**524.3-413 FORMAL TESTACY PROCEEDINGS; VACATION OF ORDER FOR OTHER CAUSE AND MODIFICATION OF ORDERS, JUDGMENTS, AND DECREES.**

For good cause shown, an order, judgment or decree in a formal proceeding may be modified or vacated within the time limits and upon the grounds stated in section 524.1-304, except that the same may be modified to include omitted property or to correct a description at any time, as hereinafter provided.

Whenever real or personal property or any interest therein has been omitted from probate proceedings, from a deed or transfer of distribution, a decree of distribution, or an order for distribution, or has been incorrectly described therein, any person interested in the estate or claiming an interest in such property may petition the probate court of the county in which such proceedings were had for a decree to determine its descent and to assign it to the persons entitled thereto, or to amend the deed or transfer of distribution, decree of distribution, or order of distribution to include such omitted property, or to correct the description, with or without notice. No order or decree of omitted property shall be entered under this section until any inheritance taxes due are paid or the court finds there are no taxes due.

**History:** *1974 c 442 art 3 s 524.3-413; 1975 c 347 s 43; 2009 c 117 art 1 s 2*