

price is only that portion of the purchase price which is payable in money to the retailer if the following conditions are met:

(1) The tangible personal property traded to the retailer is the type of property normally sold in the regular course of the retailer's business.

(2) The tangible personal property traded to the retailer is intended by the retailer to be ultimately sold at retail and will be subject to the tax under section 422.43 or this chapter when sold.

c. That in transactions between persons, neither of which is a retailer of vehicles subject to registration, in which a vehicle subject to registration is traded toward the purchase price of another vehicle subject to registration, the purchase price is only that portion of the purchase price represented by the difference between the total purchase price of the vehicle subject to registration acquired and the amount of the vehicle subject to registration traded.

Approved March 2, 1982

CHAPTER 1020

NOTARY PUBLIC ACTION BEFORE 1970 LEGALIZED

S.F. 2126

AN ACT to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in section 586.1.

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

Section 1. Section 586.1, subsections 1, 2, 4, 6, 7, 8, and 9, Code 1981, are amended to read as follows:

1. Official acts performed before ~~1960~~ 1970 by notaries public during the time that they held over in office without qualifying after the expiration of the preceding term, if such notaries public have since qualified.

2. Acknowledgments taken before ~~1960~~ 1970 by notaries public outside their jurisdiction.

4. Acknowledgments of deeds, mortgages, school fund mortgages and contracts taken and certified before ~~1960~~ 1970 by any county auditor, deputy county auditor, or deputy clerk of the district court although such officer was not authorized to take such acknowledgments at the time they were taken.

6. Acknowledgments taken, certified, and recorded before ~~1960~~ 1970 in the proper counties, and which are defective only in the form of the certificate of the officer taking the acknowledgment or because made before an official not qualified to take such acknowledgment but who was qualified to take acknowledgments generally.

7. Acknowledgments taken outside the United States before ~~1960~~ 1970 by officers authorized by section 10092, Codes 1924 to 1939 and section 558.28, Code 1946 to and including the Code of 1966, to take such acknowledgments, whether or not a certificate of authenticity as provided by section 10093, Codes of 1924 to 1939 and section 558.29, Code 1946 to and including the Code of 1966, is attached to such instrument; and the certificate of acknowledgment of

such officer is hereby made conclusive evidence that such officer was duly qualified to make such certificate of acknowledgment.

8. Any instrument affecting real estate executed before ~~1960~~ 1970 by an attorney in fact for the grantor where a duly executed and sufficient power of attorney was on file in the county where the land was situated, although the instrument was executed and acknowledged in the form of "A, attorney in fact for B", instead of "B, by A, his attorney in fact"; or if such instrument is duly recorded and there is no record in the county where the land is situated of a power of attorney authorizing the attorney in fact to so act.

9. Any written instrument and the recording thereof, recorded prior to ~~1960~~ 1970 in the office of the recorder of the proper county, although there is attached to the instrument a defective certificate of acknowledgment.

Approved March 2, 1982

CHAPTER 1021
CRIMINAL PROCEDURE RULES AMENDED
S.F. 494

AN ACT relating to criminal procedure, by amending the rules of criminal procedure relating to change of judge, change of venue and place of trial.

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

Section 1. Rule of criminal procedure 10, subsection 9, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

9. MOTION FOR CHANGE OF JUDGE.

a. **FORM OF MOTION.** A motion for a change of judge shall be verified on information and belief by the movant.

b. **CHANGE OF JUDGE.** If the court is satisfied from a motion for a change of judge and the evidence introduced in support of the motion that prejudice exists on the part of the judge, the chief judge shall name a new presiding judge. The location of the trial need not be changed.

Sec. 2. Rule of criminal procedure 10, Code 1981, is amended by adding the following new subsection as subsection 10:

NEW SUBSECTION. 10. MOTION FOR CHANGE OF VENUE.

a. **FORM OF MOTION.** A motion for a change of venue shall be verified on information and belief by the movant.

b. **CHANGE OF VENUE ORDERED.** If the court is satisfied from a motion for a change of venue and the evidence introduced in support of the motion that such degree of prejudice exists in the county in which the trial is to be had that there is a substantial likelihood a fair and impartial trial cannot be preserved with a jury selected from that county, the court either shall order that the action be transferred to another county in which the offensive condition does not exist, as provided in paragraph c, or shall order that the trial jury be impaneled in and