

Reprinted

FEB 14 1990

HOUSE FILE 2425
BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Place On Calendar

(SUCCESSOR TO HSB 747)
(COMPANION TO SSB 2186)

Passed House, Date 2/27/90 (p. 674) Passed Senate, Date 3/13/90 (p. 1017)
Vote: Ayes 91 Nays 0 Vote: Ayes 46 Nays 0
Approved March 23, 1990

A BILL FOR

53721 An Act relating to voluntary petitions for conservatorships
2 and their required contents.

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

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HF 2425

5151

1 Section 1. Section 633.591, Code Supplement 1989, is
2 amended to read as follows:

3 633.591 VOLUNTARY PETITION FOR APPOINTMENT OF CONSERVATOR
4 -- STANDBY BASIS.

5 Any person of full age and sound mind may execute a
6 verified petition for the voluntary appointment of a
7 conservator of the person's property upon the express
8 condition that such petition shall be acted upon by the court
9 only upon the occurrence of an event specified or the
10 existence of a described condition of the mental or physical
11 health of the petitioner, the occurrence of which event, or
12 the existence of which condition, shall be established in the
13 manner directed in said petition. The petition, if executed
14 on or after July 1, 1989, shall advise the proposed ward of a
15 conservator's powers as provided in section 633.576.

5257

16 EXPLANATION

17 This bill provides that only petitions for appointment of a
18 conservator executed on or after July 1, 1989, need advise the
19 proposed ward of the conservator's powers.

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HOUSE FILE 2425

H-5257

- 1 Amend House File 2425 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Sec. ____ . Section 633.230, Code Supplement 1989,
5 is amended by adding the following new unnumbered
6 paragraph:
7 NEW UNNUMBERED PARAGRAPH. An action based upon the
8 failure to give notice by mail required by this
9 section, section 633.304 or 633.305, to heirs of a
10 decedent or to persons known by the personal
11 representative to own or possess a claim in any estate
12 in which the personal representative was discharged
13 prior to July 1, 1989, shall not be maintained in any
14 court in this state unless commenced prior to July 1,
15 1991."
16 2. Page 1, by inserting after line 15, the
17 following:
18 "S. ____ . NEW SECTION. 682.60A VALIDITY OF
19 VOLUNTARY TRUSTS.
20 A voluntary trust is not invalid, merged, or
21 terminated if the trustor is also the sole trustee or
22 a cotrustee, and a beneficiary during the trustor's
23 lifetime."
24 3. By renumbering as necessary.

By MCKINNEY of Dallas
JAY of Appanoose
TRENT of Muscatine

H-5257 FILED FEBRUARY 21, 1990

Adopted 2/27 (p. 674)

HOUSE FILE 2425

H-5372

- 1 Amend House File 2425 as follows:
2 1. Title page, line 1, by inserting after the
3 word "to" the following: "certain trust and estate
4 documents by providing for notice requirements for
5 claims against an estate, the validity of a voluntary
6 trust, and".

By MCKINNEY of Dallas

H-5372 FILED FEBRUARY 27, 1990

ADOPTED BY UNANIMOUS CONSENT (p. 674)

HOUSE FILE 2425
BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(SUCCESSOR TO HSB 747)
(COMPANION TO SSB 2186)

(As Amended and Passed by the House February 27, 1990)

Substituted for S.F. 2354

Passed House, Date 2/27/90 (p.674) Passed Senate, Date 3/13/90 (p.1017)

Vote: Ayes 91 Nays 0 Vote: Ayes 46 Nays 0

Approved March 23, 1990

A BILL FOR

1 An Act relating to certain trust and estate documents by
2 providing for notice requirements for claims against an
3 estate, the validity of a voluntary trust, and voluntary
4 petitions for conservatorships and their required contents.

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

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House Amendments _____

1 Section 1. Section 633.230, Code Supplement 1989, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. An action based upon the failure
4 to give notice by mail required by this section, section
5 633.304 or 633.305, to heirs of a decedent or to persons known
6 by the personal representative to own or possess a claim in
7 any estate in which the personal representative was discharged
8 prior to July 1, 1989, shall not be maintained in any court in
9 this state unless commenced prior to July 1, 1991.

10 Sec. 2. Section 633.591, Code Supplement 1989, is amended
11 to read as follows:

12 633.591 VOLUNTARY PETITION FOR APPOINTMENT OF CONSERVATOR
13 -- STANDBY BASIS.

14 Any person of full age and sound mind may execute a
15 verified petition for the voluntary appointment of a
16 conservator of the person's property upon the express
17 condition that such petition shall be acted upon by the court
18 only upon the occurrence of an event specified or the
19 existence of a described condition of the mental or physical
20 health of the petitioner, the occurrence of which event, or
21 the existence of which condition, shall be established in the
22 manner directed in said petition. The petition, if executed
23 on or after July 1, 1989, shall advise the proposed ward of a
24 conservator's powers as provided in section 633.576.

25 Sec. 3. NEW SECTION. 682.60A VALIDITY OF VOLUNTARY
26 TRUSTS.

27 A voluntary trust is not invalid, merged, or terminated if
28 the trustor is also the sole trustee or a cotrustee, and a
29 beneficiary during the trustor's lifetime.

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HOUSE FILE 21135
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW EN-
FORCEMENT BILL BY
CHAIRPERSON JAY)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to voluntary petitions for conservatorships and
2 and their required contents.

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

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1 Section 1. Section 633.591, Code Supplement 1989, is
2 amended to read as follows:

3 633.591 VOLUNTARY PETITION FOR APPOINTMENT OF CONSERVATOR
4 -- STANDBY BASIS.

5 Any person of full age and sound mind may execute a
6 verified petition for the voluntary appointment of a
7 conservator of the person's property upon the express
8 condition that such petition shall be acted upon by the court
9 only upon the occurrence of an event specified or the
10 existence of a described condition of the mental or physical
11 health of the petitioner, the occurrence of which event, or
12 the existence of which condition, shall be established in the
13 manner directed in said petition. The petition, if executed
14 on or after July 1, 1989, shall advise the proposed ward of a
15 conservator's powers as provided in section 633.576.

16 EXPLANATION

17 This bill provides that only petitions for appointment of a
18 conservator executed on or after July 1, 1989, need advise the
19 proposed ward of the conservator's powers.

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HOUSE FILE 2425

AN ACT

RELATING TO CERTAIN TRUST AND ESTATE DOCUMENTS BY PROVIDING FOR NOTICE REQUIREMENTS FOR CLAIMS AGAINST AN ESTATE, THE VALIDITY OF A VOLUNTARY TRUST, AND VOLUNTARY PETITIONS FOR CONSERVATORSHIPS AND THEIR REQUIRED CONTENTS.

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

Section 1. Section 633.230, Code Supplement 1989, is amended by adding the following new unnumbered paragraph: NEW UNNUMBERED PARAGRAPH. An action based upon the failure to give notice by mail required by this section, section 633.304 or 633.305, to heirs of a decedent or to persons known by the personal representative to own or possess a claim in any estate in which the personal representative was discharged prior to July 1, 1989, shall not be maintained in any court in this state unless commenced prior to July 1, 1991.

Sec. 2. Section 633.591, Code Supplement 1989, is amended to read as follows:

633.591 VOLUNTARY PETITION FOR APPOINTMENT OF CONSERVATOR -- STANDBY BASIS.

Any person of full age and sound mind may execute a verified petition for the voluntary appointment of a conservator of the person's property upon the express condition that such petition shall be acted upon by the court only upon the occurrence of an event specified or the existence of a described condition of the mental or physical health of the petitioner, the occurrence of which event, or the existence of which condition, shall be established in the manner directed in said petition. The petition, if executed on or after July 1, 1989, shall advise the proposed ward of a conservator's powers as provided in section 633.576.

Sec. 3. NEW SECTION. 682.60A VALIDITY OF VOLUNTARY TRUSTS.

A voluntary trust is not invalid, merged, or terminated if the trustor is also the sole trustee or a cotrustee, and a beneficiary during the trustor's lifetime.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2425, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved March 23, 1990

TERRY E. BRANSTAD
Governor