

CHAPTER 1064
ARSON CAUSING DEATH OF FIRE FIGHTER
S.F. 2283

AN ACT relating to the death of a fire fighter during an arson and providing a penalty.

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

Section 1. Section 712.2, Code 1983, is amended to read as follows:

712.2 **ARSON IN THE FIRST DEGREE.** Arson is arson in the first degree when the property which the defendant intends to destroy or damage, or which the defendant knowingly endangers, is property in which the presence of one or more persons can be reasonably anticipated, or the arson results in the death of a fire fighter, whether paid or volunteer.

Arson in the first degree is a class "B" felony.

Approved April 11, 1984

CHAPTER 1065
EMINENT DOMAIN PROCEDURES
S.F. 441

AN ACT relating to eminent domain procedures by providing constructive notice to possible purchasers that land is subject to condemnation proceedings, clarifying responsibilities for recording condemnation proceedings, and specifying the time at which title to property or an interest in property passes following condemnation.

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

Section 1. Section 472.3, subsection 1, Code 1983, is amended to read as follows:

1. A description of all the property in the county, affected or sought to be condemned, by its congressional numbers, in tracts not exceeding one-sixteenth of a section, or, if the land consists of lots in a city, by the numbers of the lot and block, and plat designation.

Sec. 2. Section 472.3, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The applicant shall promptly certify that its application for condemnation has been approved by the chief judge and shall file the original approved application with the county recorder in the manner required under section 472.37. The county recorder shall file and index the application in the record of deeds and preserve the application

as required by sections 472.38 and 558.55. The filing and indexing constitute constructive notice to all parties that a proceeding to condemn the property is pending and that the applicant has the right to acquire the property from all owners, lienholders, and encumbrancers whose interests are of record at the time of the filing. When indexed, the proceeding is considered pending so as to charge all persons not having an interest in the property with notice of its pendency, and while pending no interest can be acquired by the third parties in the property against the rights of the applicant. If the appraisal of damages is not made within one hundred twenty days, the proceedings instituted under this section are terminated and all rights and interests of the applicant arising out of the application for condemnation terminate. The applicant may reinstitute a new condemnation proceeding at any time. The reinstated proceedings are entirely new proceedings and not a revival of the terminated proceeding.

Sec. 3. Section 472.20, Code 1983, is amended to read as follows:

472.20 SHERIFF TO FILE CERTIFIED COPY. ~~The~~ When an appeal is taken, the sheriff, when an appeal is taken, shall at once file with the clerk of the district court a certified copy of ~~so~~ as much of the assessment as applies to the part appealed from for which the appeal is taken. ~~In case of such appeal the sheriff shall, as soon as all other unappealed assessments are disposed of, file with the clerk all papers pertaining to the proceedings and remaining in his hands.~~

Sec. 4. Section 472.25, Code 1983, is amended to read as follows:

472.25 RIGHT TO TAKE POSSESSION OF LANDS. Upon the filing of the commissioners' report with the sheriff, the applicant may deposit with the sheriff the amount assessed in favor of a claimant, and ~~thereupon~~ the applicant shall, except as otherwise provided, ~~have the right to~~ may take possession of the land condemned and proceed with the improvement. ~~No~~ An appeal from said the assessment shall does not affect such the right, except as otherwise provided. Upon appeal from the commissioners' award of damages the district court, ~~wherein said appeal is pending,~~ may direct that ~~such~~ the part of the amount of damages deposited with the sheriff, as it finds just and proper, be paid to ~~persons entitled thereto~~ the claimant. If upon trial of ~~said the~~ appeal a lesser amount is awarded the difference between the amount so awarded and the amount paid ~~as above provided~~ shall be repaid by the person ~~or persons~~ to whom ~~the same~~ it was paid and upon failure to make ~~such the~~ repayment the party ~~entitled thereto~~ shall have judgment entered against the person ~~or persons~~ who received ~~such the~~ excess payment. Title to the property or the interests in property passes to the applicant when damages have been finally determined and paid.

Sec. 5. Section 472.35, Code 1983, is amended to read as follows:

472.35 SHERIFF TO FILE RECORD. ~~The sheriff, in case no appeal is taken, shall, immediately after the final determination of condemnation proceedings, and after the acquiring of the property by the condemner, Thirty days after the date of mailing the notice of appraisal of damages, the sheriff shall file, with the county recorder of the county in which the condemned land is situated, the following papers:~~

1. ~~The~~ A certified copy of the application for condemnation.
2. All notices, together with all returns of service endorsed ~~thereon~~ on the returns or attached ~~thereto~~ to the returns.
3. The report of the commissioners.
4. All other papers filed with the sheriff in said the proceedings.
5. A written statement by the sheriff of all money received in payment of damages, from whom received, to whom paid, and the amount paid to each claimant and reference to the

application for condemnation by book and page or instrument number and the date the application was filed with the county recorder.

Sec. 6. Section 472.36, Code 1983, is amended to read as follows:

472.36 CLERK TO FILE RECORD. The clerk of the district court, in case an appeal is taken in condemnation proceedings, shall file with the county recorder ~~the records which the sheriff is required to file in case no appeal is taken, and in addition thereto the following:~~

1. A copy of the ~~record~~ final judgment entry of the court showing the amount of damages determined on appeal.

2. A written statement by the clerk of all money received by ~~him~~ the clerk in payment of damages, from whom received, to whom paid, and the amount paid to each claimant.

3. A copy of the description of the property condemned and the interest acquired in the property.

Approved April 11, 1984

CHAPTER 1066
OWNERSHIP OF DIES, MOLDS, AND FORMS
S.F. 2002

AN ACT relating to ownership rights to dies, molds, and forms.

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act unless the context requires otherwise:

1. "Customer" means a person who causes a molder to fabricate, cast, or otherwise make a die, mold, or form to be used for the manufacture of plastic products.

2. "Molder" means a person, including but not limited to a tool or die maker, who fabricates, casts, or otherwise makes a die, mold, or form to be used for the manufacture of plastic products.

Sec. 2. NEW SECTION. RIGHTS TO DIE, MOLD, OR FORM.

1. In the absence of an agreement to the contrary, the customer has all rights and title to a die, mold, or form in the possession of the molder as provided in this section.

2. If a customer does not claim possession from a molder of a die, mold, or form within three years following the last use of the die, mold, or form, all rights and title to the die, mold, or form are transferred to the molder for the purpose of destroying or disposing of the die, mold, or form.

3. The molder shall notify the customer by certified mail sent to the customer's last known address at least ninety days prior to the transfer provided in subsection 2. The notice shall indicate that all rights and title to the die, mold, or form will be transferred pursuant to this section.