

4/5/6 Rereferred To: Judiciary

FILED MAR 19 1971

SENATE FILE 482  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 68)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to forcible entry and detainer actions in small  
2 claims court following a default on a contract for deed and  
3 when a defendant continues in possession after forfeiture.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 482

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1 Section 1. Section 631.1, subsection 2, Code 2001, is  
2 amended to read as follows:

3 2. The district court sitting in small claims shall have  
4 concurrent jurisdiction of an action for forcible entry and  
5 detainer which is based on those grounds set forth in section  
6 648.1, subsections 1, 2, 3, and 4, 5, and 7. When commenced  
7 under this chapter, the action shall be a small claim for the  
8 purposes of this chapter.

9 Sec. 2. Section 648.1, Code 2001, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 7. When the vendee under the terms of a  
12 contract continues in possession after forfeiture pursuant to  
13 chapter 656.

14 EXPLANATION

15 This bill amends Code section 648.1 to allow a seller of  
16 real property seeking to recover possession of the real  
17 property to use an action for forcible entry and detainer when  
18 the buyer of the real property defaults or forfeits on the  
19 contract for deed governing the sale.

20 The bill also amends Code section 631.1 to allow such  
21 actions on a contract for deed and actions in which the  
22 defendant continues in possession after foreclosure to be  
23 pursued as small claims actions in small claims court.

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**SENATE FILE 482  
FISCAL NOTE**

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A fiscal note for **Senate File 482** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 482 amends Section 648.1, Code of Iowa, to allow a seller of real property seeking to recover possession of the real property to use an action for forcible entry and detainer when the buyer of the real property defaults on the contract for deed governing sale. Senate File 482 also amends Section 631.1, Code of Iowa, to allow such actions on contract for deed and actions in which the defendant continues in possession after foreclosure to be pursued as small claims actions in Small Claims Court.

**ASSUMPTIONS**

1. Current property foreclosure cases are handled in District Court.
2. Forcible entry and detainer is normally used when evicting a renter.
3. Provisions contained in Senate File 482 may result in Small Claims Court considering cases involving title to real property not generally dealt with in Small Claims Court. These cases are more complex and may require two to three days to conduct. The actual impact on the Small Claims Court cannot be determined.

**FISCAL IMPACT**

Senate File 482 would increase costs to the Judicial Branch. However, due to insufficient information, a reliable estimate of the impact cannot be provided.

**SOURCE**

Judicial Branch

(LSB 1656SV, JDD)

FILED MARCH 22, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR