

**CONFERENCE COMMITTEE REPORT
DIGEST FOR HB 1038**

Citations Affected: IC 29-1-4-1; IC 29-1-8-3; IC 29-3-3-1.

Synopsis: Surviving spouse's allowance. Conference Committee Report for EHB 1038. Clarifies that the surviving spouse's allowance may be claimed against personal property of the estate or a residence of the surviving spouse, or a combination of both, but that the surviving spouse's allowance may not exceed \$15,000. Provides that a personal representative of a decedent or a person acting on behalf of the distributees of a decedent whose gross estate, less liens and encumbrances, does not exceed \$25,000 in value may close the estate under the summary procedures for small estates. (Current law allows a person to close an estate under the summary procedures if the gross estate, less liens and encumbrances, does not exceed \$15,000 in value.) Increases from \$3,500 to \$5,000 the maximum amount of debt owed to a minor and the maximum value of property belonging to a minor that may be paid or delivered to a person having the care and custody of the minor without giving a bond or an order of the court. (This conference committee report clarifies that the surviving spouse's allowance may be claimed against personal property of the estate or a residence of the surviving spouse, or a combination of both, but that the surviving spouse's allowance may not exceed \$15,000.)

Effective: July 1, 1998.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1038 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, line 5, after "\$15,000" insert ". **The allowance may be**
 - 2 **claimed against the**".
 - 3 Page 1, line 5, strike "in".
 - 4 Page 1, line 5, after "property" insert "**of the estate**".
 - 5 Page 1, line 5, reset in roman "or".
 - 6 Page 1, line 6, reset in roman "a residence of the surviving spouse,
 - 7 or a combination of both."
 - 8 Page 1, line 10, reset in roman "and".
 - 9 Page 1, line 11, reset in roman "residence of the surviving
 - 10 spouse,".
 - 11 Page 1, line 15, reset in roman "plus the residence of the surviving
 - 12 spouse".
- (Reference is to EHB 1038 as reprinted February 24, 1998.)

Conference Committee Report
on
House Bill 1038

Signed by:

Senator Landske

Representative Kuzman

Senator Randolph

Representative D. Young

Senate Conferees

House Conferees