

## CHAPTER 288.

## NOTICE OF LIS PENDENS.

H. F. 346.

AN ACT to repeal sections thirty-five hundred forty-three (3543) and to enact a substitute in lieu thereof relative to the filing of a lis pendens.

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

SECTION 1. **Repeal—real estate—notice of pending action—indexed by clerk.** That section 3543 of the code be and the same is hereby repealed and the following enacted in lieu thereof.

“When a petition affecting real estate is filed, the clerk of the district court where filed shall forthwith index same in an index book to be provided therefor, under the name of the parties plaintiff and defendant, entering a memorandum at each place where indexed, giving the description of the premises involved, the number of the case and the nature of the claim made.

If the petition be amended to include other parties or other lands, same shall be similarly indexed.

When the cause is finally determined the result shall be indicated in said book wherever indexed. When so indexed said action shall be considered pending so as to charge all third persons with notice of its pendency, and while pending no interest can be acquired by third persons in the subject matter thereof as against the plaintiff's rights.

If the real property affected be situated in the county where the petition is filed it shall be unnecessary to show in said index lands not situated in said county, and if the description be lengthy the clerk may give same in full in one place and refer thereto at all other places in said index book.”

Approved April 18 A. D. 1913.

## CHAPTER 289.

## INSTRUCTIONS TO JURIES BY THE DISTRICT COURT.

H. F. 158.

AN ACT to repeal section three thousand seven hundred and five (3705) of the code, and to enact a substitute in lieu thereof relative to the instructions of the district court.

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

SECTION 1. **Repeal.** That section three thousand seven hundred and five (3705) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

SEC. 2. **Instructions to be in writing.** Either party may request instructions to the jury on points of law which shall be given or refused by the court. All instructions asked and the charge of the court shall be in writing.

SEC. 3. **Request for instructions—when and how made—exceptions—when taken—motion for new trial.** All requests for instructions must be presented to the judge before the argument to the jury is commenced and before reading his charge to the jury. The judge, before reading his charge to the jury,

shall present all instructions to counsel on either side, each of whom shall have a reasonable time in which to examine the same. All objections or exceptions thereto must be made before the instructions are read to the jury and must point out the grounds thereof specifically and with reasonable exactness; but upon a showing in a motion for a new trial that an error in such instructions was not discovered by the party claiming the error at the time of trial, such objections or exceptions may be made in the same manner in such motion for a new trial and no other objection or exception to the instructions shall be considered by the supreme court on appeal, except those made as above provided. The objections or exceptions must point out specifically the exact grounds thereof, and no other objections or exceptions shall be considered by the trial court upon motion for a new trial or otherwise, or by the supreme court upon appeal.

SEC. 4. **Not retroactive.** This act shall not apply to any proceedings had or be given a retroactive effect, save as to actions pending which have not yet been submitted to a jury.

SEC. 5. **Acts in conflict repealed.** All acts or parts of acts in conflict with the provisions hereof are hereby repealed.

Approved April 17 A. D. 1913.

#### CHAPTER 290.

#### JUDGMENT LIENS OF THE DISTRICT OR CIRCUIT COURT OF THE UNITED STATES AND THE SUPREME COURT OF IOWA.

S. F. 124.

AN ACT to amend section three thousand, eight hundred two (3802) of the code relative to the lien of judgments.

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

[SECTION 1.] **Lien of judgments—when attached.** That section three thousand, eight hundred two (3802) of the code be, and the same is hereby amended by adding thereto the following:

“The lien of judgments of the district or circuit courts of the United States, and the supreme court of Iowa, shall not attach to any real estate until an attested copy of the judgment is filed in the office of the clerk of the district court of the county in which the land lies.”

Approved March 25, A. D. 1913.