

HOUSE BILL No. 1043

DIGEST OF INTRODUCED BILL

Citations Affected: IC 29-1-4-1.

Synopsis: Surviving spouse's allowance. Increases the surviving spouse's allowance that a surviving spouse is entitled to receive from a decedent's estate from \$15,000 to \$25,000 with respect to persons who die after June 30, 1998. Provides that the allowance may be claimed against the personal property of the decedent or a residence that is a part of the decedent's estate, or a combination of both. Provides that if the personal property of the decedent and a residence that is a part of the decedent's estate are worth less than \$25,000, the difference may be claimed against real estate in the decedent's estate. (The introduced version of this bill was prepared by the probate code study commission.)

Effective: July 1, 1998.

Foley

January 6, 1998, read first time and referred to Committee on Judiciary.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning probate.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 29-1-4-1, AS AMENDED BY P.L.118-1997,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. The surviving spouse of a decedent who was
4 domiciled in Indiana at his death is entitled from the estate to an
5 allowance of ~~fifteen~~ **twenty-five** thousand dollars (~~\$15,000~~) (**\$25,000**)
6 in personal property or a residence ~~of the surviving spouse; that is a~~
7 **part of the decedent's estate**, or a combination of both. If there is no
8 surviving spouse, the decedent's children who are under eighteen (18)
9 years of age at the time of the decedent's death are entitled to the same
10 allowance to be divided equally among them. If ~~there the personal~~
11 **property and a residence that is a part of the decedent's estate is**
12 **are** less than ~~fifteen~~ **twenty-five** thousand dollars (~~\$15,000~~) (**\$25,000**)
13 in ~~personal property in the estate and residence of the surviving spouse;~~
14 **value**, the spouse or decedent's children who are under eighteen (18)
15 years of age at the time of the decedent's death, as the case may be, are
16 entitled to any real estate of the estate to the extent necessary to make
17 up the difference between the value of the personal property plus the

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1 residence ~~of the surviving spouse; that is a part of the decedent's~~
2 ~~estate and fifteen thousand dollars (\$15,000); (\$25,000).~~
3 The amount of that difference is a lien on the remaining real estate. An
4 allowance under this section is not chargeable against the distributive
5 shares of either the surviving spouse or the children.

6 SECTION 2. [EFFECTIVE JULY 1, 1998] **IC 29-1-4-1, as**
7 **amended by this act, applies to the estate of a person who dies after**
8 **June 30, 1998.**

