

## OWNER-LESSOR AND TENANT-LESSEE

### Footnotes

Landlord's lien, chapter 570  
Eviction or distress for rent during military  
service; termination of leases; §29A.101

#### **562.1 Apportionment of rent.**

The executor of a tenant for life who leases real estate so held, and dies on or before the day on which the rent is payable, and a person entitled to rent dependent on the life of another may recover the proportion of rent which had accrued at the time of the death of such life tenant.

[C51, § 1267; R60, § 2299; C73, § 2011; C97, § 2988; C24, 27, 31, 35, 39, § **10156**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 562.1]

#### **562.2 Double rental value liability.**

A tenant serving notice of intention to quit leased premises at a time named, and holding over after the time, and a tenant or the tenant's assignee willfully holding over after the term, and after notice to quit, shall pay double the rental value of the leased premises during the time the tenant holds over to the person entitled to the rent.

[C51, § 1268; R60, § 2300; C73, § 2012; C97, § 2989; C24, 27, 31, 35, 39, § **10157**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 562.2]

83 Acts, ch 132, § 1

#### **562.3 Attornment to stranger.**

The payment of rent, or delivery of possession of leased premises, to one not the lessor, is void, and shall not affect the rights of such lessor, unless made with the lessor's consent, or in pursuance of a judgment or decree of court or judicial sale to which the lessor was a party.

[C51, § 1269; R60, § 2301; C73, § 2013; C97, § 2990; C24, 27, 31, 35, 39, § **10158**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 562.3]

#### **562.4 Tenant at will notice to terminate.**

A person in the possession of real estate, with the assent of the owner, is presumed to be a tenant at will until the contrary is shown, and thirty days' notice in writing must be served upon either party or a successor of the party before termination of the tenancy. However, if a rent is reserved payable at intervals of less than thirty days, the length of notice need not be greater than the interval.

[C51, § 1208, 1209; R60, § 2216, 2218; C73, § 2014, 2015; C97, § 2991; C24, 27, 31, 35, 39, § **10159**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 562.4]

83 Acts, ch 132, § 2

### Footnotes

Three-day forcible entry notice, § 648.3 and 648.4

### **562.5 Termination of farm tenancies.**

In case of tenants occupying and cultivating farms, the notice must fix the termination of the tenancy to take place on the first day of March, except in cases of mere croppers, whose leases shall be held to expire when the crop is harvested; if the crop is corn, it shall not be later than the first day of December, unless otherwise agreed upon.

[R60, § 2218; C73, § 2015; C97, § 2991; C24, 27, 31, 35, 39, § **10160**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 562.5]

#### **Footnotes**

Forcible entry provisions, § 648.3 and 648.4

### **562.6 Agreement for termination.**

If an agreement is made fixing the time of the termination of the tenancy, whether in writing or not, the tenancy shall cease at the time agreed upon, without notice. In the case of farm tenants, except mere croppers, occupying and cultivating an acreage of forty acres or more, the tenancy shall continue beyond the agreed term for the following crop year and otherwise upon the same terms and conditions as the original lease unless written notice for termination is served upon either party or a successor of the party in the manner provided in section 562.7, whereupon the tenancy shall terminate March 1 following. However, the tenancy shall not continue because of absence of notice if there is default in the performance of the existing rental agreement.

[R60, § 2218; C73, § 2015; C97, § 2991; C24, 27, 31, 35, 39, § **10161**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 562.6]

83 Acts, ch 132, § 3

#### **Footnotes**

Forcible entry provisions, § 648.3 and 648.4

### **562.7 Notice how and when served.**

Written notice shall be served upon either party or a successor of the party by using one of the following methods:

1. By delivery of the notice, on or before September 1, with acceptance of service to be signed by the party to the lease or a successor of the party, receiving the notice.
2. By serving the notice, on or before September 1, personally, or if personal service has been tried and cannot be achieved, by publication, on the same conditions, and in the same manner as is provided for the service of original notices, except that when the notice is served by publication no affidavit is required. Service by publication is completed on the day of the last publication.
3. By mailing the notice before September 1 by certified mail. Notice served by certified mail is made and completed when the notice is enclosed in a sealed envelope, with the proper postage on the envelope, addressed to the party or a successor of the party at the last known mailing address and deposited in a mail receptacle provided by the United States postal service.

[C73, § 2016; C97, § 2991; C24, 27, 31, 35, 39, § **10162**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 562.7]

83 Acts, ch 132, § 4

### **Footnotes**

Forcible entry provisions, § 648.3 and 648.4

Original notice, R.C.P. 1.3021.315

### **562.8 Termination of life estate farm tenancy.**

Upon the termination of a life estate, a farm tenancy granted by the life tenant shall continue until the following March 1 except that if the life estate terminates between September 1 and the following March 1 inclusively, then the farm tenancy shall continue for that year as provided by section 562.6 and continue until the holder of the successor interest serves notice of termination of the interest in the manner provided by section 562.7. However, if the lease is binding upon the holder of the successor interest by the provision of a trust or by specific commitment of the holder of the successor interest, the lease shall terminate as provided by that provision or commitment. This section does not abrogate the common law doctrine of emblements.

[C79, 81, § 562.8]

83 Acts, ch 132, § 5

### **562.9 Termination of life estate nonfarm tenancy.**

Upon the termination of a life estate, a tenancy granted by the life tenant which is not a farm tenancy shall continue until one of the following first occurs:

1. The date previously agreed upon for termination of the tenancy without notice.
2. If the tenant is a tenant at will, upon the expiration of the period provided by section 562.4.
3. If the tenancy is for less than one year, sixty days after the end of the month in which the life estate terminated.
4. If the tenancy is for a year or more, one year after the end of the month in which the life estate terminated. However, if the lease is binding upon the holder of the successor interest by the provision of a trust or by specific commitment of the holder of the successor interest, the lease shall terminate as provided by that provision or commitment.

[C79, 81, § 562.9]

### **562.10 Rental value.**

The holder of the interest succeeding a life estate who is required by section 562.8 or 562.9 to continue a tenancy shall be entitled to a rental amount equal to the prevailing fair market rental amount in the area. If the parties cannot agree on a rental amount, either party may petition the district court for a declaratory judgment setting the rental amount. The costs of the action shall be divided equally between the parties.

[C79, 81, § 562.10]

**562.11 to 562.16** Repealed by 78 Acts, ch 1172, § 38. See § 562A.12(47).