

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

House File 165

January 28, 1943.
Judiciary 2.

By FISHBAUGH.

A BILL FOR

An Act to amend section eleven thousand twenty-four (11024), eleven thousand twenty-seven (11027), and eleven thousand twenty-nine (11029), Code, 1939, to limit the commencement of an action for the recovery of an interest in real estate based upon a claim arising prior to January 1, 1930, unless notice of such claimed right or interest is given or action commenced as herein provided, and to prevent the revival of any claim previously barred.

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

1 Section 1. Section eleven thousand twenty-four (11024),

2 Code, 1939, is amended as follows:

3 1. Strike from line two (2) the following: "January 1,
4 1920" and insert in lieu thereof the following: "January 1,
5 1930";

6 2. Strike from line eleven (11) the following: "January 1,
7 1920" and insert in lieu thereof the following: "January 1,
8 1930";

9 3. Strike from line fifteen (15) the following: "July 4,
10 1931" and insert in lieu thereof the following: "July 4, 1943".

1 Sec. 2. Section eleven thousand twenty-seven (11027), Code,
2 1939, is amended by striking from line eighteen (18) the follow-
3 ing: "July 4, 1919" and inserting in lieu thereof the following:

4 “prior to July 4, 1943”.

1 Sec. 3. Section eleven thousand twenty-nine (11029), Code,
2 1939, is amended as follows:

3 1. Strike from line ten (10) the following: “January 1,
4 1905” and insert in lieu thereof the following: “January 1,
5 1930”;

6 2. Strike from line eleven (11) the following: “January 1,
7 1917” and insert in lieu thereof the following: “January 1, 1945”;

8 3. Strike from line fourteen (14) the following: “January 1,
9 1917” and insert in lieu thereof the following: “January 1, 1945”.

EXPLANATION OF H. F. 165

Iowa has taken the lead in the passage of acts which save the necessity of court action to clear up ancient or formal defects. A present statute, 11024, limits the commencement of an action for the recovery of an interest in real estate based upon a claim arising prior to January 1, 1920, unless notice of such claim had been filed prior to July 4, 1932. Another statute, 11029, prohibits any action setting aside certain deeds recorded prior to January 1, 1905, unless action had been commenced thereon prior to January 1, 1917. This proposed bill will bring both of these acts down to 1930, and allow proper time for the filing of the notice or the commencement of the action prior to the acts having effect. It is most important to remember, in this connection, that Legislatures may not withdraw a legal remedy summarily, but must leave a reasonable time within which action may be brought.