

Sec. 8. Record - index of satisfaction. Such certificates shall be recorded by the proper officer in the judgment records of the court in which the same appears of record, or in the appropriate chattel or real estate records, as the case may be, and the record of such release, satisfaction, discharge, or assignment shall be properly indexed.

That section seventy-eight hundred nineteen (7819) of the compiled Code of Iowa be amended, revised, and codified to read as follows:

Sec. 9. Administration granted. In other cases, where an executor is not appointed by will, administration shall be granted to any suitable person or persons on the request and application of:

1. The surviving spouse.
2. The next of kin.
3. Creditors.
4. Any other person showing good grounds therefor.

Approved February 21, 1924.

CHAPTER 154

DISTRIBUTION OF INTESTATE PROPERTY

S. F. 239

AN ACT to amend, revise, and codify sections seven thousand nine hundred four (7904) and seven thousand nine hundred ten (7910) of the compiled code of Iowa, relating to the distribution of intestate property.

Be It Enacted by the General Assembly of the State of Iowa:

That sections seven thousand nine hundred four (7904) and seven thousand nine hundred ten (7910) of the compiled Code of Iowa are amended, revised and codified to read as follows:

Section 1. If the intestate leaves no issue, the whole of the estate to the amount of seventy-five hundred dollars, after the payment of the debts and expenses of administration, and one-half of all of the estate in excess of said seventy-five hundred dollars shall go to the surviving spouse and the other one-half of said excess shall go to the parents. If no spouse, the whole shall go to the parents. In case of an adopted child, the parents by adoption shall inherit as if they were the natural parents.

Approved December 20, 1923.

CHAPTER 155

FORECLOSURE OF MORTGAGES

S. F. 241

AN ACT to amend, revise, and codify sections eight thousand one hundred sixty (8160), eight thousand one hundred sixty-one (8161), eight thousand one hundred sixty-six (8166), and eight thousand one hundred seventy-eight (8178) of the compiled code of Iowa, relating to foreclosure and release of mortgages, and sales under pledge.

Be It Enacted by the General Assembly of the State of Iowa

That sections eight thousand one hundred sixty (8160) and eight thousand one hundred sixty-one (8161) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Attorney fees. If the notes secured by such mortgage, or the mortgage itself, provide for the payment of attorneys' fees, the same fees shall be collected, if an attorney is employed to look after and direct the proceedings, as are provided by law to be collected after judgment in actions upon such contracts. The attorney shall make an affidavit like that required in actions, and have it attached by the officer or person making sale to his return of the proceedings thereunder.

Sec. 2. Bill of sale. The officer, or other person conducting the sale shall execute to the purchaser a bill of sale of the property, which shall be effectual to carry the whole title and interest purchased.

That section eighty-one hundred sixty-six (8166) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Sale under pledge. The pledgee of personal property held as security for an indebtedness, unless otherwise agreed in writing, may sell such property for the payment of the indebtedness when due, by giving the pledgor and any purchaser or assignee of the property or any part of it of which the pledgee has notice in writing, ten (10) days' written notice of his intention to sell the same for the payment of such debt.

Sec. 4. The pledgee shall take the address of the pledgor at the time the pledge is made and in all cases the notice shall be served upon the pledgor by registered mail addressed to the address given by the pledgor at the time the property was pledged or at his last known address. If the pledgor is a resident of the county in which the property was held the notice shall be posted for ten (10) days in three (3) public places in the township of the pledgor's residence. If the pledgor is not a resident of the county where the property is held such notice shall be posted for ten (10) days in three (3) public places of such county and such notice shall contain a full and accurate description of the property to be sold, the day and hour when, and the place at which the same will be sold. If redemption is not made before the date thus fixed, the pledgee may sell at public auction, to the highest bidder, the pledged property, or so much of the same as may be necessary to pay the debt, interest, and all costs of making such sale, and may be a bidder at such sale. He shall apply the proceeds, first, in the payment of such costs, and second, to the payment of the debt. Any surplus arising from the sale and any property remaining unsold shall be paid or returned to the pledgor or his assignee.

That section eight thousand one hundred seventy-eight (8178) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 5. Satisfaction acknowledged. When the amount due on a mortgage is paid off, the mortgagee, his personal representative or assignee, or those legally acting for him, and in case of payment of a school fund mortgage the county auditor, must acknowledge satisfaction thereof in the margin of the record of the mortgage, or by execution of an instrument in writing, referring to the mortgage, and duly acknowledged and recorded. If he fails to do so within thirty (30) days after being requested in writing, he shall forfeit to the mortgagor or any grantee of the property who has paid the mortgage, the sum of twenty-five

dollars (\$25.00). When any mortgage is satisfied on the margin of the record of the mortgage, as herein provided, the person satisfying the same shall be identified to and his signature shall be witnessed by the county recorder or his deputy.

Approved January 30, 1924.

CHAPTER 106

CLERK OF THE SUPREME COURT

S. F. 245

AN ACT to amend, revise, and codify sections eight thousand four hundred seventy-eight ((8478) and eight thousand four hundred seventy-nine (8479) of the compiled code of Iowa, relating to the clerk of the supreme court.

Be It Enacted by the General Assembly of the State of Iowa

That sections eight thousand four hundred seventy-eight (8478) and eight thousand four hundred seventy-nine (8479) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Appointment. Within ninety (90) days prior to the first secular day in January, nineteen hundred twenty-seven (1927) and every four (4) years thereafter, the judges of the supreme court shall appoint a clerk of the supreme court who shall hold office for four (4) years and until his successor has been appointed and qualified. In case a vacancy occurs, the same shall be filled by appointment for the unexpired portion of the term only.

Sec. 2. Present clerk of the supreme court. Nothing in this act shall affect the term of office of the present clerk of the supreme court.

Approved January 22, 1924.

CHAPTER 157

SUPREME COURT PROCEDURE

H. F. 246

AN ACT to amend, revise, and codify sections seventy hundred thirty-two (7032), seventy hundred thirty-five (7035), eighty-four hundred eighty-six (8486), eighty-four hundred ninety (8490), eighty-four hundred ninety-one (8491), eighty-four hundred ninety-five (8495), eighty-four hundred ninety-six (8496), eighty-four hundred ninety-seven (8497), eighty-four hundred ninety-nine (8499), eighty-five hundred (8500), eighty-five hundred two (8502), eighty-five hundred four (8504) and eighty-five hundred twenty-eight (8528) of the compiled code of Iowa, relating to procedure in the supreme court, and qualifications for admission to the bar.

Be It Enacted by the General Assembly of the State of Iowa

That section eighty-four hundred eighty-six (8486) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Motion for new trial. The supreme court on appeal may review and reverse any judgment or order of the municipal, superior, or district court,