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## **TAKING THE FIRST STEP: FILING AN ESTATE IN PROBATE COURT**

The information contained herein is educational in nature. You should not rely on this material in lieu of a full review of the applicable statute, regulations and other authorities affecting any specific legal issue or transaction. The following information is not legal advice or a substitute for legal counsel.

### **TABLE OF CONTENTS**

- A. *Small Estate - What it is and How to File*
- B. *Regular Estate*
- C. *The Estate Timetable - What You Need to Do*
- D. *Proving the Will*
- E. *Challenging the Will*

## ***A. Small Estate - What it is and How to File***

**Iowa Code Section 635** defines a small estate as one with gross probate assets of less than \$100,000. Small estate administration is simpler than administering a regular estate (e.g. one worth \$100,000 or more), and requires a little less paperwork and judicial involvement. In a nutshell, the same paperwork that is required through the initial Report and Inventory in a regular estate proceeding is required in a small estate. However, after the Report and Inventory is filed, there is less paperwork in a small estate because the closing of the estate is much simpler (*see* step 9 below).

In addition, the attorney fees do not need to be approved by the Court, as they do in a regular estate, unless any interested party objects to the fees. The attorney may be paid reasonable fees agreed to in writing by the personal representative and such writing shall be executed by the time of filing the probate inventory. All interested parties shall have the opportunity to object and request a hearing as to all fees reported in the closing statement. In general, the personal representative's fee for small estates is up to 3% (unless extraordinary fees are allowed), as compared to the normal 2% cap in a regular estate.

Following is a condensed outline of the filings required in a small estate administration:

1. Petition For Small Estate Administration – Iowa Code 635.2. Petition must state: (a) The name, domicile, and date of death of the decedent; (b) The name and address of the surviving spouse, and the name and relationship of each beneficiary in a testate estate or known heirs in an intestate estate; (c) Whether the decedent died intestate or testate, and, if testate, the date the will was executed; (d) A statement that the probate property of the decedent subject to the jurisdiction of this state does not have an aggregate gross value of more than the amount permitted under the provisions of section 635.1 and the approximate amount of personal property and income for the purposes of setting a bond; and (e) The name and address of the proposed personal representative.
2. Court Officer Oath – Iowa Doc. 210 – Petitioning executor/personal representative must file with the Petition a Court Officer's Oath accepting the duties and responsibilities if he/she/it is appointed.
3. Designation of Attorney – Iowa Doc. 215 – Iowa Code 633.82 states that the designation of the attorney employed by the fiduciary to assist in the administration

of the estate *shall* be filed in the estate proceedings. The designation shall state the attorney's name, post office address, and telephone number. The designation shall clearly state the name of the attorney who is in charge of the case and the attorney's name shall not be listed by firm name only.

4. Letters of Appointment – issued by Clerk of Court to grant the executor/personal representative the powers to act as such.

5. Notice of Probate of Will, of Appointment of Executor, and Notice to Creditors – mail to heirs and beneficiaries and known creditors, and publish 2 consecutive weeks in a newspaper of general circulation. File Affidavit of Mailing Notice.

6. Notice to Estate Recovery – File Affidavit of Emailing Notice and Proof of No Claim. [https://www.iowaestates.com/forms/online\\_form.php?f=7](https://www.iowaestates.com/forms/online_form.php?f=7)

7. Report and Inventory – Iowa Code 635.7 – must file with the Court 90 days from Letters of Appointment a report and inventory of all probate and non-probate assets. Must convert to a regular estate at this point if the Report and Inventory shows probate assets exceeding \$100,000.

8. Creditor claims due 4 months from date of second consecutive publication or 1 month from direct notice – personal representative shall accept or deny all creditor claims.

9. Affidavit That No Inheritance Tax Is Due, if applicable

10. Small Estate Administration Closing Statement – Iowa Code 635.8

File Closing Statement (must verified and affirmed by the personal representative) and proof of mailing to each beneficiary and heir within a reasonable time after letters of appointment are issued. The Closing Statement must include:

(a) To the best knowledge of the personal representative, the gross value of the probate assets subject to the jurisdiction of this state does not exceed the amount permitted under section 635.1.

(b) The estate has been fully administered and will be disbursed and distributed to persons entitled to the estate if no objection is filed to the closing statement after the requisite time period has expired as provided in 635.8(2).

(c) A description of the disbursement and distribution of the estate including an accurate description of all the real estate of which the decedent died seized, stating the nature and extent of the interest in the real estate and its disposition.

(d) A copy of the closing statement and an opportunity to object and request a hearing has been sent by proper notice, as provided in section 633.40, to all interested parties.

(e) The personal representative has complied with all statutory requirements pertaining to taxes, including whether federal estate tax was paid or a return was filed, whether Iowa inheritance tax was paid or a return was filed, whether the decedent's final personal income taxes were filed, whether fiduciary income tax returns for the estate were filed, and whether a lien continues to exist for any federal or state tax.

If no actions or proceedings involving the estate are pending in the court thirty (30) days after service of the closing statement, the estate shall be distributed according to the closing statement. *See Iowa Code 635.8(2).*

The estate shall close and the personal representative shall be discharged upon the earlier of either of the following: (a) the filing of an affidavit of mailing or other proof of service of the closing statement and a statement of asset distribution by the personal representative; (b) sixty (60) days after the filing of the closing statement and an affidavit of mailing or other proof of service thereof. *See Iowa Code 635.8(2).*

If a closing statement is not filed within twelve (12) months of the date of issuance of a letter of appointment, an interlocutory report shall be filed within such time period. Such report shall be provided to all interested parties at least once every six months until the closing statement has been filed unless excused by the court for good cause shown. *See Iowa Code 635.8(2).*

11. Statement of Disbursement of Assets in Small Estate – may file thirty-one (31) days after closing statement was filed and mailed.

## ***B. Regular Estate***

**Iowa Code Section** is known as the Iowa Probate Code. Following is a condensed outline of the basic steps needed to probate a regular estate (NOTE: this outline does not contain all of the steps needed for every case; See Iowa Code 633 for further guidance):

### 1. Petition For Regular Estate Administration.

**Iowa 633.229** states that a petition for administration of an intestate estate shall contain the following: (a) The name, domicile and date of death of the decedent; (b) If the decedent was domiciled outside the state at the time of the decedent's death, a statement that the decedent had property within the county in which the petition is filed, or any other basis for jurisdiction in such county; (c) The name and address of the surviving spouse, if any, and the name and address of each heir so far as known to the petitioner; (d) The estimated value of the personal property of the estate plus the estimated gross annual income of the estate during the period of administration.

**Iowa Code 633.291** requires that Petition For Probate of Will include: (a) The name, domicile, and date of death of the decedent; and (b) If the decedent was not domiciled in the state at the time of the decedent's death, then, that the decedent had property within the county in which the petition is filed, or any other basis for jurisdiction in such county.

Most practitioners combine the Petition For Probate of Will and For Appointment of Executor. Iowa Code 633.292 requires that a petition for the appointment of an executor state the name and address of the person nominated or proposed as executor, and that such person is qualified to act as executor. If the person proposed is not the person nominated in the will, the petition shall state the reason why the person nominated is not proposed as executor. Unless bond is waived in the will, the petition shall state the estimated value of the personal property of the estate plus the estimated gross annual income of the estate during the period of administration.

### 2. Court Officer Oath – Petitioning executor/personal representative must file with the Petition a Court Officer's Oath accepting the duties and responsibilities if he/she/it is appointed.

3. Designation of Attorney – Iowa Code 633.82 states that the designation of the attorney employed by the fiduciary to assist in the administration of the estate *shall* be filed in the estate proceedings. The designation shall state the attorney's name, post office address, and telephone number. The designation shall clearly state the name of the attorney who is in charge of the case and the attorney's name shall not be listed by firm name only.

4. Letters of Appointment – issued by Clerk of Court to grant the executor/personal representative the powers to act as such.

Iowa Code 633.63 governs the qualification of fiduciary residents. Any natural adult person who is a resident of Iowa is qualified to serve as a fiduciary, except any of the following: (a) A person who is incompetent; (b) Any other person whom the court determines to be unsuitable. Certain banks and trust companies are also authorized to act in a fiduciary capacity in Iowa. 633.63(2).

Iowa Code 633.64 governs the qualification of fiduciary nonresidents. The court may, upon application, appoint the following nonresidents as fiduciaries: (1) A natural person who is a nonresident of this state and who is otherwise qualified under the provisions of section 633.63, provided a resident fiduciary is appointed to serve with such nonresident fiduciary; and provided further that the court, for good cause shown, may appoint such nonresident fiduciary to serve alone without the appointment of a resident fiduciary; and (2) Banks and trust companies organized under the laws of the United States or of another state and authorized to act in a fiduciary capacity in another state, if banks and trust companies of this state are permitted to act as fiduciary under similar conditions in the state where such bank or trust company is located.

5. Notice of Probate of Will, of Appointment of Executor, and Notice to Creditors – mail to heirs and beneficiaries and publish 2 consecutive weeks in a newspaper of general circulation. File Affidavit of Mailing Notice.

6. Notice to Estate Recovery – File Affidavit of Emailing Notice and Proof of No Claim. [https://www.iowaestates.com/forms/online\\_form.php?f=7](https://www.iowaestates.com/forms/online_form.php?f=7)

7. Report and Inventory – Iowa Code 635.7 – must file with the Court 90 days from Letters of Appointment a report and inventory of all probate and non-probate assets.

8. Creditor claims due 4 months from date of second consecutive publication or 1 month from direct notice – personal representative shall accept or deny all creditor claims.

9. Motion For Fees – File Motion for fees and proposed Order with Court. Include with this filing an Affidavit Relative to Compensation, as required by Iowa Code 633.202. Attorney and personal representative fees must be approved by the Court before they are paid. *See* Iowa Code 633.197 and 633.198. The fee schedule is based off of the gross estate, as follows:

For the first \$1,000, 6%;

For the overplus between \$1,000 and \$5,000, 4%.

For all sums over \$5,000, 2%.

633.5 provides that a decedent's estate does not include life insurance proceeds, unless the proceeds are payable to the decedent's estate. PRACTICE TIP: When estate planning, advise clients of this concept and encourage them to ensure they have designated beneficiaries for their insurance policies.

10. File Income Tax Acquittance, If Applicable.

11. Final Report –File the Final Report with the Court after receiving Consents to proposed distribution and Waivers of hearing from all beneficiaries. After the Final Report is filed, obtain written Receipts from each beneficiary to relieve the executor/personal representative from any claim that he/she/it did not distribute the estate property as set forth in the Final Report.

12. Discharge of Executor and Order Closing Estate – Iowa Code 633.111 allows a fiduciary to file Receipts with the final report, and if it shall be made to appear to the satisfaction of the court that the fiduciary has complied with the law governing the appointment and duties, the court may approve the final report and enter the fiduciary's discharge.

## *C. The Estate Timetable - What You Need to Do*

One of the keys to an efficient and successful probate administration is to calendar the important dates at the start of the case. Be sure to give yourself enough of a reminder for each deadline (e.g. dual calendars and a tickler system) so that the attorney, personal representative, and firm's staff are working together well ahead of time to meet or exceed case deadlines. The decedent's family and beneficiaries greatly appreciate prompt and efficient administration. Following are some useful tools and tips in guiding the practitioner through probate administration:

1. Utilize Personal Representative – Engage the executor/personal representative. Not only may this decrease the Estate's legal fees, it will reinforce the significance of the case to the personal representative, make for a quicker and more efficient case administration, and further justify the fee the personal representative may elect to charge for his or her services.

Following is a BASIC checklist of some (but not necessarily all) of the things a personal representative should be aware of from the outset:

a. Lock Box

- may be frozen at death
- inventory contents

b. Will and Estate Plan – locate plans, if any

c. Locate Assets – ascertain beneficiaries & account holders of each

- Great Iowa Treasure Hunt
- life insurance – obtain claim forms
- stocks & bonds & annuities – determine form of ownership
- bank accounts, money markets, certificates of deposit, & cash
- real estate – may require special filings &/or court supervision to transfer to new owner
- automobiles, boats, trailers – consider DMV affidavit if applicable to transfer title
- tangible personal property – obtain decedent's written list if any; may require appraisal
- business interests – locate operating agreement or other business docs; determine valuation;



- find a replacement if decedent was involved in day-to-day operations
- employee benefits – types (qualified plans, IRA’s, deferred compensation); consider income tax and estate tax consequences; determine disposition upon death of principal
- veteran’s administration – notify for possible benefits
- social security – notify of death and for survivor benefits, if any

d. Identify Creditors

- debts unpaid prior to death
- funeral home & burial expenses
- watch decedent’s mail

e. Taxes

- Federal and state estate tax
- Generational skipping tax
- Federal and state income tax

2. Sample Checklist based largely from information in the ISBA Probate Manual (NOTE: this is a general checklist and does not contain tax return deadlines, nor may it include all tasks that need to be completed in a given case):

<b>TASK</b>	<b>DEADLINE</b>
Publish Legal Notice §633.230 and §633.304	Immediately after Letters of Appointment Issued
Mail Legal Notice to Estate Recovery §633.304A & 633.231	Immediately after Letters of Appointment Issued
Mail Legal Notice to Devisees, Heirs at Law, and Creditors who will not or may not be paid. §633.230 & §633.304	Immediately after Date of Second Publication of Legal Notice
Mail Notice to Surviving Spouse of Right to Take Elective Share §633.237	Immediately after Letters of Appointment Issued
Mail Notice to Surviving Spouse and Dependents of Decedent who reside with Surviving Spouse of Right to Request Allowance §633.374	Immediately after Letters of Appointment Issued
Mail Notice to Minor or Adult Dependents of Decedent who do not reside with Surviving Spouse of Right to Request Allowance §633.376	Immediately after Letters of Appointment Issued
File Report and Inventory §633.361	90 days after Letters of Appointment issued
Deadline for filing claims against the estate §633.410	Later to occur of 4 months after Second Publication of Legal Notice or one month after service of notice by ordinary mail to claimants last known address
Deadline interested persons to commence Will contest 633.309	Later to occur of 4 months after Second Publication of Legal Notice or one month after service of notice by ordinary mail to claimants last known address

<b>TASK</b>	<b>DEADLINE</b>
Deadline for Spouse to File Election for Elective Share §633.237	Four months after service of notice to surviving spouse
Obtain Alternate Valuation Date Values (if applicable) IRC §2032	Revalue decedent's assets on date 6 months after decedent's death
Deadline for filing claims against the estate §633.410	Later to occur of 4 months after Second Publication of Legal Notice or one month after service of notice by ordinary mail to claimants last known address
Deadline for interested persons to commence Will Contest 633.309	Later to occur of 4 months after Second Publication of Legal Notice or one month after service of notice by ordinary mail to claimants last known address
Deadline for Spouse to File Election for Elective Share §633.237	Four months after service of notice to surviving spouse
Obtain Alternate Valuation Date Values (if applicable) IRC §2032	Revalue decedent's assets on date 6 months after decedent's death
File Amended Probate Inventory if Alternate Values will be used §633.364	Within 30 days of decision to use alternate values
File Application or Waiver of Personal Representative's Fees for Ordinary Services §633.197; §633.202 - .203	When Federal 706 and Iowa 706 are prepared (if both are required) When Iowa 706 is prepared (if no Federal 706 required) When Probate Inventory is prepared (if no Federal 706 and no Iowa 706 required)
File Application for Attorney Fee's for Ordinary Services §633.198 and §633.203	When Federal 706 and Iowa 706 are prepared (if both are required) When Iowa 706 is prepared (if no Federal 706 required) When Probate Inventory is prepared (if no Federal 706 and no Iowa 706 required)
Obtain Court Order Approving Fees Iowa Rule Prob. Proc. 7.2	After Application for Fees is filed
Pay one-half of the amount awarded by the court for Attorneys Fees and Personal Representative's Fees for Ordinary Services Iowa Rule Prob. Proc. 7.2	After Court Order Approving Fees is obtained
Obtain Disclaimers (if applicable) and file with Court IRC §2518; & Iowa Chapter 633E	Qualified disclaimers must be signed within 9 months of decedent's death. Nonqualified disclaimers may result in the need to file a Gift Tax Return and an Iowa 706 Inheritance Tax Return.
Satisfy Specific Bequests by turning property over to beneficiaries 633.355	Within 9 months after Letters of Appointment are issued, unless court has granted an extension for good cause shown
File Federal Estate Tax Closing Letter (if applicable)	Upon receipt from IRS
File Iowa Inheritance Tax Clearance (if applicable)	Upon receipt from Iowa Department of Revenue
File Iowa Income Tax Certificate of Acquittance	Upon receipt from Iowa Department of Revenue
File Interlocutory Report (if applicable) §633.469	18 months from date of 2nd publication

<b>TASK</b>	<b>DEADLINE</b>
File Application for Personal Representative's and Attorney's Fees for Extraordinary Services (if applicable) Obtain Court Order Approving Extraordinary Fees (if applicable) §633.199	When extraordinary services are completed. Sometimes this request is combined with the Final Report
Obtain Consents from Interested Parties or Set Matter for Hearing	When Application for Fees related Extraordinary Services is prepared
Obtain Court Order Approving Extraordinary Fees (if applicable) §633.199	After Application and Consents are filed After Application is filed and hearing is held
Payment of Extraordinary Fees to Personal Representative and Attorney (if applicable)	After Court Order Approving Fees for Extraordinary Services is obtained
File Application for Extension of Time to Close Estate §633.473	Estate must be closed 3 years from date of 2 <sup>nd</sup> publication, unless court grants extension after notice to all interested parties
File Final Report §633.477	When all tasks have been completed
Pay Court Costs; Iowa Rule Prob. Proc. 7.2(4)	Simultaneously with filing of Final Report
Pay second half of the amount awarded by the court for Attorney Fees and Personal Representative Fees for ordinary services; Iowa Rule Prob. Proc. 7.2(4)	After Final Report is filed and court costs are paid

## *D. Proving the Will*

1. Self-Proven Will – When drafting and executing a Last Will and Testament, the attorney should ensure the Will is self-proven. To self-prove a Will the testator and the witnesses must swear in an affidavit before a notary to the authenticity of the Will. Following is sample language of a self-proven Will:

IN WITNESS WHEREOF, I have hereunto set my hand this [DATE].

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NAME OF TESTATOR

WITNESSES:

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PRINTED NAME

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PRINTED NAME

We, the undersigned, do hereby certify that on this \_\_\_ day of \_\_\_\_, 2014, [NAME OF TESTATOR] exhibited to us the foregoing instrument, in typewriting, on \*\*\* (\*) pages, inclusive of this, and declared the same to be the testator's Last Will and Testament executed by the testator on this [DATE], and requested us and each of us to witness the testator's execution of said Last Will and Testament, whereupon the testator did, in our presence, subscribe the testator's name at the end of said instrument and the signature "NAME OF TESTATOR" at the end thereof is the genuine signature of said testator, and the testator did also, in our presence, subscribe the testator's initials upon each of the said \*\*\* (\*) pages, and that the testator was, in our judgment, in the full possession of all of the testator's faculties and capable of making said Last Will and Testament and we, therefore, in the presence of said testator and in the presence of each other, subscribe our names as witnesses to the execution of said Last Will and Testament.

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WITNESS PRINTED NAME AND ADDRESS

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WITNESS PRINTED NAME AND ADDRESS

STATE OF IOWA

: ss

COUNTY OF WOODBURY

We, the undersigned, ....., ....., and ....., the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, declare to the undersigned authority that at the date of the instrument, we all knew the identity of each other; the instrument was exhibited to the witnesses by the testator, who declared it to be the testator's last will and testament and was signed by the testator or by another at the direction of the testator at ....., in the County of ....., State of ....., on the date shown in the instrument, and in the presence of each other as subscribing witnesses; that we, as witnesses, declare to the undersigned authority that in our presence the testator executed and acknowledged such will as the testator's will and that we, in the testator's presence, at the testator's request, and in the presence of each other, did subscribe our names thereto as attesting witnesses on the date of such will; and that the witnesses were sixteen years of age or older.

\_\_\_\_\_  
NAME OF TESTATOR

\_\_\_\_\_  
WITNESS PRINTED NAME

\_\_\_\_\_  
WITNESS PRINTED NAME

Subscribed, sworn and acknowledged before me by \_\_\_\_\_, the testator; and subscribed and sworn before me by \_\_\_\_\_ and \_\_\_\_\_, witnesses, this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public in and for said State

2. When a Will is not self-proven, Iowa Code 633 offers a few alternatives for proving up the Will.

First, an individual who witnessed the Decedent's Will may provide oral or written testimony to that effect. Iowa Code 633.295 provides that if such testimony is in writing, it shall be substantially in the following form executed and sworn to after the death of the decedent:

In the District Court of Iowa In and for ..... County  
In the Matter of the Estate of ....., Deceased  
Probate No. ....  
Testimony of Subscribing Witness on Probate of Will  
State of ..... )  
..... County ) ss

I, ....., being first duly sworn, state:

I reside in the County of ....., State of .....; I knew the testator on the .... day of ..... (month), ... (year), the date of the instrument, the original or exact reproduction of which is attached hereto, now shown to me, and purporting to be the last will and testament of the said ....., deceased; I am one of the subscribing witnesses to said instrument; at the said date of said instrument, I knew ....., the other subscribing witness; that said instrument was exhibited to me and to the other subscribing witness by the testator, who declared the same to be the testator's last will and testament, and was signed by the testator at ....., in the County of ....., State of ....., on the date shown in said instrument, in the presence of myself and the other subscribing witness; and the other subscribing witness and I then and there, at the request of the testator, in the presence of said testator and in the presence of each other, subscribed our names thereto as witnesses.

.....  
Name of witness  
.....  
Address

Subscribed and sworn to before me this ... day of ..... (month), ... (year)

Notary Public in and for the State of . . .  
(Seal)

Second, a deposition may be used to prove the authenticity of a Will. *See* Iowa Code 633.296.

Finally, in situations where all of the subscribing witnesses are dead or unavailable, Iowa Code Section 633.297 permits the sworn testimony of two credible disinterested witnesses that the signature to the Will is in the handwriting of the person whose will it purports to be, and that, the signatures of the witnesses are in the handwriting of such witnesses; or it may be proved by other sufficient evidence of the execution of such Will.

## ***E. Challenging the Will***

The most common reasons for challenging a Last Will and Testament in Iowa include undue influence and lack of capacity.

1. Lack of Testamentary Capacity. “In order to have testamentary capacity when executing a will, the testator must have known and understood the following: ‘(1) The nature of the instrument being executed; (2) The nature and extent of his property; (3) The natural objects of his bounty; and, (4) The disposition he desired to make under his last will and testament.’ *In re Estate of Lachmich*, 541 N.W.2d 543, 545 (Iowa Ct. App. 1995). The proof of a mental deficiency must be applicable to the time the will was made. *Pearson v. Ossian*, 420 N.W.2d 493, 495 (Iowa 1988). Evidence of the testator's mental condition at other times may be allowed if it sheds light on the testator's mental competence at the time the will was made. *Id.* The burden of proof is on those contesting the will.” *Id.*

*Matkovich v. Matkovich* (In re Matkovich) (Iowa App., 2013).

2. Undue Influence. “Undue influence occurs where one substitutes his or her will for the will of the testator, making the writing the intent of the person exercising the influence rather than that of the testator. *In re Estate of Davenport*, 346 N.W.2d 530, 531-32 (Iowa 1984). There are four elements of an undue influence claim: (1) the testator was susceptible to undue influence; (2) defendants had an opportunity to exercise undue influence and effect the wrongful purpose; (3) defendants had a disposition to influence unduly to procure an improper favor; and (4) the result, reflected in the will, was clearly the effect of undue influence. *In re Estate of Bayer*, 574 N.W.2d 667, 671 (Iowa 1998). For influence to be considered undue, it must be the ‘equivalent to moral coercion.’ *Id.* Those seeking to set a will aside, based on undue influence, carry the burden of proving the essential elements of the action by a preponderance of the evidence. *In re Estate of Todd*, 585 N.W.2d 273, 277 (Iowa 1998). While undue influence may be proved by circumstantial evidence, more than a ‘scintilla’ of evidence is required. *Bayer*, 574 N.W.2 at 671. ‘Mere suspicion, surmise, conjecture, or speculation is not enough to warrant a finding of undue influence, but there must be a solid foundation of established facts upon which to rest an inference of its existence.’ *Id.* The existence of a confidential relationship gives rise to a suspicion—though not a presumption—of undue influence where the dominant party in the confidential relationship participates in either the preparation or the execution of the contested will.” *Id.* at 675.



*Matkovich v. Matkovich* (In re Matkovich) (Iowa App., 2013).

In a 2013 ruling, the Iowa Supreme Court reaffirmed that a plaintiff need only prove an undue influence claim by a preponderance of the evidence, and not by a “clear and convincing” standard. In its decision, however, the Court ruled that a plaintiff must meet a “heightened substantive standard” by proving that the disputed result was clearly brought about by undue influence. *Burkhalter v. Burkhalter*, No. 12-0222, 2013 Iowa Sup. LEXIS 132 (Iowa Sup. Ct. Dec. 20, 2013).