FILED
MAY 28 1985
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

595

IN THE MATTER OF THE ESTATE OF FLORENCE E. WALKER, Deceased;	)	
BENFORD M. WALKER and GLEN WALKER,	)	Filed May 28, 1985
Appellants,	)	
vs.	)	
REXFORD A. WALKER, CHARLOTTE SMITH, CHARLES J. WALKER, MILO D. DAILEY IV, MARGARET REBECCA THURSTON and MICHAEL DAILEY,	)	5-112 83-179
Appellees.	)	

Appeal from the Iowa District Court for Polk County - Luther Glanton, Judge.

Appellants appeal from district court order authorizing estate administrator to sell real estate to pay debts of the estate and to settle a claim of the estate. AFFIRMED.

Benford M. Walker and Glen Walker, appellants, pro se.

Edgar Musgrave, David L. Phipps, and Kenneth W. Biermacher of Whitfield, Musgrave, Selvy, Kelly & Eddy, Des Moines, for appellees.

Bernard J. O'Malley of Connolly, O'Malley, Lillis & Hansen, Des Moines, for the estate.

Susan P. Kramer of Valley National Bank, Des Moines, administrator.

Considered by Snell, P.J., and Schlegel and Sackett, JJ.

PER CURIAM

This appeal is the latest in a long series of litigation involving the Estate of Florence Walker, which has been open for six years. The issue on this appeal centers on the findings and conclusions of the probate referee and subsequent order by the district court which allowed the settlement of a personal injury claim on behalf of the Estate and authorization allowing the Administrator to sell real property to pay debts of the Estate. The district court also rejected an application to remove the attorneys for the Estate in the personal injury action and to remove the Valley National Bank as the Administrator of the Estate.

We affirm the lower court's action on all issues.

Iowa Code section 633.114 grants the executor authority to settle claims:

> When it appears for the best interest of the estate, the fiduciary may, subject to approval of the court, effect a compromise with any debtor or other obligor . . . .

The rationale set forth by the probate referee authorizing the executor to settle the estate is reasonable. Both attorneys who represented the plaintiff in the case strongly urged that the case be settled. They cited the expense of hiring expert witnesses, and the question of proving damages even if liability was established as reasons for accepting a $9,000.00 settlement.

We also find that the lower court's order authorizing the Administrator to sell certain real estate to pay debts owed by the Estate to be proper. Iowa Code section 633.386 authorizes the Administrator to sell property of the Estate:

> 1. Any real or personal property belonging to the decedent, except exempt personal property and the homestead, may be sold, mortgaged, pledged, leased or exchanged by the personal representative for any of the following purposes.
>
> a. The payment of debts and charges against the estate;
>
> b. The distribution of the estate or any part thereof;
>
> c. Any other purpose in the best interest of the estate.

The Administrator testified that there were $47,000.00 in outstanding debts

and $30,075.00 in assets. This estate has now been open for six years. In the interest of finally settling the matters of the estate, we believe the order authorizing the sale of the real estate is reasonable.

Finally, appellants challenge the lower court's refusal to remove the Estate's Administrator and attorney. In an action for removal of an administrator, the trial court must necessarily be allowed to exercise a large discretion and, unless such discretion is abused, should not be interfered with by this court. In re Estate of Myers, 229 Iowa 170, 171, 294 N.W. 235, 235 (1940). We find that the trial court did not abuse its discretion in failing to remove the administrator or attorney.

The findings of the lower court are affirmed.

AFFIRMED.