

CHAPTER 5

TRUSTS — CERTIFICATION — ORDER OF ABATEMENT

S.F. 173

AN ACT relating to trusts, including requirements for certifications of trust and the general order of abatement.

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

Section 1. [Section 633A.4604, subsection 2](#), Code 2021, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. State the names of all the currently acting trustees.

NEW PARAGRAPH. 00a. If there is more than one currently acting trustee, state whether the trustees may act individually or must act by majority decision or must act by unanimous decision.

Sec. 2. [Section 633A.4604, subsection 2](#), paragraph c, Code 2021, is amended to read as follows:

c. Be dated and certified under penalty of perjury and pursuant to the laws of the state of Iowa that the certification of trust is true and correct or be subscribed and sworn to under penalty of perjury before a notary public as provided in [chapter 9B](#).

Sec. 3. [Section 633A.4703, subsection 4](#), Code 2021, is amended to read as follows:

4. Notwithstanding [subsections 1, 2, or 3](#), a disposition in favor of the settlor's surviving spouse who does not take an elective share shall ~~not be abated where such abatement would have the effect of increasing the amount of federal estate or federal gift taxes payable by a person or an entity last.~~

Approved March 8, 2021