

**633.240 Election to receive homestead.**

In estates in which the surviving spouse has filed an election and in all intestate estates, whether an election is filed or not, the surviving spouse or the spouse's conservator, if applicable, may, in lieu of the spouse's share in the real property possessed by the decedent at any time during the marriage, which has not been sold on execution or other judicial sale, and to which the surviving spouse has made no express written relinquishment of right, elect to receive a life estate in the homestead. Such election shall be made and entered of record as provided in [section 633.245](#). In making such election, the surviving spouse shall have all the rights as to the personal property provided in [section 633.238, subsection 1](#), paragraphs "b", "c", and "d". In case of failure to make such election, the right to receive the life estate in the homestead shall be waived.

[C97, §3377; S13, §3377; C24, 27, 31, 35, 39, §12012; C46, 50, 54, 58, 62, §636.27; C66, 71, 73, 75, 77, 79, 81, §633.240]

[88 Acts, ch 1064, §3; 2005 Acts, ch 38, §16](#)

Referred to in [§633.236](#), [§633.237](#), [§633.245](#), [§633.246](#), [§633.647](#)