

CHAPTER 198.

EXAMINATION OF BONDS OF GUARDIANS, EXECUTORS, ADMINISTRATORS AND TRUSTEES.

H. F. 11.

AN ACT to repeal section thirty-two hundred and sixty-eight (3268) of the code, relative to the time and manner of examination of bonds of guardians, executors, administrators, and trustees, by clerk of the district court, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Repeal—clerk of court to examine and approve.** That section thirty-two hundred and sixty-eight (3268) of the code be and the same is hereby repealed, and the following enacted in lieu thereof:

“The clerk shall approve the bonds of all guardians, executors, administrators and trustees, and during the month of June in each year shall examine into the sufficiency of the sureties, and amount of penalty of all executors’, administrators’, guardians’ and trustees’ bonds in force in his office which have been executed more than six months prior thereto, and, if he finds the same sufficient, shall note thereon his examination and re-approval, but if he finds the same insufficient, or the sureties shall not re-qualify on being required by him to do so he shall note his disapproval thereon, notifying the principal thereof, by registered letter and place the matter upon the calendar of the court at the next term for the proper order.”

Approved February 8, A. D. 1909.

CHAPTER 199.

TIME OF GRANTING ADMINISTRATION.

S. F. 334.

AN ACT to amend the law as it appears in section thirty-three hundred and five (3305) of the code, relative to the time of granting administration.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Limitation.** That the law as it appears in section thirty-three hundred and five (3305), of the code, be and the same is hereby amended by adding thereto;

“But when personal property belonging to the estate of decedent is discovered after the expiration of said five years, administration may be granted after the five year limit, for the purpose only of making proper disposition and distribution thereof.”

Approved April 6, A. D. 1909.

CHAPTER 200.

ADMINISTRATION OF THE ESTATES OF ABSENTEES.

H. F. 9.

AN ACT to repeal section three thousand three hundred and seven (3307) of supplement to the code, 1907, relating to administration of the estates of absentees, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Repeal—estates of absentees.** That section three thousand three hundred and seven (3307) of supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

“When a resident of this state owning property therein, or any person who may have been a resident of this state, has acquired or may hereafter acquire property or property rights within the state, absent himself from his usual place of residence and conceals his whereabouts from his family without known cause for a period of seven years or any such person who has gone to parts unknown for a period of ten years, a petition may be filed in the district court of any county where such property or a part thereof is situated, setting forth such facts, by any person entitled to administer upon such absentee’s estate if he was known to be dead, and setting forth the names of the persons who would be the legal heirs of the absentee if he were dead, so far as known, and praying for the issuance of letters of administration upon such estate, thereupon, said court shall prescribe a notice addressed to such absentee and heirs named, and order the same to be published in a newspaper published in said county to be designated by the court, once each week for eight (8) consecutive weeks, and which shall be served personally upon all the heirs residing within the state in the manner, and for the length of time as is required for the service of original notices, proof of the publication and service of which in manner and for the time ordered, shall, at the expiration of said period be filed with said petition, and thereupon if such absentee fails to appear, the court shall hear the proof presented, and if satisfied of the truth of the facts set forth in the petition concerning the absentee, shall order letters of administration upon the estate of such absentee to issue as though he were known to be dead. The court shall also hear proof and determine who the legal heirs of such absentee are and their respective interests in such estate.

SEC. 2. Sale of property—disposition of proceeds. The person to whom the administration is granted shall proceed to administer and dispose of the estate in the same manner that administrators are required to dispose of and administer the estates of decedents. In addition thereto, such administrator may, under the orders of the court, sell and dispose of all real estate and other property owned by such absentee, and after the payment of legal costs, expenses and claims, make distribution of the proceeds thereof to the persons entitled thereto. The provisions of law regarding application, notice and manner of sale of real estate for the payment of debts by administrators shall be followed so far as applicable.”

Approved April 16, A. D. 1909.

CHAPTER 201.

VALUATION OF PERSONAL PROPERTY IN SETTLEMENT OF ESTATES.

S. F. 17.

AN ACT to amend section three thousand three hundred and eleven (3311) of the code, relating to the valuation of personal property.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Valuation waived. That section three thousand three hundred and eleven (3311) of the code, be and the same is hereby amended by striking out of line three (3) thereof the period following the word inventory in said line and inserting thereafter the following: “unless the court or judge or clerk of the district court in vacation shall by an order entered of record waive the valuation of the property so inventoried.”

Approved April 16, A. D. 1909.