

7 instrument the character of such assignment or release and the book
8 and page where the same is recorded.

Approved March 25, A. D. 1925.

CHAPTER 189

REAL ESTATE

H. F. 348

AN ACT to amend section eleven thousand twenty-four (11024) of the code, 1924, relating to the recovery of real estate or to establish an interest therein.

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

1 SECTION 1. That section eleven thousand twenty-four (11024) of
2 the code, 1924, be amended by striking the figures "1900" in line two
3 (2) and inserting in lieu thereof the figures "1915"; also by striking
4 the figures "1900" in line twelve (12) and inserting in lieu thereof the
5 figures "1915"; also by striking the figures "1919" in line sixteen (16)
6 and inserting in lieu thereof the figures "1925".

Approved April 3, A. D. 1925.

CHAPTER 190

FORFEITURE OF REAL ESTATE CONTRACTS

H. F. 18

AN ACT to modify the enrollment of house file number 270, of the acts of the extra session of the fortieth general assembly as it now appears in the office of the secretary of state, and in chapter 527, code, 1924, and to amend section twelve thousand three hundred ninety-one (12391), code, 1924, relating to the forfeiture of real estate contracts.

WHEREAS in the enrollment of house file number 270, in the extra session of the fortieth general assembly, the following words were copied into section two (2) of said enrolled bill, to wit:

"If the property affected by the contract, if within a city or town, does not exceed one-half acre in extent, and otherwise does not contain in the aggregate more than forty acres, and has assumed a homestead character, then the vendor or his successor in interest shall notify said vendee or his successor in interest, that said contract will stand forfeited and canceled, unless said party, within ninety days after the completed service of said notice, performs the terms and conditions in default, and, in addition, pays the reasonable cost of serving the notice." and

WHEREAS in the enrollment of said bill the following words were copied into section five (5) of said enrolled bill, to wit: "or ninety days as the case may be," and

WHEREAS no part of said quoted words was adopted or in any manner agreed to by the general assembly but was wholly rejected by the general assembly, as shown by the official journals thereof, and

WHEREAS said enrolled bill was signed by the presiding officers of the general assembly and by the governor without knowledge of said error, and

WHEREAS the first quoted words hereof now appear in the code, 1924, as the last thirteen (13) lines of section twelve thousand three hundred ninety (12390), and

WHEREAS the said words "or ninety days as the case may be," now appear in section twelve thousand three hundred ninety-three (12393), code, 1924:

Now therefore

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

1 **SECTION 1. Words expunged.** Section two (2) of the enrollment
2 of house file number 270 of the acts of the extra session of the fortieth
3 general assembly as it now appears in the office of the secretary of
4 state and in section twelve thousand three hundred ninety (12390),
5 code, 1924, is hereby modified by expunging therefrom the following
6 words, to wit:

7 "If the property affected by the contract, if within a city or town,
8 does not exceed one-half acre in extent, and otherwise does not con-
9 tain in the aggregate more than forty acres, and has assumed a home-
10 stead character, then the vendor or his successor in interest shall
11 notify said vendee or his successor in interest, that said contract will
12 stand forfeited and canceled, unless said party, within ninety days
13 after the completed service of said notice, performs the terms and
14 conditions in default, and, in addition, pays the reasonable cost of
15 serving the notice."

1 **SEC. 2. Words expunged.** Section five (5) of the enrollment of
2 house file number 270 of the acts of the extra session of the fortieth
3 general assembly as it now appears in the office of the secretary of
4 state and in section twelve thousand three hundred ninety-three
5 (12393), code, 1924, is hereby modified by expunging therefrom the
6 following words, to wit:

7 "or ninety days as the case may be,".

1 **SEC. 3. Litigation.** The aforesaid modifications shall not apply to
2 pending litigation, nor shall anything contained in the two preceding
3 sections be construed as a recognition by the general assembly of the
4 former validity of said stricken words.

1 **SEC. 4.** Section twelve thousand three hundred ninety-one (12391),
2 code, 1924, is repealed and the following is enacted in lieu thereof:

3 "12391. **Service.** Said notice may be served personally or by
4 publication, on the same conditions, and in the same manner as is
5 provided for the service of original notices, except that when the
6 notice is served by publication no affidavit therefor shall be required
7 before publication. Service by publication shall be deemed complete
8 on the day of the last publication."

1 **SEC. 5. Publication.** This act being deemed of immediate import-
 2 ance shall be in full force and effect from and after its publication in
 3 the Des Moines Register and the Des Moines Capital, newspapers pub-
 4 lished at Des Moines, Iowa.

Approved February 23, 1925.

I hereby certify that the foregoing act was published in Des Moines Plain Talk
 February 16, 1925, and the Des Moines Daily Record February 26, 1925.

W. C. RAMSAY, *Secretary of State.*

[The above newspapers selected by the Secretary of State under the provisions of Section 55
 of the Code of 1924]

CHAPTER 191

SETTLEMENT OF ESTATES

H. F. 32

AN ACT to amend chapter five hundred seven (507) of title thirty-two (32) of the
 code, 1924, relating to settlement of estates, and making provision for hearing and
 notice on applications to sell or mortgage real estate.

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

1 **SECTION 1.** That chapter five hundred seven (507) of title thirty-
 2 two (32) of the code, 1924, be and the same is hereby amended by
 3 striking from said chapter all of section eleven thousand nine hundred
 4 thirty-four (11934), and all of section eleven thousand nine hundred
 5 thirty-five (11935), and by inserting in lieu of the sections so stricken,
 6 the following: "The court or judge shall fix the time and place of
 7 hearing of the application, and prescribe the time and manner of
 8 service of the notice of such hearing on all persons, including claim-
 9 ants, interested in said estate."

Approved March 12, A. D. 1925.

CHAPTER 192

CEMETERIES

S. F. 94

AN ACT to authorize and empower the court to allow and set apart from the estate of
 any deceased person a sufficient sum to provide for the perpetual care of the lot in
 which the body of the deceased is buried.

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

1 **SECTION 1.** The court in which the estate of any deceased person
 2 is administered, before final distribution, may allow and set apart
 3 from such estate, a sum sufficient to provide an income adequate to