

January 25, 1951.  
Judiciary No. 1.

**House File 220**  
By PALMER.

Passed House, Date .....  
Vote: Ayes..... Nays.....  
Passed Senate, Date.....  
Vote: Ayes..... Nays.....  
Approved .....

## **A BILL FOR**

An Act to amend chapter six hundred thirty-three (633),  
Code 1950, relating to the administration of estates  
of decedents.

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

1 Section 1. Chapter six hundred thirty-three (633), Code  
2 1950, is hereby amended by adding the following new sections:  
3 1. "Upon receiving an affidavit that a resident of this  
4 state died leaving an estate, consisting solely of personal  
5 property, not exceeding one thousand dollars in value, that no  
6 letters are then outstanding on the estate in this state, that  
7 no petition for letters on the estate is pending in this state,  
8 that all funeral expenses and expenses of last illness of the  
9 decedent have been paid, that thirty days have elapsed since  
10 the death of the decedent, and that the affiant has knowledge  
11 of the facts, any person, governmental agency or corporation  
12 indebted to or holding personal estate of the decedent may pay  
13 the indebtedness, transfer, assign or deliver the personal  
14 estate to the following persons respectively: (a) when the  
15 affidavit also states that a surviving spouse's award is  
16 allowable under the laws of this state, to the surviving spouse;

17 (b) when the affidavit also states that no person is entitled  
18 to a surviving spouse's award and that a surviving child's  
19 award is allowable under the laws of this state, to the legal  
20 guardian, step-parent or other person caring for such child;  
21 (c) when the affidavit also states that no person is entitled  
22 to a surviving spouse's or child's award under the laws of  
23 this state, that the decedent died intestate and there are no  
24 creditors of the decedent, and the names, places of residence,  
25 and relationship of the heirs of the decedent, to each heir  
26 that portion of the estate to which he is entitled under the  
27 laws of this state; or (d) when the affidavit also states that  
28 the decedent died testate, that his will was admitted to probate  
29 in this state, that no proceedings to contest the will are  
30 pending, that an authenticated copy of the will is attached,  
31 that no person is entitled to a surviving spouse's or child's  
32 award under this Act, and that there are no creditors of the  
33 decedent, and the names, ages, and places of residence of the  
34 heirs of the decedent and of the legatees under the will, to  
35 each legatee that portion of the estate to which he is entitled  
36 under the will. If nine months have not elapsed since the will  
37 was admitted to probate in this state, the affidavit shall be  
38 accompanied by the written consent of all the decedent's heirs.

39 In the same manner and upon like proof any person, governmental  
40 agency or corporation having the responsibility for the issuance  
41 or transfer of stocks, bonds, or other personal property of the  
42 decedent may issue or transfer the stocks, bonds or other personal

43 property in or to the name of the person entitled thereto.

44 The affidavit shall be made by one or more of the persons  
45 entitled to receive the payment, delivery, transfer, assignment,  
46 or issuance of the personal estate and shall state his place of  
47 residence. Upon the payment, delivery, transfer, assignment or  
48 issuance pursuant to the affidavit, the person, governmental  
49 agency or corporation is released to the same extent as if the  
50 payment, delivery, transfer, or issuance had been made to the  
51 legally qualified executor or administrator of the decedent and  
52 is not required to see to the application or disposition of the  
53 property, but the person to whom the payment, delivery, transfer,  
54 assignment or issuance is made is answerable therefor to any  
55 person having a prior right.

56 2. Upon receiving an affidavit that the estate of an  
57 incompetent, consisting solely of personal property, does not  
58 exceed five hundred dollars in value, that no conservator has  
59 been appointed for his estate, and that the affiant is the  
60 spouse or that there is no spouse and the affiant is a relative  
61 having the responsibility of the support of the incompetent,  
62 any person, governmental agency or corporation indebted to or  
63 holding personal estate of the incompetent may pay the amount  
64 of the indebtedness or deliver the personal estate to the affiant.

65 In the same manner and upon like proof, any person, govermental  
66 agency or corporation having the responsibility for the issuance  
67 or transfer of stocks, bonds or other personal estate may issue  
68 or transfer the stocks, bonds or other personal estate to or

69 in the name of the affiant.

70 Upon payment, delivery, transfer or issuance pursuant to  
71 the affidavit, the person, governmental agency or corporation  
72 is released to the same extent as if the payment, delivery,  
73 transfer or issuance had been made to the legally qualified  
74 conservator of the incompetent, and is not required to see to  
75 the application or disposition of the property.

76 3. Upon receiving an affidavit that the estate of a minor,  
77 consisting solely of personal property, does not exceed five  
78 hundred dollars in value, that no guardian has been appointed  
79 for his estate, and that the affiant is a parent, guardian,  
80 step-parent or a person or other person caring for the minor,  
81 any person or corporation indebted to or holding personal estate  
82 of the minor may pay the amount of the indebtedness or deliver  
83 personal estate to the affiant.

84 In the same manner, and upon like proof any person, governmental  
85 agency or corporation having the responsibility for the issuance  
86 or transfer of stocks, bonds or other personal estate may issue  
87 or transfer the stocks, bonds or other personal estate to or in  
88 the name of the affiant.

89 Upon payment, delivery, transfer, or issuance pursuant  
90 to the affidavit, the person, governmental agency or corporation  
91 is released to the same extent as if the payment, delivery,  
92 transfer, or issuance had been made to the legally qualified  
93 guardian of the minor and is not required to see to the application  
94 or disposition of the property.

95 4. If a person, governmental agency or corporation to whom  
96 the affidavit is delivered refuses to pay, deliver, transfer,  
97 or issue the personal estate as provided by this chapter, it  
98 may be recovered in a civil action by or on behalf of the person  
99 entitled to receive it upon proof of the facts required to be  
100 stated in the affidavit. For the purpose of the action the  
101 affidavit is prima facie proof of the facts stated therein.

102 5. A person who makes a false affidavit in order to obtain  
103 personal estate as provided by this chapter is guilty of perjury  
104 and upon conviction shall be punished as provided by the statutes  
105 of this state in relation to the crime of perjury.

106 6. A duplicate original of each affidavit provided for  
107 in this Act shall be filed with the clerk of the district  
108 court in the county of the decedent's residence.”.

#### EXPLANATION OF H. F. 220

The purpose of this bill is to provide for the settlement of small estates, consisting solely of personal property, by means of affidavit. Thus the expense of administration which often almost completely depletes a small estate will be avoided.