

CHAPTER 231

ABSTRACT OF RECORD

S. F. 54

AN ACT to amend, revise, and codify sections 12845 (twelve thousand eight hundred forty-five) to 12848 (twelve thousand eight hundred forty-eight), inclusive, of the code and to enact substitutes therefor, relating to abstract of record and to the filing and effect thereof on appeal to the supreme court.

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

1 SECTION 1. Sections 12845 (twelve thousand eight hundred forty-
2 five) to 12848 (twelve thousand eight hundred forty-eight), inclusive,
3 of the code are amended, revised, and codified to read as follows:

4 "12845. Abstracts. Printed abstracts of the record shall be filed
5 by the appellant in the office of the clerk of the supreme court.

6 "12845-b1. Presumption. Abstracts shall be presumed to contain
7 the record, unless denied or corrected by subsequent abstracts.

8 "12845-b2. Denials—additional abstracts—transcripts. Denials of
9 abstracts, additional abstracts and transcripts may also be filed.

10 "12846. Unnecessary abstract or denial. If any denial or abstract
11 is filed without good and sufficient cause, the costs of the same or any
12 part thereof, and of any transcript thereby made necessary, shall be
13 taxed to the party causing the same.

14 "12847. Time of filing. An abstract must be filed within one hun-
15 dred twenty (120) days after the appeal is taken and perfected unless
16 further time is given before the expiration of said time by the su-
17 preme court or a judge thereof for good cause shown.

18 "12848. Dismissal or affirmance. If the abstract is not filed within
19 one hundred twenty (120) days after the appeal is taken and per-
20 fected or is not filed within the further time as fixed by the court or
21 judge, the appellee may file an abstract of such matters of record as
22 are necessary, or may file a copy of the final judgment or order ap-
23 pealed from, or other matters required, certified to by the clerk of
24 the trial court, and cause the case to be docketed, and the appeal upon
25 motion shall be dismissed, or the judgment or order affirmed.

26 "12848-b1. Early trial term. If the abstract is filed forty (40)
27 days before the convening of the first term which follows the taking
28 and perfecting of the appeal, the cause shall be placed on the calendar
29 for said first term, and shall come on for hearing; unless otherwise
30 ordered by the court."

1 SEC. 2. Not applicable. This act shall not apply to an appeal
2 which has been taken and perfected prior to the time when this act
3 takes effect, and all such appeals shall be governed by the statutes
4 repealed by this act.

1 SEC. 3. Publication clause. Upon the passage of this act the
2 printing board shall cause the same to be printed in such number as
3 will enable the clerk of the supreme court to supply every attorney in
4 the state of which he has a record with a copy.

Approved April 2, A. D. 1927.