ANCILLARY ADMINISTRATION IN IOWA

Ancillary administration is the administration of a decedent’s estate in a jurisdiction other than that of the deceased’s domicile, the state of the deceased’s domicile being the situs of the domiciliary administration.¹ Ancillary administration is a significant area of probate administration. Therefore, it is important to examine the Iowa law governing the administration of nonresident decedent’s estates.²

I. THE COMMENCEMENT OF ANCILLARY ADMINISTRATION IN IOWA

Death alone is not sufficient to warrant administration of the estate of a non-resident; there must be property in Iowa to administer.³ Section 604.3(1) of the Iowa Code confers upon the district court of each county jurisdiction to administer the estates of any non-resident decedent who dies leaving property within the county subject to administration.⁴ This property requirement is satisfied by the presence of

¹ See O’Connor v. Root, 130 Iowa 553, 562, 107 N.W. 608, 611 (1906).
² This note is limited in scope to an analysis of only the Iowa statutes and cases.
⁴ Section 604.3 of the Iowa Code (1954) provides that: “The district court of each