

Emergency Legislation.  
February 9, 1933.

Senate File No. 228.  
By STANLEY.

*W. J. L.*  
*Green*  
**A BILL FOR**

An Act relating to real estate mortgages, by providing for the priority of liens on the rents, profits and/or income derived from said real estate as provided for in said mortgages; and relating to the renting of said real estate; and the assignment or transfer of said rents; and repealing of inconsistent Acts; and providing that it shall not affect pending litigation.

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

1 Section 1. Whenever it shall be provided in any mortgage  
2 on real estate that, in addition to the lien upon said real  
3 estate, the mortgagee is granted the right to subject the  
4 rents, profits and/or income from said real estate to the pay-  
5 ment of the debt secured by said mortgage, said pledge shall  
6 be effective from the date of said mortgage and any subsequent  
7 purchaser, assignee, encumbrancer or pledgee of said real  
8 estate or the rents, profits and/or income therefrom, shall  
9 be charged with notice, from and after the proper recording  
10 of such mortgage or mortgages, of such pledge of rents,  
11 profits and/or income. It shall not be necessary to record  
12 or index any such mortgage of real estate as a chattel  
13 mortgage by reason of the inclusion therein of a provision  
14 pledging rents, profits and/or income.

1 Sec. 2. It is further provided that the provisions of  
2 this act shall not affect the validity of any contract or  
3 lease for rents, profits and/or income and the assignment

4 thereof that has been made and assigned in due course for  
5 a valuable consideration prior to the taking effect of this  
6 act.

1 Sec. 3. It is further provided that any contract for  
2 the rents, profits and/or income from said real estate, and/or  
3 the assignment or transfer thereof, made by the owner of said  
4 real estate, after the taking effect of this act, shall be  
5 invalid, null and void as to the rights of the mortgagee or  
6 mortgagees of said real estate, if made when any installment  
7 of taxes and/or interest is due and delinquent, unless said  
8 rentals, which said rentals must be fair and reasonable, or  
9 the proceeds from the sale and assignment thereof shall be  
10 applied by the owner of said real estate to the payment,

11 1. to the taxes upon said real estate  
12 2. to the interest upon the mortgage or mortgages on  
13 said real estate which contain said pledge in order of their  
14 priority.

1 Sec. 4. Where the provisions of this act are in  
2 conflict with the provisions of any other act or acts the  
3 provisions of this act shall govern.

1 Sec. 5. This act shall not affect pending litigation.

1 Sec. 6. This act being deemed of immediate importance  
2 shall be in full force and effect after its passage and pub-  
3 lication in the Adams County Free Press a newspaper published  
4 at Corning, Iowa, and in the Gravity Independent a newspaper  
5 published at Gravity, Iowa.