

## CHAPTER 243

## PAYMENT OF PERSONAL TAXES BY FIDUCIARY

H. F. 395

AN ACT providing for the payment by fiduciaries of personal taxes to the county providing for the compromising of taxes by the county treasurer with the consent of the board of supervisors and providing for a certificate of payment of taxes by the county treasurer.

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

1 SECTION 1. No final report of a fiduciary shall be approved by any  
2 court unless there is attached thereto and made a part thereof, the  
3 certificate of the county treasurer of a county in which the estate is  
4 held by the fiduciary that all personal taxes due and to become due the  
5 county in such estate matter have been fully paid and satisfied.

1 SEC. 2. For the purpose of facilitating the speedy settlement and  
2 distribution of estates, the county treasurer of such county, by and  
3 with the consent of the board of supervisors may compromise and  
4 agree upon the amount of personal taxes at any time due or to become  
5 due the county from such estate and payment in accordance with  
6 such compromise or agreement shall be for the satisfaction of all taxes  
7 in such estate matter, and no compensation shall be allowed any person  
8 because of such compromise or agreement. Provided, however, where  
9 an estate is insolvent the board of supervisors may by proper order  
10 certified to the court cancel all unpaid personal property taxes.

Approved April 20, 1939.

## CHAPTER 244

## DISTRIBUTION OF TRUST FUNDS OF MINORS

S. F. 132

AN ACT to amend chapter five hundred nine (509) of the code of Iowa, 1935, authorizing executors, administrators and trustees, under order of court to pay legacies, bequests, distributive shares or interest in trust funds belonging to minors, where the value of such legacy, bequest, share or interest does not exceed two hundred dollars, to the parents or natural guardian of such minor or to the person with whom such minor resides, and to accept the receipt of such person therefor, where no legal guardian has been appointed for such minor.

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

1 SECTION 1. Chapter five hundred nine (509) of the Code of Iowa,  
2 1935, is hereby amended by adding at the end thereof the following  
3 section:  
4 "Whenever a minor shall become entitled under the terms of a will  
5 to a bequest or legacy, or to a distributive share of the estate of an  
6 intestate, or to a beneficial interest in a trust fund upon the distribu-  
7 tion thereof, and the value of such bequest, legacy, distributive share  
8 or interest shall not exceed the sum of two hundred dollars, and no  
9 legal guardian of the person or property of such minor has been here-  
10 tofore appointed, the district court having jurisdiction of the distribu-

11 tion of such funds may in its discretion, upon the application of the  
 12 executor, administrator or trustee, as the case may be, enter an order  
 13 authorizing such executor, administrator or trustee to pay such be-  
 14 quest, legacy, share or interest to the parents or natural guardian of  
 15 such minor, or to the person with whom such minor resides, for the  
 16 use of such minor, and the receipt of such person or persons therefor,  
 17 when presented to the court or filed with the report of distribution of  
 18 any such executor, administrator or trustee, shall have the same force  
 19 and effect as though such payment had been made to a duly appointed  
 20 and qualified legal guardian of the person or property of such minor."

Approved April 10, 1939.

## CHAPTER 245

### REAL ESTATE MORTGAGE FORECLOSURE CONTINUANCES

#### S. F. 489

AN ACT to amend chapter five hundred twenty-five (525) code, 1935, and to grant additional power to courts of equity, to extend the time for entering judgments or decrees of foreclosure under certain conditions enumerated in this act, providing for continuance, and for appointment of a receiver, prescribing the powers and duties of the receiver, providing for the distribution of funds coming into the hands of the receiver and providing for other incidental and related matters.

WHEREAS, whenever a real estate mortgage or deed of trust or contract for sale of real estate is foreclosed due to default in payment or inability to pay on the part of the owner of such real estate by reason of drought, flood, heat, hail, storm or other climatic conditions or by reason of the infestation of pests, which affect the land in controversy, the safety and future welfare of the people of Iowa is endangered thereby, and acting under the police power reserved by the people of Iowa\* does hereby provide that the following procedure shall be used by the Courts of this State, now, therefore:—

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

1 SECTION 1. That in all actions for the foreclosure of real estate  
 2 mortgages, deeds of trust of real property and contracts for the pur-  
 3 chase of real estate, when the owner or owners enter appearance and  
 4 file answer admitting some indebtedness and breach of the terms of  
 5 the above designated instrument (which admissions cannot after a  
 6 continuance is granted hereunder, be withdrawn or denied) such  
 7 owner or owners may apply for a continuance of the foreclosure  
 8 action when and where the default or inability of such party or par-  
 9 ties to pay or perform is mainly due or brought about by reason of  
 10 drought, flood, heat, hail, storm or other climatic conditions or by  
 11 reason of the infestation of pests which affect the land in controversy,  
 12 or when the governor of the state of Iowa by reason of a depression  
 13 shall have by proclamation declared a state of emergency to exist  
 14 within this state. Said applications must be in writing and filed at or  
 15 before final decree. Upon the filing of such application the court shall

\*Note: In accordance with enrolled bill.