

or the employer in the possession of another, or debts due the taxpayer or the employer, may be reached by garnishment.

Approved May 18, 1981

CHAPTER 193
PROBATE PROCEDURE

H. F. 794

AN ACT relating to the Iowa probate code by increasing the amount that may pass to a minor without the necessity of appointing a conservator; by defining sale of property in probate proceedings; by providing that certain hearings are not necessary if a certain type of notice is used; and by providing that if a claimant is represented by an attorney, the attorney of record for the claimant shall be notified of the disallowance of the claim.

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

Section 1. Section 633.108, Code 1981, is amended to read as follows:

633.108 SMALL LEGACIES TO MINORS--PAYMENT. Whenever a minor ~~shall become~~ becomes entitled under the terms of a will to a bequest or legacy, to a share of the estate of an intestate, or to a beneficial interest in a trust fund upon the distribution ~~thereof of the trust fund~~, and the value of ~~such the~~ such the bequest, legacy, share, or interest ~~shall does~~ not exceed the sum of ~~one four~~ one four thousand dollars, and ~~no a~~ a conservator for ~~such the~~ such the minor has ~~theretefere not~~ not been appointed, the court having jurisdiction of the distribution of ~~such the~~ such the funds may, in its discretion, upon the application of the fiduciary, enter an order authorizing ~~such the~~ such the fiduciary to pay ~~such the~~ such the bequest, legacy, share or interest to the parents of ~~such the~~ such the minor, or to the person with whom ~~such the~~ such the minor resides, for the use of ~~such the~~ such the minor, ~~and the~~. The receipt of ~~such the~~ such the person or persons therefor, when presented to the court or filed with the report of distribution of ~~any-such the~~ any-such the fiduciary, shall have the same force and effect as though ~~such the~~ such the payment had been made to a duly appointed and qualified conservator for ~~such the~~ such the minor.

Sec. 2. Section 633.389, Code 1981, is amended to read as follows:

633.389 NOTICE AND HEARING ON SALE, MORTGAGE, EXCHANGE, PLEDGE OR LEASE OF PROPERTY. Upon the filing of the petition, unless notice is waived in writing, notice ~~of-hearing~~ in accordance with section 633.40, shall be served on all persons interested in ~~such the~~ such the property, provided, ~~however,~~ that as to personal property and as to the lease of real property not specifically devised, for a period ~~of~~ not to exceed one year, the court may, ~~in-its~~ in its discretion, hear the petition without notice. ~~in-these-instances-where~~ When notice is required, the notice shall state briefly the nature of the application. ~~At-the-hearing-and-upon~~ Upon satisfactory proof, the court may

order the sale, mortgage, exchange, pledge or lease of the property described, or any part ~~thereof~~ of the property, at ~~such~~ a price and upon ~~such~~ terms and conditions as the court may authorize. For the purposes of this section, the term "all persons interested" ~~shall--include~~ includes only distributees in the estate and persons who have requested notice as provided by this Code.

Sec. 3. Part 6 of division VII of chapter 633, Code 1981, is amended by adding the following new section:

NEW SECTION. SALE DEFINED. For purposes of part 6 of this division, sale of property includes but is not limited to the granting of an easement, the granting of an option, the granting of a right of refusal and the granting or conveyance of any other interest, title or right regarding property.

Sec. 4. Section 633.439, Code 1981, is amended to read as follows:

633.439 DISALLOWANCE BY PERSONAL REPRESENTATIVE. At any time after the filing of a claim against an estate, the personal representative may give the claimant and the claimant's attorney of record, if any, written notice of disallowance of claim. ~~Such-a~~ The notice shall be given by certified mail addressed to the claimant at the address stated in the claim and to the claimant's attorney of record, if any.

Sec. 5. Section 633.478, Code 1981, is amended to read as follows:

633.478 NOTICE OF APPLICATION FOR DISCHARGE. ~~No~~ A personal representative shall not be discharged from further duty or responsibility upon final settlement until notice of ~~hearing-on-his~~ the final report or of an application for discharge ~~shall--have~~ has been served upon all persons interested, in accordance with section 633.40, unless ~~such~~ notice is waived. An order prescribing notice may be made before or after the filing of the final report.

Sec. 6. Section 633.677, Code 1981, is amended to read as follows:

633.677 ACCOUNTING TO WARD--NOTICE OF HEARING. Upon the termination of a conservatorship, the conservator shall pay the costs of administration, and shall render a full and complete accounting to the ward or ~~his~~ the ward's personal representative and to the court. Notice of ~~hearing--on~~ the final report of a conservator shall be served on the ward or ~~his~~ the ward's personal representative, in accordance with section 633.40, unless ~~such~~ notice is waived. An order prescribing notice may be made before or after the filing of the final report.

Approved May 4, 1981