

3-11-93 Judiciary

1993

SENATE FILE

282

BY TINSMAN, McKEAN, and ROSENBERG

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to identification of judgment debtors by judgment
2 creditors and providing for the payment of attorney fees in
3 certain cases.

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

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SF 282

1 Section 1. NEW SECTION. 624.21A IDENTIFICATION OF
2 JUDGMENT DEBTOR.

3 The clerk shall not enter a personal judgment until the
4 judgment creditor or the judgment creditor's agent or attorney
5 files an affidavit stating the full name, occupation, and
6 residence of the judgment debtor based upon the creditor's,
7 agent's, or attorney's information and belief. If the
8 judgment debtor's residence is in an incorporated place of
9 more than five thousand population, the affidavit shall
10 include the street number of the judgment debtor's residence
11 and business address, if any. However, a judgment entered or
12 recorded without this affidavit shall not be invalid.

13 If a judgment creditor or the judgment creditor's agent or
14 attorney identifies the wrong person as the judgment debtor
15 and that person incurs attorney fees in removing a judgment
16 lien as a result of the improper identification, the judgment
17 creditor or the agent or attorney of the judgment creditor
18 shall be liable for the attorney fees incurred by the person.

19 EXPLANATION

20 This bill codifies rule of civil procedure 229 regarding
21 entering of personal judgments only after a judgment creditor
22 or the agent or attorney of a judgment creditor files an
23 affidavit identifying the judgment debtor. The bill also
24 provides that if the person identified by the judgment
25 creditor or the judgment creditor's agent or attorney is the
26 wrong person and that person incurs attorney fees removing a
27 judgment lien as a result of the misidentification, then the
28 judgment creditor or the agent or attorney of the judgment
29 creditor is liable for those attorney fees.

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