

Judiciary No. 2.  
December 4, 1933.

House File No. 227.  
By HARTMAN.✕

✓ *Judgments*

## A BILL FOR

An Act concerning declaratory judgments and decrees and to make uniform the law relating thereto.

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

1 Section 1. Courts of record within their respective  
2 jurisdictions shall have power to declare rights, status,  
3 and other legal relations whether or not further relief  
4 is or could be claimed. No action or proceeding shall  
5 be open to objection on the ground that a declaratory  
6 judgment or decree is prayed for. The declaration may  
7 be either affirmative or negative in form and effect;  
8 and such declarations shall have the force and effect of  
9 a final judgment or decree.

1 Sec. 2. Any person interested under a deed, will,  
2 written contract or other writings constituting a contract,  
3 or whose rights, status or other legal relations are  
4 affected by a statute, municipal ordinance, contract or  
5 franchise, may have determined any question of construction  
6 or validity arising under the instrument, statute,  
7 ordinance, contract, or franchise and obtain a declaration  
8 of rights, status or other legal relations thereunder.

1 Sec. 3. A contract may be construed either before  
2 or after there has been a breach thereof.

1 Sec. 4. Any person interested as or through an

2 executor, administrator, trustee, guardian or other  
3 fiduciary, creditor, devisee, legatee, heir, next of  
4 kin or cestui que trust, in the administration of a  
5 trust, or of the estate of a decedent, an infant, lunatic,  
6 or insolvent, may have a declaration of rights or legal  
7 relations in respect thereto:

8 (a) To ascertain any class of creditors, devisees,  
9 legatees, heirs, next of kin or others; or

10 (b) To direct the executors, administrators, or  
11 trustees to do or abstain from doing any particular act  
12 in their fiduciary capacity; or

13 (c) To determine any question arising in the administration  
14 of the estate or trust, including questions of construction  
15 of wills and other writings.

1 Sec. 5. The enumeration of Section 2, 3, and 4 does  
2 not limit or restrict the exercise of the general powers  
3 conferred in Section 1, in any proceeding where declaratory  
4 relief is sought, in which a judgment or decree will  
5 terminate the controversy or remove an uncertainty.

1 Sec. 6. The court may refuse to render or enter a  
2 declaratory judgment or decree where such judgment or  
3 decree, if rendered or entered, would not terminate the  
4 uncertainty or controversy giving rise to the proceeding.

1 Sec. 7. All orders, judgments and decrees under this  
2 act may be reviewed as other orders, judgments and decrees.

1 Sec. 8. Further relief based on a declaratory judgment

2 or decree may be granted whenever necessary or proper.  
3 The application therefor shall be by petition to a court  
4 having jurisdiction to grant the relief. If the  
5 application be deemed sufficient, the court shall, on  
6 reasonable notice, require any adverse party whose rights  
7 have been adjudicated by the declaratory judgment or decree,  
8 to show cause why further relief should not be granted  
9 forthwith.

1 Sec. 9. When a proceeding under this Act involves the  
2 determination of an issue of fact, such issue may be  
3 tried and determined in the same manner as issues of fact  
4 are tried and determined in other civil actions in the  
5 court in which the proceeding is pending.

1 Sec. 10. In any proceeding under this act the court  
2 may make such award of costs as may seem equitable and just.

1 Sec. 11. When declaratory relief is sought, all  
2 persons shall be made parties who have or claim any  
3 interest which would be affected by the declaration, and  
4 no declaration shall prejudice the rights of persons not  
5 parties to the proceeding. In any proceeding which  
6 involves the validity of a municipal ordinance or franchise,  
7 such municipality shall be made a party, and shall be  
8 entitled to be heard, and if the statute, ordinance or  
9 franchise is alleged to be unconstitutional, the  
10 Attorney-General of the State shall also be served  
11 with a copy of the proceeding and be entitled to be heard.

1     Sec. 12. This act is declared to be remedial; its  
2 purpose is to settle and to afford relief from uncertainty  
3 and insecurity with respect to rights, status and other  
4 legal relations; and is to be liberally construed and  
5 administered.

1     Sec. 13. The word “person” wherever used in this act,  
2 shall be construed to mean any person, partnership, joint  
3 stock company, unincorporated association, or society,  
4 or municipal or other corporation of any character  
5 whatsoever.

1     Sec. 14. The several sections and provisions of this  
2 act except sections 1 and 2, are hereby declared independent  
3 and severable, and the invalidity, if any, of any part  
4 or feature thereof shall not affect or render the remainder  
5 of the act invalid or inoperative.

1     Sec. 15. This act shall be so interpreted and construed  
2 as to effectuate its general purpose to make uniform  
3 the law of those States which enact it, and to harmonize,  
4 as far as possible, with federal laws and regulations on  
5 the subject of declaratory judgments and decrees.

1     Sec. 16. This act may be cited at the Uniform  
2 Declaratory Judgments Act.

1     Sec. 17. This act shall take effect (.....).