it describes the
items and distributees with reasonable certainty, the personal
representative shall distribute the described items of tangible
personal property to the distributees entitled to them. The
writing may be referred to as one to be in existence at the
time of the testator's death. The writing may be prepared
before or after the execution of the will. The writing may
be altered, added to, or changed in any respect by the testator
after its preparation, and it may be a writing which has no
significance apart from its effect upon the dispositions

made by the will. Property passing by the writing shall be considered as property passing as a specific bequest under will.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 307, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved June 14, 1981

ROBERT D. RAY
Governor