

TITLE 17
APPEALS

CHAPTER 2
APPEALS IN PROBATE MATTERS

17-201. APPEALABLE JUDGMENTS AND ORDERS. An appeal may be taken to the district court of the county from a judgment, or order of the magistrates division of the district court in probate matters:

1. Granting, refusing or revoking, or refusing to revoke, letters testamentary, or of administration, or of guardianship.
2. Admitting, or refusing to admit, a will to probate.
3. Against or in favor of the validity of a will, or revoking or refusing to revoke the probate thereof.
4. Against or in favor of setting apart property, or making an allowance for a widow or child.
5. Against or in favor of directing the partition, lease, mortgage, sale or conveyance of real property.
6. Settling an account of an executor, administrator or guardian.
7. Refusing, allowing or directing the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, legacy or distributive share.
8. Confirming report of appraiser setting apart the homestead.

[(17-201) C.C.P. 1881, sec. 662; R.S., R.C., & C.L., sec. 4831; C.S., sec. 7173; am. 1927, ch. 68, sec. 1, p. 84; I.C.A., sec. 11-401; am. 1935, ch. 71, sec. 1, p. 125; am. 1971, ch. 269, sec. 1, p. 1074.]

17-203. EFFECT OF REVERSAL. When the order or decree appointing an executor, administrator or guardian is reversed on appeal for error, and not for want of jurisdiction of the court, all lawful acts in administration upon the estate, performed by such executor, administrator or guardian, if he have [has] qualified, are as valid as if such order or decree had been affirmed.

[(17-203) C.C.P. 1881, sec. 664; R.S., R.C., & C.L., sec. 4833; C.S., sec. 7175; I.C.A., sec. 11-403.]