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FILED MAR 17 1989

SENATE FILE 494
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 350)

Passed Senate, Date 3-23-89 (p.100) Passed House, Date 4-13-89 (p.1574)
Vote: Ayes 44 Nays 0 Vote: Ayes 91 Nays 2
Approved 5-4-89

A BILL FOR

1 An Act relating to the disposition of property devised as a class
3402-2 gift where the testator has survived the devisee.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 494

S-3402

- 1 Amend Senate File 494 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "Sec. ____ . This Act applies to all wills admitted
- 5 to probate on or after the effective date of the Act."
- 6 2. Title page, line 2, by inserting after the
- 7 word "devisee" the following: ", and providing for
- 8 the Act's applicability".
- 9 3. Renumber as necessary.

By RICHARD VARN

S-3402 FILED MARCH 23, 1989
ADOPTED 3-23-89 (p.100)

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1 Section 1. Section 633.273, Code 1989, is amended to read
2 as follows:

3 633.273 ANTILAPSE STATUTE.

4 1. If a devisee die dies before the testator, the
5 devisee's heirs shall inherit the property devised to the
6 devisee, unless from the terms of the will, the intent is
7 clear and explicit to the contrary.

8 2. A person who would have been a devisee under a class
9 gift, if the person had survived the testator, is treated as a
10 devisee for purposes of this section, provided the person's
11 death occurred after the execution of the will, unless from
12 the terms of the will, the intent is clear and explicit to the
13 contrary.

3402-

14 EXPLANATION

15 This bill provides that the heirs of a devisee of a class
16 gift shall inherit the property devised to the devisee of the
17 class gift, provided the devisee of the class gift is alive at
18 the time of execution of the will.

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House Judiciary
DO PASS 4-10-89 (p. 1441)

SENATE FILE 494
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 350)

(AS AMENDED AND PASSED BY THE SENATE MARCH 23, 1989)

_____ - New Language by the Senate

Passed Senate, Date 3/23/89 (p. 1001) Passed House, Date 4-13-89 (p. 1574)
Vote: Ayes 44 Nays 0 Vote: Ayes 91 Nays 2
Approved 5-4-89 (p. 1945)

A BILL FOR

1 An Act relating to the disposition of property devised as a class
2 gift where the testator has survived the devisee, and
3 providing for the Act's applicability.

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

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S.F. 494

1 Section 1. Section 633.273, Code 1989, is amended to read
2 as follows:

3 633.273 ANTILAPSE STATUTE.

4 1. If a devisee ~~die~~ dies before the testator, the
5 devisee's heirs shall inherit the property devised to the
6 devisee, unless from the terms of the will, the intent is
7 clear and explicit to the contrary.

8 2. A person who would have been a devisee under a class
9 gift, if the person had survived the testator, is treated as a
10 devisee for purposes of this section, provided the person's
11 death occurred after the execution of the will, unless from
12 the terms of the will, the intent is clear and explicit to the
13 contrary.

14 Sec. 2. This Act applies to all wills admitted to probate
15 on or after the effective date of the Act.

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VARN, CH.
MANU
GENTLEMAN

SSB 350
JUDICIARY

SENATE FILE 494
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

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

A BILL FOR

1 An Act relating to the disposition of property devised as a class
2 gift where the testator has survived the devisee, and
3 providing an applicability provision.

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

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1 Section 1. Section 633.273, Code 1989, is amended to read
2 as follows:

3 633.273 ANTILAPSE STATUTE.

4 1. If a devisee die dies before the testator, the
5 devisee's heirs shall inherit the property devised to the
6 devisee, unless from the terms of the will, the intent is
7 clear and explicit to the contrary.

8 2. A person who would have been a devisee under a class
9 gift, if the person had survived the testator, is treated as a
10 devisee for purposes of this section, provided the person's
11 death occurred after the execution of the will, unless from
12 the terms of the will, the intent is clear and explicit to the
13 contrary.

14 Sec. 2. This Act applies to all wills admitted to probate
15 on or after the effective date of the Act.

16 EXPLANATION

17 This bill provides that the heirs of a devisee of a class
18 gift shall inherit the property devised to the devisee of the
19 class gift, provided the devisee of the class gift is alive at
20 the time of execution of the will. The bill applies to wills
21 admitted to probate on or after the effective date of the Act.

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Sec. 2. This Act applies to all wills admitted to probate on or after the effective date of the Act.

SENATE FILE 494

AN ACT

RELATING TO THE DISPOSITION OF PROPERTY DEVISED AS A CLASS GIFT WHERE THE TESTATOR HAS SURVIVED THE DEVISEE, AND PROVIDING FOR THE ACT'S APPLICABILITY.

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

Section 1. Section 633.273, Code 1989, is amended to read as follows:

633.273 ANTI-LAPSE STATUTE.

1. If a devisee ~~die~~ dies before the testator, the devisee's heirs shall inherit the property devised to the devisee, unless from the terms of the will, the intent is clear and explicit to the contrary.

2. A person who would have been a devisee under a class gift, if the person had survived the testator, is treated as a devisee for purposes of this section, provided the person's death occurred after the execution of the will, unless from the terms of the will, the intent is clear and explicit to the contrary.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 494, Seventy-third General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved May 4, 1989

TERRY E. BRANSTAD
Governor

SF 494