

land is situated, a notice with affidavit, setting forth affiants claim, together with the facts upon which such claim rests, and the residence of such claimants; and if such notice is not filed within two years from the taking effect of this act, such claim shall be barred forever. Any action contemplated in this section may include land situated in different counties, by giving notice thereof as provided by section three thousand five hundred forty-four (3544) of the code. Provided, that the repeal of said section shall not affect any act done, any right accruing or which has accrued or been established, nor any suit or proceeding had or commenced in any civil cause before the time when such repeal takes effect; but the proceedings in such cases shall be conformed to the provisions of said repealed section as far as consistent."

Approved March 17, A. D. 1911.

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## CHAPTER 160.

### RECOVERY OF INTEREST IN REAL ESTATE WHEN SPOUSE FAILED TO JOIN IN CONVEYANCE.

H. F. 543.

AN ACT to amend house file number six(6) of the thirty-fourth general assembly relating to the recovery of interest in real estate when spouse failed to join in conveyance.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Not restricted to recorded instruments.** That section one (1) of house file number 6 of the thirty-fourth (34th) general assembly of Iowa, as the same appears in the record of enrolled bills be amended by striking out the words "which has been recorded" in the seventh (7th) line thereof.

Approved May 2, A. D. 1911.

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## CHAPTER 161.

### FORECLOSURE OF REAL ESTATE MORTGAGES.

S. F. 253.

AN ACT to repeal section three thousand four hundred forty-seven-c (3447-c) of the supplement to the code, 1907, and enacting a substitute therefor relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Repeal—limitation of action to foreclose or enforce real estate mortgage or contract.** That section three thousand four hundred forty-seven-c (3447-c) of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof:

"No action shall be maintained to foreclose or enforce any real estate mortgage, bond for deed, trust deed or contract for the sale or conveyance of real estate, after twenty (20) years from the date thereof, as shown by the record of such instrument, unless the record of such instrument shows that less than ten (10) years have elapsed since the date of maturity of the indebtedness or part thereof, secured thereby, or since the right of action

has accrued thereon, or unless the record shows an extension of the maturity of the instrument or of the debt or a part thereof, and that the time of such extension has not yet expired. The date of maturity, when different than as appears by the record of the instrument, and the date of maturity of any extension of said indebtedness or part thereof, may be shown at any time prior to the expiration of the above periods of limitation by the holder of the debt or the owner or assignee of the instrument filing an extension agreement, duly acknowledged as the original instrument was required to be acknowledged, in the office of the recorder where the instrument is recorded, or by noting on the margin of the record of such instrument in the recorder's office an extension of the maturity of the instrument or of the debt secured, or any part thereof. Each notation to be witnessed by the recorder and entered upon the index of mortgages in the name of the mortgagor and mortgagee; provided that the holder or assignee of any such instrument, or the holder of any debt or part thereof, secured by any instrument, shall have until July 4, 1912 in which to file such extension agreement or to note the marginal extension as to any instrument executed prior to the taking effect of this act and coming within the provisions hereof. This act shall in no case revive the rights or claims barred by section three thousand four hundred forty-seven-c (3447-c) of the supplement to the code, 1907."

Approved April 11, A. D. 1911.

## CHAPTER 162.

### APPEARANCE IN COURT.

S. F. 160.

AN ACT to repeal section three thousand five hundred and forty-one (3541) of the code and to enact a substitute therefor, relating to appearance in court.

*Be it enacted by the General Assembly of the State of Iowa:*

[SECTION 1.] **Repeal—mode of appearance—when required.** That section three thousand five hundred and forty one (3541) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

"SEC. 3541. The mode of appearance may be:

1. By delivering to the plaintiff or the clerk of the court, a memorandum in writing to the effect that the defendant appears, signed either by the defendant in person or his attorney, dated the day of its delivery and filed in the case;
2. By entering an appearance in the appearance docket or judges calendar or by announcing to the court an appearance which shall be entered of record;
3. By taking part either personally or by attorney in the trial of the case;
4. Any defendant may appear specially for the sole purpose of attacking the jurisdiction of the court.

Such special appearance shall be announced at the time it is made and shall limit the party to jurisdictional matters only and shall give him no right to plead to the merits of the case.

5. No member of the general assembly shall be held to appear or answer in any civil or special action in any court while such general assembly is in