

Withdrawn
4/5/04

FILED FEB 19 '04

SENATE FILE 2155
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3025)

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

A BILL FOR

1 An Act relating to safe deposit box access by a trustee of a
2 trust created by the deceased owner or lessee of the safe
3 deposit box.

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

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SF 2155
JUDICIARY

1 Section 1. Section 524.810A, subsection 1, unnumbered
2 paragraph 1, Code 2003, is amended to read as follows:

3 A bank shall permit a person named in and authorized by a
4 court order to open, examine, and remove the contents of a
5 safe deposit box located at the bank. If a court order has
6 not been delivered to the bank, the following persons may
7 access and remove any or all contents of a safe deposit box
8 located at a state bank and which box is described in an
9 ownership or rental agreement or lease between the state bank
10 and a deceased owner or lessee:

11 Sec. 2. Section 524.810A, subsection 1, paragraph e, Code
12 2003, is amended to read as follows:

13 e. A trustee of a trust created by the deceased owner or
14 lessee upon delivery to the state bank of ~~a copy of the trust~~
15 ~~together with an affidavit by the trustee~~ either of the
16 following:

17 (1) A certification of trust pursuant to section 633.4604
18 which certifies that the trust property is reasonably believed
19 to include property in the safe deposit box.

20 (2) A copy of the trust with an affidavit by the trustee
21 which certifies that a copy of the trust delivered to the
22 state bank with the affidavit is an accurate and complete copy
23 of the trust, that the trustee is the duly authorized and
24 acting trustee under the trust, that the trust property
25 includes is reasonably believed to include property in the
26 safe deposit box, and that, to the knowledge of the trustee,
27 the trust has not been revoked.

28 Sec. 3. Section 533.49E, subsection 1, unnumbered
29 paragraph 1, Code 2003, is amended to read as follows:

30 A credit union shall permit a person named in and
31 authorized by a court order to open, examine, and remove the
32 contents of a safe deposit box located at the credit union.
33 If a court order has not been delivered to the credit union,
34 the following persons may access and remove any or all
35 contents of a safe deposit box located at a state credit union

1 and which box is described in an ownership or rental agreement
2 or lease between the state credit union and a deceased owner
3 or lessee:

4 Sec. 4. Section 533.49E, subsection 1, paragraph e, Code
5 2003, is amended to read as follows:

6 e. A trustee of a trust created by the deceased owner or
7 lessee upon delivery to the state credit union of ~~a copy of~~
8 ~~the trust together with an affidavit by the trustee~~ either of
9 the following:

10 (1) A certification of trust pursuant to section 633.4604
11 which certifies that the trust property is reasonably believed
12 to include property in the safe deposit box.

13 (2) A copy of the trust with an affidavit by the trustee
14 which certifies that a copy of the trust delivered to the
15 state credit union with the affidavit is an accurate and
16 complete copy of the trust, that the trustee is the duly
17 authorized and acting trustee under the trust, that the trust
18 property ~~includes~~ is reasonably believed to include property
19 in the safe deposit box, and that to the knowledge of the
20 trustee the trust has not been revoked.

21 EXPLANATION

22 This bill relates to safe deposit box access by a trustee
23 of a trust created by the deceased owner or lessee of the safe
24 deposit box. The bill allows such a trustee to present a
25 certification of trust to a bank or a credit union to gain
26 access to the contents of a deceased owner's or lessee's safe
27 deposit box. The requirements for a certification of trust
28 are contained in Code section 633.4604. The certification
29 must contain a statement that the trust has not been revoked,
30 modified, or amended in any manner which would cause the
31 representations contained in the certification to be incorrect
32 and must contain a statement that it is being signed by all of
33 the currently acting trustees of the trust and is sworn and
34 subscribed to under penalty of perjury before a notary public.
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Letting
Halveak
Boettger

Succeeded By
HF 2155 95B#3025

SENATE FILE Judiciary
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON REDFERN)

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

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2 Code 2003, is amended to read as follows:

3 e. A trustee of a trust created by the deceased owner or
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5 ~~together with an affidavit by the trustee~~ either of the
6 following:

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8 which certifies that the trust property is reasonably believed
9 to include property in the safe deposit box.

10 (2) A copy of the trust with an affidavit by the trustee
11 which certifies that a copy of the trust delivered to the
12 state bank with the affidavit is an accurate and complete copy
13 of the trust, that the trustee is the duly authorized and
14 acting trustee under the trust, that the trust property
15 ~~includes~~ is reasonably believed to include property in the
16 safe deposit box, and that, to the knowledge of the trustee,
17 the trust has not been revoked.

18 EXPLANATION

19 This bill relates to safe deposit box access by a trustee
20 of a trust created by the deceased owner or lessee of the safe
21 deposit box. The bill allows such a trustee to present a
22 certification of trust to a bank to gain access to the
23 contents of a deceased owner's or lessee's safe deposit box.
24 The requirements for a certification of trust are contained in
25 Code section 633.4604. The certification must contain a
26 statement that the trust has not been revoked, modified, or
27 amended in any manner which would cause the representations
28 contained in the certification to be incorrect and must
29 contain a statement that it is being signed by all of the
30 currently acting trustees of the trust and is sworn and
31 subscribed to under penalty of perjury before a notary public.

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