

Senate Study Bill 1260

Bill Text

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1 1 Section 1. Section [450.4](#), subsection 1, Code 2001, is
1 2 amended to read as follows:
1 3 1. When the entire estate of the decedent does not exceed
1 4 the sum of

~~ten~~

- ~~twenty-five~~ thousand dollars after deducting
1 5 the liabilities, as defined in this chapter.
1 6 Sec. 2. Section [450.44](#), Code 2001, is amended to read as
1 7 follows:
1 8 450.44 REMAINDERS VALUATION.
1 9 When a person whose estate over and above the amount of
1 10 that person's liabilities, as defined in this chapter, exceeds
1 11 the sum of

~~ten~~

- ~~twenty-five~~ thousand dollars, bequeaths,
1 12 devises, or otherwise transfers real property to or for the
1 13 use of persons exempt from the tax imposed by this chapter,
1 14 during life or for a term of years and the remainder to
1 15 persons not thus exempt, this property, upon the determination
1 16 of the estate for life or years, shall be valued at its then
1 17 actual market value from which shall be deducted the value of
1 18 any improvements on it made by the person who owns the
1 19 remainder interest during the time of the prior estate, to be
1 20 determined as provided in section 450.37, subsection 1,
1 21 paragraph "a", and the tax on the remainder shall be paid by
1 22 the person who owns the remainder interest as provided in
1 23 section 450.46.
1 24 Sec. 3. Section [633.356](#), subsection 1, unnumbered
1 25 paragraph 1, Code 2001, is amended to read as follows:
1 26 When the gross value of the decedent's personal property
1 27 does not exceed

~~ten~~

- ~~twenty-five~~ thousand dollars and there is
1 28 no real property or the real property passes to

~~a surviving~~

-
1 29

~~spouse~~

- ~~persons exempt from inheritance tax pursuant to section~~
1 30 [450.9](#) as joint

~~tenant~~

- ~~tenants~~ with right of survivorship, and
1 31 if forty days have elapsed since the death of the decedent,
1 32 the successor of the decedent as defined in subsection 2 may,
1 33 by filing an affidavit prepared pursuant to subsection 3, and
1 34 without procuring letters of appointment, do any of the
1 35 following with respect to one or more particular items of
2 1 personal property:
2 2 Sec. 4. Section [633.356](#), subsection 3, paragraph c, Code
2 3 2001, is amended to read as follows:

2 4 c. That the gross value of the decedent's personal
2 5 property does not exceed

~~ten~~

- ~~twenty-five~~ thousand dollars and

2 6 there is no real property or the real property passes to

~~a~~

-

2 7

~~surviving spouse~~

- persons exempt from inheritance tax pursuant

2 8 to section 450.9 as joint

~~tenant~~

- tenants with right of

2 9 survivorship.

2 10 Sec. 5. APPLICABILITY. This Act applies to estates of
2 11 decedents dying on or after July 1, 2001.

2 12 EXPLANATION

2 13 This bill amends Code section 633.356 to provide for
2 14 distribution of an estate by affidavit, rather than probate,
2 15 in cases where the value of the estate does not exceed
2 16 \$25,000, rather than the current limit of \$10,000.

2 17 The bill also makes corresponding amendments to Code
2 18 sections 450.4 and 450.44, increasing the value of a
2 19 decedent's estate that is exempt from inheritance taxation
2 20 from \$10,000 to \$25,000.

2 21 The bill also contains an applicability provision.

2 22 LSB 3594SC 79

2 23 rh/pj/5