

CHAPTER 265

GRAND JURY

S. F. 65

AN ACT to amend sections six hundred nine point four (609.4), six hundred nine point seven (609.7) and six hundred nine point twenty-seven (609.27), Code 1954, relating to selection of grand jurors.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section six hundred nine point four (609.4), Code
2 1954, is hereby amended by inserting after the word "talesmen" in
3 line six (6) the words "of which there shall be at least two".

1 SEC. 2. Section six hundred nine point seven (609.7), Code 1954,
2 is hereby amended by inserting after the word "talesmen" in line
3 seven (7) the words "of which there shall be at least two".

1 SEC. 3. Section six hundred nine point twenty-seven (609.27),
2 Code 1954, is hereby amended by adding the following sentence: "In
3 counties containing a city of more than 60,000 population, two grand
4 jurors may be drawn from said city."

Approved April 22, 1955.

CHAPTER 266

PUBLISHING AND POSTING NOTICES

H. F. 122

AN ACT relating to publishing and posting of notices.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section six hundred eighteen point three (618.3), Code
2 1954, is hereby amended by inserting in line ten (10) after the word
3 "have" the following: "had for more than two years".

Approved February 16, 1955.

CHAPTER 267

DECREE OF HEIRSHIP

H. F. 496

AN ACT relating to decree of heirship in estates of decedents.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The district court, in probate, is hereby vested with
2 jurisdiction to enter a decree determining the heirs of a decedent.

1 SEC. 2. The application for a decree of heirship may be made by
2 the executor or administrator of the estate of either an intestate or
3 testate decedent when the determination of the decedent's heirs is or

4 may be material to descent or distribution. Time and place of hearing
5 shall be fixed by the court, or a judge thereof. Notice of such applica-
6 tion shall be directed to all known heirs, legatees or devisees, and all
7 persons against whom an adjudication is sought (naming said heirs,
8 legatees or devisees and persons) and all persons unknown claiming
9 any interest in the estate of the decedent (naming said decedent and
10 his last address), and all the heirs, spouses, assigns, grantees, legatees,
11 devisees, and beneficiaries of each and all of the unknown claimants
12 and persons against whom an adjudication is sought, and to all whom
13 it may concern. The clerk shall sign and give such notice, and cause
14 same to be published in a daily or weekly newspaper published in the
15 county where said proceedings are had, once each week, for 3 consecu-
16 tive weeks, the last publication of which shall be at least ten (10) days
17 before the time fixed for such hearing. The judge of said court may
18 prescribe a different notice.

19 In the event that such application is not made by the executor or
20 administrator within six months after letters are issued, then such
21 application may be made in said proceeding by any person claiming an
22 interest in the property of the decedent.

1 SEC. 3 If no fiduciary has been appointed over the estate of a
2 decedent within the time fixed in section six hundred thirty-three
3 point forty-seven (633.47), Code 1954, then an application for a decree
4 of heirship may be filed by any person claiming any interest in the
5 property of the decedent, and shall set forth, so far as the same is
6 known to applicant, (1) name, date and place of death, age, and place
7 of residence at such date, (2) whether decedent died testate or intes-
8 tate, (3) name, age and address of surviving spouse, if any, (4) extent
9 and character of the property of decedent located in this state, and (5)
10 the names, ages, relationship and addresses of alleged heirs. Notice
11 thereof shall be given as in case of application made by a fiduciary of
12 an estate of a decedent.

1 SEC. 4. Hearing shall be had as in equity and decree entered shall
2 be final, subject to right of appeal taken within the time and in the
3 manner provided in civil cases; provided, however, that any person
4 aggrieved by such decree may within one year after entry of decree
5 petition to correct, vacate or modify the same for fraud, or mistake
6 in obtaining the same, in the manner and upon notice, so far as ap-
7 plicable, as prescribed by Rule of Civil Procedure two hundred fifty-
8 three (253).

9 The title of a good-faith purchaser shall not be affected or impaired
10 by any judgment, order or proceeding to correct, vacate or modify said
11 decree.

1 SEC. 5. Such decree shall be binding on all persons whomsoever,
2 the provisions of any other statute, rule or law notwithstanding.

Approved April 15, 1955.