

Reported Recommending.....
 Ind. Postponed.....
 Passed House.....
 Failed to Pass House.....
 Passed Senate.....
 Failed to Pass Senate.....

January 21, 1937.

Senate File 45.

Judiciary No. 1.

By BREEN, SHAW, MURRAY, HOEVEN,
 MILLHONE, BELL of Crawford.

A BILL FOR

An Act to provide for pleadings and the time of filing the same, and the hearing thereon, and the duties of the court in relation thereto; and to repeal sections eleven thousand one hundred twenty-one (11121), eleven thousand one hundred twenty-one-d one (11121-d1), eleven thousand one hundred twenty-two (11122), eleven thousand one hundred thirty-six (11136), and to amend sections eleven thousand one hundred twenty-three (11123), eleven thousand one hundred twenty-three-d one (11123-d1), eleven thousand one hundred thirty-four (11134), eleven thousand one hundred thirty-seven (11137), and eleven thousand one hundred thirty-eight (11138), Code, 1935, all relating to pleading in civil actions.

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

1 Section 1. Sections eleven thousand one hundred twenty-
 2 one (11121), eleven thousand one hundred twenty-one-d one
 3 (11121-d1), and eleven thousand one hundred twenty-two (11122),
 4 Code, 1935, are hereby repealed, and the following is enacted in
 5 lieu thereof:

6 "a. The defendant, in an action commenced in a court of record,
 7 shall demur or answer to the original petition, or assail the
 8 same by motion, within twenty (20) days from the service of the
 9 original notice in the case if served within the state or by
 10 publication and within thirty (30) days from the service of the

11 notice if served outside of the state of Iowa.

12 “b. For the purpose of pleading and the timing thereof and for
13 entering default and judgment in default cases, the terms of
14 court shall be disregarded and pending matters of pleadings may
15 be taken up before any judge of the court when available and the
16 court shall always be considered open for such purpose and upon
17 order of the judge same may be heard at any place within the
18 district.”

1 Sec. 2. Section eleven thousand one hundred thirty-
2 six (11136), Code, 1935, is hereby repealed, and the following
3 enacted in lieu thereof:

4 “Each party shall so demur, assail by motion, answer, or reply
5 to all subsequent pleadings, including amendments thereto and
6 substitutes therefor, within three (3) days from the day on
7 which the pleading is filed, but all pleadings must be filed and
8 the case be at issue by the time the cause is reached for trial.”

1 Sec. 3. Section eleven thousand one hundred twenty-
2 three (11123), Code, 1935, is amended by adding after the word
3 “court” in the first line thereof the following: “or judge
4 thereof.”

1 Sec. 4. Section eleven thousand one hundred twenty-
2 three-d one (11123-d1), Code, 1935, is amended by striking from
3 lines 5 and 6 thereof the words and figures “in section eleven
4 thousand one hundred twenty-one-d one (11121-d1),” and by in-
5 serting in lieu thereof “in the original notice.”

1 Sec. 5. Section eleven thousand one hundred thirty-

2 four (11134), Code, 1935, is amended by striking the word “five”
3 in the third line thereof, and inserting in lieu thereof the
4 word “three”.

1 Sec. 6. Section eleven thousand one hundred thirty-
2 seven (11137), Code, 1935, is amended by striking the comma at
3 the end of line 4, and inserting in lieu thereof a period, and
4 by striking the fifth and sixth lines of said section.

1 Sec. 7. Section eleven thousand one hundred thirty-
2 eight (11138), Code, 1935, is amended by adding the following:
3 “The clerk shall keep a check list for the convenience of the
4 judge, showing all motions and demurrers pending and undisposed
5 of and it shall be the duty of the judge to notify the attorneys
6 interested in such pending motions and demurrers and require
7 prompt submission thereof as soon as same can be heard by the
8 judge, unless for good cause shown the time for submission
9 thereof is extended by the judge and such extension of time
10 noted in the court calendar or by written entry filed in the
11 case.”

