

CHAPTER 82

EXEMPTIONS

H. F. 233

AN ACT to declare that an emergency now exists; to provide for the increase of the statutory exemption from execution for residents who are heads of families; to provide for the selection of such exempt property; to provide for exemptions heretofore set off; to provide for preservation of right to parties under chapter one hundred seventy-seven (177), acts of the Forty-fifth General Assembly, and chapter one hundred nine (109), acts of the Forty-sixth General Assembly, to provide for suspension of conflicting acts; and to provide that if any part of this act is held unconstitutional it shall not affect the remaining parts.

WHEREAS, the Forty-fifth General Assembly enacted chapter one hundred seventy-seven (177), and the Forty-sixth General Assembly enacted chapter one hundred nine (109), providing for an increase in the amount of statutory exemptions from execution for residents who are heads of families, and

WHEREAS, at the time of the enacting of said chapters the governor of the state of Iowa had declared that an emergency existed, and the General Assembly had determined that such an emergency did exist, which was general throughout the state, and

WHEREAS, since the enactment of said chapters, Iowa has been afflicted with a severe drouth, visited by destructive insect pests, and stricken by other devastating circumstances which greatly imperil the present and future welfare of the state as a whole, so that the Forty-seventh General Assembly has now determined that a new and additional emergency has arisen, and the Governor has by proclamation so declared, and

WHEREAS, the Forty-seventh General Assembly has determined that such an emergency exists at this time, and that the needs still exist for continuing the provisions of the above described acts of the general assembly, therefore,

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

1 SECTION 1. The Forty-seventh General Assembly hereby declares
2 and determines that the emergency which existed when chapter one
3 hundred seventy-seven (177), acts of the Forty-fifth General As-
4 ssembly, and chapter one hundred nine (109) acts of the Forty-sixth
5 General Assembly, were enacted does continue to exist, and that the
6 safety and future welfare of the state as a whole is endangered thereby.
7 The general assembly acting under the power reserved by the people
8 of Iowa does hereby enact the following:

1 SEC. 2. A debtor who is a resident of this state and the head of a
2 family may, in addition to the exemptions provided in section eleven
3 thousand seven hundred sixty (11760), code, 1935, select and have set
4 off to him livestock, farm products, farm utensils or machinery, house-
5 hold goods, or other property owned by him, in the aggregate value
6 not to exceed the sum of \$500.00, and hold said property exempt from
7 general execution until March 1, 1939.

1 SEC. 3. Such debtor may include, as a part of the exemption pro-
2 vided in section two (2) of this act, household goods of his own selec-
3 tion, of value not exceed \$100.00, whether said property may or may
4 not have been pledged for debt.

1 SEC. 4. Such debtor may hold as exempt from general execution,
2 until March 1, 1939, all property that has been set off to him under
3 the provisions of chapter one hundred seventy-seven (177), acts of
4 the Forty-fifth General Assembly, and chapter one hundred nine
5 (109), acts of the Forty-sixth General Assembly.

1 SEC. 5. Whenever the debtor claims the additional exemptions pro-
2 vided for in this act, the officer or person having the execution or writ
3 of attachment or other process for service shall select one appraiser,
4 the debtor shall select another and these two appraisers shall select
5 a third. These appraisers shall fix the value of the property claimed
6 by the debtor to be exempted under provisions of this act.

1 SEC. 6. The provisions of this act shall not apply to a debtor who
2 has exercised his right to and has received the additional exemption
3 provided in chapter one hundred seventy-seven (177), acts of the
4 Forty-fifth General Assembly, or chapter one hundred nine (109),
5 acts of the Forty-sixth General Assembly, unless a satisfactory show-
6 ing can be made to said appraisers that the request is brought in good
7 faith and that the property set out as being exempt from execution
8 originally in conformance with section eleven thousand seven hun-
9 dred sixty (11760), code, 1935, has not depleted noticeably in value,
10 nor shall the additional \$500.00 exemption be construed to allow any
11 more property to be set out than was set out by either chapter one
12 hundred seventy-seven (177), acts of the Forty-fifth General As-
13 sembly, or chapter one hundred nine (109) acts of the Forty-sixth
14 General Assembly.

1 SEC. 7. The provisions of this act shall not apply to executions or
2 attachments that were levied on or before the sixteenth day of March,
3 1933, upon any property provided for in chapter one hundred seventy-
4 seven (177), acts of the Forty-fifth General Assembly of Iowa, nor
5 shall it affect the remedies for existing obligations as against property
6 then in existence, except household goods not to exceed one hundred
7 (100) dollars in value, as provided in section three (3) of this act.

1 SEC. 8. All acts, and parts of acts, in conflict with the provisions
2 of this act are suspended during the period this act is in effect.

1 SEC. 9. If any portion of this act is held to be unconstitutional or
2 invalid, such decision shall not affect the validity of the remaining
3 portions of this act.

1 SEC. 10. This act being deemed of immediate importance shall
2 become effective from and after its publication in the Cherokee Daily
3 Times, a newspaper published in Cherokee, Iowa, and in The Sioux
4 City Tribune, a newspaper published in Sioux City, Iowa.

House File 233. Approved February 25, 1937.

I hereby certify that the foregoing act was published in the Cherokee Daily Times,
February 27, 1937, and the Sioux City Tribune, February 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*