

House File 195 - Introduced

HOUSE FILE 195
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 4)

A BILL FOR

1 An Act relating to requests for notice of probate proceedings.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.42, Code 2017, is amended to read as
2 follows:

3 **633.42 Requests for notice.**

4 1. At any time after the issuance of letters testamentary or
5 of administration upon a decedent's estate of appointment, any
6 interested person interested in the estate proceeding may file
7 with the clerk a written request, in triplicate, for notice of
8 the time and place of all hearings in such estate proceeding
9 for which notice is required by law, by rule of court, or by
10 an order in such estate proceeding. The request for notice
11 shall state the name, electronic mail address, and post office
12 address of such person the requester and of the requester's
13 and the name and post office address of the attorney, if
14 any, for the party requesting the notice and the reason the
15 requester is an interested person in the proceeding. The clerk
16 shall docket the request, and transmit the duplicates to the
17 personal representative of the estate of the decedent and to
18 the personal representative's attorney of record, if any.
19 Thereafter, the personal representative shall, unless otherwise
20 ordered by the court, the fiduciary shall serve, by ordinary
21 or electronic mail, a notice of each hearing upon such person,
22 or requester and the person's requestor's attorney, if any, a
23 notice of each hearing.

24 2. A person does not gain standing by filing a request for
25 notice under this section.

26 **EXPLANATION**

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to requests for notice of probate
30 proceedings.

31 Under Code section 633.42, a person interested in a
32 probate proceeding may file with the clerk a written request
33 in triplicate for notice of the time and place of all
34 hearings in the probate proceeding. The clerk is required
35 to docket the request, and transmit the duplicates to the

1 personal representative of the estate and to the personal
2 representative's attorney of record, if any. Unless otherwise
3 ordered by the court, the requester and the requester's
4 attorney may then receive notice of each hearing by ordinary
5 mail.

6 The bill provides that the requester may submit a single
7 written request for notice, that the clerk is not required to
8 submit any copies of the notice to the personal representative
9 of the estate or to the personal representative's attorney
10 of record, and that a notice of a hearing may be sent to the
11 requester and the requester's attorney by electronic mail.

12 The bill provides that a person does not gain standing by
13 filing a request for notice under Code section 633.42.