

## A BILL

FOR AN ACT RELATING TO CONVEYANCES OF REAL ESTATE BY FOREIGN EXECUTORS AND TRUSTEES, AND TO AMEND SECTION 2352 OF THE CODE OF IOWA.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 2352 of  
2 the Code of Iowa be amended by adding at the end thereof the following, to-wit:

3 “But that where by any will, first admitted to probate in any other state or country and  
4 then admitted to probate in Iowa, the executors or trustees under said will are empowered  
5 to sell and convey real estate. Then upon production and recording in the record of wills a  
6 copy of the original record of the appointment, qualification and giving bond, unless such  
7 bond was waived in the will, of such executors or trustees by the foreign court granting the  
8 original probate of the will, duly authenticated in the same manner as foreign wills are  
9 required to be. Then, in conformity with the power granted in such wills, such executors or  
10 trustees may sell and convey real estate within any county in this state where such probate  
11 of will and proof of qualification may be so of record without further qualifying in this  
12 state, and without reporting such sale to the circuit courts in this state for approval; and  
13 such sales and conveyances shall have the same force and validity as if made by executors  
14 and trustees duly qualified within this state and conveyances approved by cir-  
15 cuit courts.”

### PROPOSED AMENDMENT TO SECTION 1.

Add at end of first section of the bill: “Unless at the time of the execution and delivery  
2 of said deed, letters testamentary or of administration upon the estate of such decedent shall  
3 have been granted in this state and remain in force and unrevoked, and due notice of such  
4 letters be given in such county in this state, if other than the one in which such letters were  
5 originally granted here, as required by section 2629 of the Code, in reference to actions  
6 affecting real estate; in which case any conveyance made shall be subject to all the rights  
7 acquired under the appointment and letters granted in Iowa.

SEC. 2. That all conveyances heretofore made by foreign executors or trustees in which  
2 the requirements of this act have been performed, or in which such proof of authority at the  
3 date of conveyance shall be hereafter made of record as provided in section 1 of this act, are  
4 hereby declared to be legal and valid in law and equity from the date of such deed: *provided*,  
5 that the provisions of this section shall in no manner affect adverse rights vested since date  
6 of such conveyance and prior to the taking effect of this act, or the performing the additional  
7 requirements of this section.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force  
2 from and after its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers  
3 published at Des Moines, Iowa.

SUBSTITUTE FOR SENATE FILE NO. 6.]

A BILL

Committee  
on  
Judiciary

FOR AN ACT RELATING TO CONVEYANCES OF REAL ESTATE BY FOREIGN EXECUTORS AND TRUSTEES, AND TO AMEND SECTION 2352 OF THE CODE OF IOWA.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 2352 of the Code of Iowa be amended by adding at the end thereof the following, to-wit:

*Provided,* that where, by any will, first admitted to probate in any other state or country and then admitted to probate in Iowa, the executors or trustees under said will are empowered to sell and convey real estate, then upon the production of and recording in the proper probate record a copy of the original record of the appointment, qualification and giving bond, unless such bond was waived in the will, of such executors or trustees by the foreign court granting the original probate of the will, duly authenticated in the same manner as foreign wills are required to be, then, in conformity with the power granted in such wills, such executors or trustees may sell and convey real estate within any county in this state where such probate of will and proof of qualification may be so of record without further qualifying in this state, and without reporting such sale to the circuit courts in this state for approval; and such sales and conveyances shall have the same force and validity as if made by executors and trustees duly qualified within this state and reported to, and approved by, the circuit courts. Unless at the time of the execution and delivery of said deed, letters testamentary or of administration upon the estate of such decedent shall have been granted in this state and remain in force and unrevoked, and due notice of such letters be given in such county in this state, if other than the one in which such letters were originally granted here, as required by section 2629 of the Code, in reference to actions affecting real estate; in which case any conveyance made shall be subject to all the rights acquired under the appointment and letters granted in Iowa: *provided,* that no such conveyance shall be made by such executor or trustee until three months after the recording of a duly authenticated copy of the will, original record of appointment, qualification and bond (unless bond was waived in the will), in the proper probate record of the county where the land is situated.

SEC. 2. That all conveyances heretofore made by foreign executors or trustees in which

2 the requirements of this act have been complied with, or in which such proof of authority at  
3 the date of conveyance shall be hereafter made of record as provided in section 1 of this act,  
4 are hereby declared to be legal and valid in law and equity from the date of such deed: *pro-*  
5 *vided*, that the provisions of this section shall in no manner affect adverse rights vested at the  
6 date of such conveyance and prior to the taking effect of this act, or the performing the addi-  
7 tional requirements of this section.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force  
2 from and after its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers  
3 published at Des Moines, Iowa.