

# IOWA LAW REVIEW

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## NOTES

### 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.<sup>1</sup> 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.<sup>2</sup>

#### 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.<sup>3</sup> 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.<sup>4</sup> This property requirement is satisfied by the presence of

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<sup>1</sup> See *O'Connor v. Root*, 130 Iowa 553, 562, 107 N.W. 608, 611 (1906).

<sup>2</sup> This note is limited in scope to an analysis of only the Iowa statutes and cases.

<sup>3</sup> *Liberty v. Kinney*, 242 Iowa 656, 659, 47 N.W.2d 835, 836 (1951).

<sup>4</sup> Section 604.3 of the Iowa Code (1954) provides that: "The district court of each