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