

RULES OF PROBATE PROCEDURE

CHAPTER 1263

RULES OF PROBATE PROCEDURE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF CHANGES
IN THE IOWA RULES OF
PROBATE PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO: BURNETTE E. KOEBERNICK, ACTING SECRETARY OF THE LEGISLATIVE COUNCIL OF THE STATE OF IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 as amended by senate file 570, 71st General Assembly, 1st Session (1985) (1985 Iowa Legislative Service No. 5, at 183-84 [West's]), the Supreme Court of Iowa has prescribed and hereby reports to the Legislative Council the attached Exhibit A, constituting changes in Rule 2 and Rule 4 of the Iowa Rules of Probate Procedure, which are issued on this date.

Pursuant to Iowa Code section 602.4202(2), as amended, these rules are to take effect November 15, 1985.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
September 5, 1985

ACKNOWLEDGMENT

I, the undersigned, Acting Secretary of the Legislative Council of the State of Iowa, hereby acknowledge delivery to me on the fifth day of September, 1985, of the Report of the Supreme Court pertaining to the Iowa Rules of Probate Procedure.

/s/ Burnette E. Koebornick
Acting Secretary of the Legislative Council

EXHIBIT A
Rules of Probate Procedure

1. Amend Rule 2, subparagraph b as follows:

(b) When fees for ordinary services are sought pursuant to Iowa Code sections 633.197 and 633.198, proof of the nature and extent of responsibilities assumed and services rendered shall be required. Unless special circumstances should be called to the court's attention, the contents of the court probate file may be relied upon as such proof. In determining the value of gross assets of the estate for purposes of section 633.197, the court shall not include the value of joint tenancy property excluded from the taxable estate pursuant to section 450.3(5) or the value of life insurance payable to a designated beneficiary.

2. Amend Rule 4 as follows:

Rule 4. Report of referee.

A report of a referee in probate shall be in substantially the following form:

IN THE IOWA DISTRICT COURT FOR _____ COUNTY
IN THE MATTER OF THE
ESTATE OF _____
Deceased.
REPORT OF REFEREE
Probate No. _____

COMES NOW the duly appointed Referee and reports to the Court as follows:
The _____ Report has been filed in this Estate. The Referee has examined said Report and reports to the Court as follows:

- 1. Notice of Appointment published: YES ___ NO ___
2. Fiduciaries fees ordered or waived: YES ___ NO ___
3. Attorney fees ordered: YES ___ NO ___
(A) Itemization was requested and provided: YES ___ NO ___
(B) If not, statement required by Iowa Code section 633.477(11), was made: YES ___ NO ___
4. Income tax acquittance filed: YES ___ NO ___
5. Inheritance tax clearance filed: YES ___ NO ___
6. A list of distributees is shown: YES ___ NO ___
7. A description of real estate is shown: YES ___ NO ___
8. Certificates of change of title to real estate, as required, to be issued by the Clerk of Court: YES ___ NO ___
9. All claims filed have been paid or released: YES ___ NO ___
10. Notice of hearing on this Report waived: YES ___ NO ___
(A) If not waived, proper proof of service of notice is on file: YES ___ NO ___
11. Accounting is waived: YES ___ NO ___
12. Court costs have been paid: YES ___ NO ___
13. If estate is testate and spouse is not personal representative, spouse has filed an election to take under or against the Will: YES ___ NO ___

WHICH _____

14. Receipts for all specific bequests: YES _____ NO _____

15. Federal estate tax closing letter and proof of payment is on file (not required for closing): YES _____ NO _____

16. Thirty-day written notice of final settlement has been given to or waived by the department of revenue (see Iowa Code section 450.58 (as modified by H.F. 761, section 4, 1985 Session of 71st G.A.)): YES _____ NO _____

13. 17. Remarks: _____

Dated this _____ day of _____, 19_____.

Referee in Probate