

# A BILL

FOR AN ACT TO AMEND SECTION THREE THOUSAND FIVE HUNDRED AND FIVE (3505) OF THE CODE OF 1897, RELATING TO THE GROUNDS FOR CHANGING THE PLACE OF TRIAL IN CIVIL ACTIONS, AND TO ADD SUBDIVISION SIX (6) THERETO.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That section three thousand five hundred and five (3505) of the Code of 1897  
2 be and the same is hereby amended by adding thereto as subdivision six (6) thereof the follow-  
3 ing:  
4 6. Whenever any action is brought in the district court, or in any other inferior court, in  
5 this state upon any written contract, which by its terms is made payable or is to be performed  
6 in any particular place, and the maker of said written contract was at the time thereof and  
7 still is, a resident of some other county in this state, other and different from the county in  
8 which such action is brought, such defendant and maker of said written contract, if he claims  
9 that the contract and signature thereto were secured by fraud and misrepresentations  
10 practiced upon him and that he has a good defense thereto upon filing a motion therefor in  
11 the court where the said action is pending, together with an answer duly verified by him, in  
12 which he shall set forth the circumstances and facts surrounding the transaction in which the  
13 contract was made and his signature obtained, and the facts constituting the fraud and deceit  
14 practiced upon him, and the misrepresentations made to induce him to enter into such con-  
15 tract, may have the place of trial changed to the district court of the county of his residence,  
16 and the order being made therefor the plaintiff shall cause a transcript of the proceedings and  
17 all of the original papers to be filed and the cause docketed in said district court to which the  
18 change is made within twenty (20) days thereafter, or the said cause shall be deemed to be  
19 discontinued.

20 And if the said change is perfected and the cause tried and it is determined therein that  
21 the plaintiff is entitled to recover on said written contract, the court shall award the plaintiff  
22 a reasonable compensation for his trouble and expense in attending in the county to which the  
23 change is made and the cause tried. And if it is found and determined therein that the plain-  
24 tiff is not entitled to recover on said written contract, then the court shall award to the  
25 defendant, in addition to the other taxable costs of the case, a reasonable compensation for  
26 his trouble and expense in attending in the county where the said action was first brought and  
27 securing the change of the place of trial to the county of his residence.