

chapter. For purposes of this section, "Internal Revenue Code" means the same as defined in section 422.3.

Sec. 2. Section 633E.7, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. Upon the death of a holder of jointly held property, either of the following may occur:

a. If, during the deceased holder's lifetime, the deceased holder could have unilaterally regained a portion of the property attributable to the deceased holder's contribution without the consent of any other holder, a surviving holder may disclaim, in whole or in part, a fractional share of that portion of the property attributable to the deceased holder's contributions determined by dividing the number one by the number of joint holders alive immediately after the death of the holder to whose death the disclaimer relates.

b. For all other jointly held property, a surviving holder may disclaim, in whole or in part, a fraction of the whole of the property the numerator of which is one and the denominator of which is the product of the number of joint holders alive immediately before the death of the holder to whose death the disclaimer relates multiplied by the number of joint holders alive immediately after the death of the holder to whose death the disclaimer relates.

Sec. 3. Section 633E.7, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 4. A noncitizen spouse who is a surviving joint tenant of real property interests created after July 13, 1988, can disclaim the spouse's interest to the full extent permitted under section 633E.4.

Sec. 4. Section 633E.13, subsection 5, Code 2009, is amended to read as follows:

5. A disclaimer is barred or limited if so provided by law other than this chapter, except as provided in subsection 7.

Sec. 5. Section 633E.13, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 7. A disclaimer may be made at any time unless otherwise barred and any other law that would bar a disclaimer due to the passage of time shall not apply under this chapter.

Sec. 6. Section 633E.14, subsection 2, Code 2009, is amended to read as follows:

2. This chapter does not limit any right of a person to ~~waive, release, disclaim, or renounce~~ disclaim an interest in or power over property under a ~~law~~ statute other than this chapter.

Approved March 2, 2010

## CHAPTER 1021

### JUDGMENT LIENS ON HOMESTEADS

H.F. 2282

AN ACT relating to judgment liens on homesteads.

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

Section 1. Section 624.23, subsection 2, Code 2009, is amended to read as follows:

2. a. Judgment liens described in subsection 1 do not ~~remain a lien upon~~ attach to real estate of the defendant, ~~platted~~ occupied as a homestead pursuant to ~~section 561.4, chapter 561, except as provided in section 561.21 or if the real estate claimed as a homestead exceeds the limitations prescribed in sections 561.1 through 561.3.~~

b. A claim of lien against real estate claimed as a homestead is barred unless execution is levied within thirty days of the time the defendant, ~~or the defendant's agent, or a person~~

with an interest in the real estate has served written demand on the owner of the judgment. The demand shall state that the lien and all benefits derived from the lien as to the real estate platted as alleged to be or to have been a homestead shall be forfeited unless the owner of the judgment levies execution against that real estate within thirty days from the date of service of the demand. The demand shall contain an affidavit setting forth facts indicating why the judgment is not believed to be a lien against the real estate. A warranty of title by a former occupying homeowner in a conveyance for value constitutes a claim of exemption against all judgments against the current homeowner or the current homeowner's spouse not specifically exempted in the conveyance. Written demand shall be served in any manner authorized for service of original notice under the Iowa rules of civil procedure or in a manner provided in section 654.4A, subsections 1 through 3. A copy of the written demand and proof of service of the written demand shall be recorded filed in the office of the county recorder of the county where the real estate platted as a homestead is located court file of the case in which the judgment giving rise to the alleged lien was entered.

c. A party serving a written demand under this subsection may obtain an immediate court order releasing the claimed lien by posting with the clerk of court a cash bond in an amount of at least one hundred twenty-five percent of the outstanding balance owed on the judgment. A copy of the court order shall be served along with a written demand under this subsection. Thereafter, any execution on the judgment shall be against the bond, subject to all claims and defenses which the moving party had against the execution against the real estate, including but not limited to a lack of equity in the property to support the lien in its proper priority. The bond shall be released by the clerk of court upon demand of its principal or surety if no execution is ordered on the judgment within thirty days of completion of service of the written demand under this subsection.

Approved March 2, 2010

## CHAPTER 1022

### ANNEXATION AND SEVERANCE OF PROPERTY BY CITIES

*H.F. 2376*

**AN ACT** providing for the severance and annexation of real property upon petition of the real property owners and approval of the city development board.

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

Section 1. NEW SECTION. **368.25A Boundary adjustment between cities by petition and consent.**

1. A real property owner within the boundaries of a city may file a petition for severance with the city council if the petitioner's real property, if severed, would be eligible for annexation by a different city and if such annexation would not create an island. Contiguous property owners may file a combined petition under this section.

2. The petition shall be filed with the city council of the city from which severance is sought and the city council of the city to which annexation is requested. The petition shall be in substantially the form required of an application under section 368.7.

3. If the city councils of both cities approve the petition, the petition shall be filed with the board. Approval by either city council may be conditioned upon an agreement entered into by the cities providing for the transition of property taxes or the sharing of property tax revenues from the real property described in the petition for a period not to exceed forty years and providing for all necessary zoning ordinance changes within a period not to exceed ten years. An agreement between cities under this subsection shall be filed with the board at the same time the approved petition is filed. An agreement may include additional transition