

CHAPTER 207

ABANDONED CEMETERY LOTS

AN ACT to provide for the declaration of abandonment of rights to unoccupied and abandoned cemetery lots and reversion of ownership after abandonment.

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

1 SECTION 1. The ownership or right in or to an unoccupied cemetery
2 lot or half lot shall upon abandonment revert to the person or cor-
3 poration having ownership and charge of the cemetery containing
4 such lots; the continued failure to maintain or care for a cemetery
5 lot for a period of twenty (20) years shall create and establish the
6 presumption that the same has been abandoned. Abandonment shall
7 not be deemed complete unless after such twenty (20) year period
8 there shall have been given by the reversionary owner to the recorded
9 owner, or if he be deceased or his whereabouts unknown, to the heirs
10 of such deceased, notice declaring the lot to be abandoned. The notice
11 may be served personally on the owner or his heirs, or may be served
12 by the mailing of the notice by registered mail to the owner, or his
13 heirs as the case may be, to their last known address. In the event
14 that the address of the owner or his heirs cannot be ascertained,
15 then notice of such abandonment shall be by one publication in the
16 official newspaper of the county, in which the cemetery is located.

1 SEC. 2. If within one year from the time of serving such notice
2 the recorded owner or his heirs shall in writing give the reversionary
3 owner notice that in fact there has been no such abandonment, then
4 shall the presumption of abandonment no longer exist. In case the
5 abandonment has been complete as herein provided the reversionary
6 owner of the abandoned lot or half lot may sell the same and convey
7 title thereto. Any funds realized from the sale of such lots or half
8 lots shall constitute a fund to be used solely for the perpetual care
9 and upkeep of such lot or half of lot so sold and likewise any occupied
10 portion thereof.

11 This law shall not apply to a cemetery lot or tract for which per-
12 petual care has been provided by will, by order of court or by con-
13 tract with the original grantor.

House File No. 57. Approved March 23, 1931.

CHAPTER 208

LABOR AND MATERIAL ON PUBLIC IMPROVEMENTS

AN ACT to amend section ten thousand two hundred ninety-nine (10299), code, 1927, as amended by chapter two hundred forty-four (244), acts of the forty-third general assembly, and to amend sections ten thousand three hundred six (10306), ten thousand three hundred twelve (10312) and ten thousand three hundred thirteen (10313), code, 1927, relating to labor and material on public improvements.

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

1 SECTION 1. Section ten thousand two hundred ninety-nine (10299),
2 code, 1927, as amended by chapter two hundred forty-four (244), acts
3 of the forty-third general assembly, is amended as follows:

4 1. By adding the following to paragraph four (4):
 5 "But shall not include personal expenses or personal purchases of
 6 employees for their individual use."

7 That section ten thousand three hundred twelve (10312) code, 1927,
 8 be amended by adding at the end thereof the following:

9 "No part of the unpaid fund due the contractor shall be retained
 10 as provided in this chapter on claims for material furnished, other
 11 than materials ordered by the general contractor or his authorized
 12 agent, unless such claims are supported by a certified statement that
 13 the general contractor had been notified within thirty days after the
 14 materials are furnished or by itemized invoices rendered to contractor
 15 during the progress of the work, of the amount, kind and value of the
 16 material furnished for use upon the said public improvement."

1 SEC. 2. Section ten thousand three hundred six (10306), code,
 2 1927, is amended by adding the following thereto:

3 "But no claims filed for credit extended for the personal expenses
 4 or personal purchases of employees for their individual use shall cause
 5 any part of the unpaid funds of the contractor to be withheld."

1 SEC. 3. Section ten thousand three hundred thirteen (10313) code,
 2 1927, is amended as follows:

3 1. By striking the words "six months" appearing in line six (6),
 4 and inserting in lieu thereof the words "sixty days".

5 2. By adding the following at the end of the paragraph:

6 "Provided, however, that upon written demand of the contractor
 7 served on the person or persons filing said claims requiring him to
 8 commence action in court to enforce his claim in the manner as pre-
 9 scribed for original notices, such action shall be commenced within
 10 **thirty** days thereafter, otherwise such retained and unpaid funds due
 11 the contractor shall be released; and it is further provided that, after
 12 such action is commenced, upon the general contractor filing with the
 13 public corporation or person withholding such funds, a surety bond in
 14 double the amount of the claim in controversy, conditioned to pay
 15 any final judgment rendered for such claims so filed, said public cor-
 16 poration or person shall pay to the contractor the amount of such
 17 funds so withheld."

House File No. 307. Approved April 3, 1931.

CHAPTER 209

FILING OF CLAIMS

AN ACT to amend section ten thousand three hundred five (10305), code, 1927, relating to the filing of claims growing out of and relating to public improvements.

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

1 SECTION 1. Section ten thousand three hundred five (10305), code,
 2 1927, is amended by striking from lines seven (7) and eight (8) the
 3 words, "authorized by law to issue warrants in payment of such im-
 4 provement," and by inserting in lieu of said stricken words the
 5 following, to wit: