

## TRIAL AND JUDGMENT

### Footnotes

For Iowa court rules concerning trials,  
see R.C.P. 1.9011.947

For Iowa court rules concerning judgments generally,  
see R.C.P. 1.9511.962

For Iowa court rules concerning defaults and judgments thereon,  
see R.C.P. 1.9711.977

For Iowa court rules concerning summary judgments,  
see R.C.P. 1.9811.983

For Iowa court rules concerning proceedings after judgment,  
see R.C.P. 1.10011.1020

For Iowa court rules concerning declaratory judgments,  
see R.C.P. 1.11011.1109

### **624.1 Evidence in ordinary actions.**

All issues of fact in ordinary actions shall be tried upon oral evidence taken in open court, except that depositions may be used as provided by law.

A party may interrogate any unwilling or hostile witness by leading questions. A party may call an adverse party or an officer, director, or managing agent of a public or private corporation or of a partnership or association which is an adverse party, and interrogate the party or person by leading questions and contradict and impeach the party or person in all respects as if the party or person had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also, and may be cross-examined by the adverse party only upon the subject matter of the examination in chief.

[R60, § 2999; C73, § 2741; C97, § 3651; C24, 27, 31, 35, 39, § **11430**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.1]

### Footnotes

Depositions, R.C.P. 1.7011.717

### **624.2 Ordinary actions evidence on appeal.**

Upon appeal, in ordinary actions no evidence shall go to the appellate court except such as may be necessary to explain any exception taken in the cause, and such court shall hear and try the case only on the legal errors so presented.

[R60, § 2999; C73, § 2741; C97, § 3651; C24, 27, 31, 35, 39, § **11431**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.2]

### Footnotes

Constitution, Art. V, § 4

### **624.3 Evidence in equitable actions.**

In actions cognizable in equity, wherein issues of fact are joined, the court may order the evidence or any part thereof to be taken in the form of depositions, or either party may take depositions as authorized by law, and

may in the discretion of the court be granted a continuance for that purpose.

[R60, § 2999; C73, § 2742; C97, § 3652; S13, § 3652; C24, 27, 31, 35, 39, § **11432**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.3]

#### **624.4 Equitable actions evidence on appeal.**

The evidence in actions cognizable in equity shall be presented on appeal to the appellate court, which shall try such causes anew. However, upon further review by the supreme court of equity actions heard by the court of appeals the review may be limited in scope as provided in the rules of appellate procedure.

[R60, § 2999; C73, § 2742; C97, § 3652; S13, § 3652; C24, 27, 31, 35, 39, § **11433**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.4]

#### **624.5 Abstracts in equity causes.**

In equitable causes, where the evidence is taken in the form of depositions, the district court may require to be submitted with the arguments an abstract of the pleadings and evidence, substantially as required by the rules of appellate procedure for abstracts in appeals in equitable causes, except that the same need not be printed.

[C97, § 3653; C24, 27, 31, 35, 39, § **11434**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.5]

#### **624.6 When triable.**

Causes shall be triable at any time after the expiration of twenty days after legal and timely service has been made.

[C51, § 1763; R60, § 3007; C73, § 2744; C97, § 3655; C24, 27, 31, 35, 39, § **11436**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.6]

#### **624.7 Exception.**

If the action challenges the legality, validity, or constitutionality of a proposed constitutional amendment, the cause shall be tried within three days after the issues are made up.

[C31, 35, § 11436-d1; C39, § **11436.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.7]

#### **624.8 Calendar.**

The clerk shall keep a calendar of criminal causes, arranging them in the order of their commencement and, if the court so order, shall, under the direction of the court, apportion the same to as many days as is believed necessary, and, at the request of any party to a cause or the party's attorney, shall issue subpoenas accordingly. The clerk shall furnish the court and bar with a sufficient number of copies of the calendar on or before January 15, April 15, July 15 and October 15 of each year, furnish the court and bar with a sufficient number of copies of a supplement thereto, which shall include the new causes only, but the publication of the assignments as provided in section 618.13 shall be in lieu of the publishing of a court calendar except that the first two daily publications of said paper shall be furnished free by the publisher to any attorney who shall request the clerk for the same.

[C51, § 1761, 1762; R60, § 3005; C73, § 2747; C97, § 3661; C24, 27, 31, 35, 39, § **11441**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.8]

### **624.9 Detailed report of trial.**

In all appealable actions triable by ordinary or equitable proceedings, any party thereto shall be entitled to have reported the whole proceedings upon the trial or hearing, and the court shall direct the reporter to make such report in writing or shorthand, which shall contain the date of the commencement of the trial, the proceedings impaneling the jury, and any objections thereto with the rulings thereon, the oral testimony at length, and all offers thereof, all objections thereto, the rulings thereon, the identification as exhibits, by letter or number or other appropriate mark, of all written or other evidence offered, and by sufficient reference thereto, made in the report, to make certain the object or thing offered, all objections to such evidence and the rulings thereon, all motions or other pleas orally made and the rulings thereon, the fact that the testimony was closed, the portions of arguments objected to, when so ordered by the court, all objections thereto with the rulings thereon, all oral comments or statements of the court during the progress of the trial, and any exceptions taken thereto, the fact that the jury is instructed, all objections and exceptions to instructions given by the court on its own motion, the fact that the case is given to the jury, the return of the verdict and action thereon of whatever kind, and any other proceedings before the court or jury which might be preserved and made of record by bill of exceptions, and shall note that exception was saved by the party adversely affected to every ruling made by the court.

[C97, § 3675; C24, 27, 31, 35, 39, § **11456**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.9]

### **624.10 Certification ipso facto bill.**

Such report shall be certified by the trial judge and reporter, when demanded by either party, to the effect that it contains a full, true, and complete report of all proceedings had that are required to be kept, and, when so certified, the same shall be filed by the clerk and, with all matters set out or identified therein, shall be a part of the record in such action, and constitute a complete bill of exceptions.

[C97, § 3675; C24, 27, 31, 35, 39, § **11457**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.10]

### **Footnotes**

When bill necessary, R.C.P. 1.1001

Certification by successor, R.C.P. 1.1001(4)

### **624.11 Matters excluded.**

On a trial before a jury it shall not be necessary to take down arguments of counsel or statements of the court, except the rulings, when not made in the presence of the jury.

[C97, § 3675; C24, 27, 31, 35, 39, § **11458**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.11]

### **624.11A Juror challenge municipal taxpayers.**

When selecting a jury in a trial in which a municipality is a defendant, a juror challenge based on the potential juror's status as a taxpayer of that municipality shall not be allowed unless a real, substantial, and immediate interest is shown which would unfairly prejudice the plaintiff.

84 Acts, ch 1181, § 10

### **624.12 Panel exhausted.**

If for any reason the regular panel is exhausted without a jury being selected, it shall be completed in the

manner provided in the chapters upon selecting, drawing, and summoning juries.

[C97, § 3698; C24, 27, 31, 35, 39, § **11482**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.12]

## **Footnotes**

Juries, see chapter 607A

### **624.13 Interlocutory questions.**

Upon interlocutory questions, the party moving the court or objecting to testimony shall be heard first; the respondent may then reply by one counsel, and the mover rejoining, confining remarks to the points first stated and a pertinent answer to respondent's argument. Argument on the questions shall then be closed, unless further requested by the court.

[R60, § 3046; C73, § 2779; C97, § 3700; C24, 27, 31, 35, 39, § **11486**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.13]

### **624.14 Juror as witness grounds to set aside verdict.**

If a juror has personal knowledge respecting a fact in controversy in a cause, the juror must declare the fact of the knowledge in accordance with rule of evidence 5.606(a), and the juror may not testify in the trial of the case in which the juror is sitting. Proof of such a declaration may be made by any juror in support of a motion to set aside a verdict.

[C51, § 3010; R60, § 4801; C73, § 4433; C97, § 5381; C24, § 13858; C27, 31, 35, § 11496-b1, 13858; C39, § **11496.1, 13858**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 624.14, 780.17; C79, 81, § 624.14]

83 Acts, ch 37, § 5

### **624.15 Must be on material point.**

No exception shall be regarded in an appellate court unless the ruling has been on a material point, and the effect thereof prejudicial to the rights of the party excepting.

[R60, § 3111; C73, § 2836; C97, § 3754; C24, 27, 31, 35, 39, § **11548**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.15]

## **Footnotes**

Errors disregarded, § 619.16

### **624.16 Costs of new trial.**

The cost of all new trials shall either abide the event of the action or be paid by the party to whom such new trial is granted, according to the order of the court, to be made at the time of granting such new trial.

[R60, § 3117; C73, § 2840; C97, § 3762; C24, 27, 31, 35, 39, § **11560**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.16]

### **624.17 Special execution pleading.**

Where any other than a general execution of the common form is required, the party must state in the

pleading the facts entitling the party thereto, and the judgment may be entered in accordance with the finding of the court or jury thereon.

[R60, § 3125; C73, § 2852; C97, § 3772; C24, 27, 31, 35, 39, § **11570**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.17]

#### **624.18 Designation and calculation of damages.**

1. In all actions where the plaintiff recovers a sum of money, the amount to which the plaintiff is entitled may be awarded the plaintiff by the judgment generally, without any distinction being therein made as to whether such sum is recovered by way of debt or damages.

2. In all personal injury actions where the plaintiff recovers a sum of money that, according to special verdict, is intended, in whole or in part, to address the future damages of the plaintiff, that portion of the judgment that reflects the future damages shall be adjusted by the court or the finder of fact to reflect the present value of the sum.

3. Under no circumstances shall there be a reduction to present value more than one time by either the trier of fact or the court.

[R60, § 3144; C73, § 2862; C97, § 3782; C24, 27, 31, 35, 39, § **11580**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.18]

97 Acts, ch 197, §9, 16

#### **624.19 Court acting as jury.**

The provisions of this chapter relative to juries are intended to be applied to the court when acting as a jury on the trial of a cause, so far as they are applicable and not incompatible with other provisions herein contained.

[C51, § 1823; R60, § 3145; C73, § 2863; C97, § 3783; C24, 27, 31, 35, 39, § **11581**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.19]

#### **624.20 Satisfaction of judgment.**

Where a judgment is set aside or satisfied by execution or otherwise, the clerk shall at once enter a memorandum thereof on the column left for that purpose in the judgment docket. However, the clerk may enter satisfaction of judgment if the amount of the judgment that is unsatisfied is three dollars or less.

[C51, § 1819; R60, § 3141; C73, § 2865; C97, § 3785; C24, 27, 31, 35, 39, § **11583**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.20]

2000 Acts, ch 1032, §3; 2003 Acts, ch 151, §48

**624.21 Complete record.** Repealed by 93 Acts, ch 70, §15.

#### **624.22 Personal judgment when authorized.**

A personal judgment may be rendered against a defendant, whether the defendant appears or not, who has been served in any mode provided in this Code other than by publication, whether served within or without this state, if such defendant is a resident of the state.

[R60, § 3164; C73, § 2881; C97, § 3800; C24, 27, 31, 35, 39, § **11601**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.22]

### **624.23 Liens of judgments real estate homesteads support judgments.**

1. Judgments in the appellate or district courts of this state, or in the circuit or district court of the United States within the state, are liens upon the real estate owned by the defendant at the time of such rendition, and also upon all the defendant may subsequently acquire, for the period of ten years from the date of the judgment.

2. Judgment liens described in subsection 1 do not remain a lien upon real estate of the defendant, platted as a homestead pursuant to section 561.4, unless execution is levied within thirty days of the time the defendant or the defendant's agent has served written demand on the owner of the judgment. The demand shall state that the lien and all benefits derived from the lien as to the real estate platted as a homestead shall be forfeited unless the owner of the judgment levies execution against that real estate within thirty days from the date of service of the demand. Written demand shall be served in any manner authorized for service of original notice under the Iowa rules of civil procedure. A copy of the written demand and proof of service of the written demand shall be recorded in the office of the county recorder of the county where the real estate platted as a homestead is located.

3. Judgment liens described in subsection 1 shall not attach to subsequently acquired real estate owned by the defendant if the personal liability of the defendant on the judgment has been discharged under the bankruptcy laws of the United States.

4. In addition to other provisions relating to the attachment of liens, full faith and credit shall be afforded to liens arising for overdue support due on support judgments entered by a court or administrative agency of another state on real estate in this state owned by the obligor, for the period of ten years from the date of the judgment. Notwithstanding any other provisions of law, including but not limited to the formatting of forms or requirement of signatures, the lien attaches on the date that a notice of interstate lien promulgated by the United States secretary of health and human services is filed with the clerk of district court in the county where the real estate is located.

The lien shall apply only prospectively as of the date of attachment to all real estate the obligor may subsequently acquire and does not retroactively apply to the chain of title for any real estate that the obligor had disposed of prior to the date of attachment.

5. A judgment lien attaching to the real estate of a city may be discharged at any time by the city filing with the clerk of the district court in which the judgment was entered a bond in the amount for which the judgment was entered, including court costs and accruing interest, with surety or sureties to be approved by the clerk, conditioned for the payment of the judgment amount, interest, and court costs. If the real estate is located in a county other than that in which the judgment was entered, the clerk of the district court in which the judgment was entered shall certify to the clerk of the district court of the county in which the real estate is located that the bond has been filed.

6. A judgment against a city shall not give rise to a lien attaching to the streets, alleys, or utility easements of a city or attaching to the real estate of a city which is used by the city for transportation, health, safety, or utility purposes.

[C51, § 2485, 2489; R60, § 4105, 4109; C73, § 2882; C97, § 3801; C24, 27, 31, 35, 39, § **11602**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.23; 82 Acts, ch 1002, § 13]

85 Acts, ch 100, § 8; 86 Acts, ch 1014, § 1; 89 Acts, ch 102, §8; 97 Acts, ch 175, § 202; 2002 Acts, ch 1089, §1

## Footnotes

Judgment lien, § 123.113

Special limitations on judgments, chapter 615

### **624.24 When judgment lien attaches.**

When the real estate lies in the county wherein the judgment of the district court of this state or of the circuit or district courts of the United States was entered in the judgment docket and lien index kept by the clerk of the court having jurisdiction, the lien shall attach from the date of such entry of judgment, but if in another it will not attach until an attested copy of the judgment is filed in the office of the clerk of the district court of the county in which the real estate lies.

[C51, § 2486, 2487; R60, § 4106, 4107; C73, § 2883, 2884; C97, § 3802; S13, § 3802; C24, 27, 31, 35, 39, § **11603**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.24]

85 Acts, ch 100, §9; 86 Acts, ch 1014, § 2

## Footnotes

Intent; liens for child or spousal support; 86 Acts, ch 1014, § 3

### **624.24A Liens of support judgments titled personal property.**

1. In addition to other provisions relating to the attachment of liens, support judgments in the appellate or district courts of this state are liens upon the personal property titled in this state and owned by the obligor at the time of such rendition or subsequently acquired by the obligor.

2. The lien shall attach from the date of the notation on the title.

3. In addition to other provisions relating to the attachment of liens, full faith and credit shall be afforded to a lien arising for overdue support due on support judgments entered by a court or administrative agency of another state on personal property titled in this state and owned by the obligor. In this state a lien attaches on the date that a notice of interstate lien promulgated by the United States secretary of health and human services is filed with the clerk of district court in the county where the personal property is titled and the lien is noted on the title.

The lien shall apply only prospectively as of the date of attachment, shall attach to any titled personal property the obligor may subsequently acquire, and does not retroactively apply to the chain of title for any personal property that the obligor had disposed of prior to the date of attachment.

97 Acts, ch 175, §203

### **624.25 Appellate court judgments.**

The lien of judgments of the appellate courts of Iowa shall not attach to any real estate until an attested copy of the judgment is filed in the office of the clerk of the district court of the county in which the real estate lies.

[S13, § 3802; C24, 27, 31, 35, 39, § **11604**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.25]

### **624.26 Docketing transcript.**

Such clerk shall, on the filing of such transcript of the judgment of the appellate or district court of this state or of the circuit or district court of the United States in the clerk's office, immediately proceed to docket and index the same, in the same manner as though rendered in the court of the clerk's own county.

[C51, § 2488; R60, § 4108; C73, § 2885; C97, § 3803; C24, 27, 31, 35, 39, § **11605**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.26]

#### **624.27 Judgment against railway.**

A judgment against any railway, interurban railway, or street railway corporation or copartnership, for an injury to any person or property, and any claim for compensation under the workers' compensation Act for personal injuries sustained by their employees arising out of and in the course of their employment, shall be a lien upon the property of such corporation or copartnership within the county where the judgment was recovered or in which occurred the injury for which compensation is due.

[C73, § 1309; C97, § 2075; C24, 27, 31, 35, 39, § **11606**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.27]

#### **624.28 Priority.**

Said lien shall be prior and superior to the lien of any mortgage or trust deed executed since July 4, 1862, by any railway corporation or partnership, and prior and superior to the lien of any mortgage or trust deed executed after August 9, 1897, by any interurban railway or street railway corporation or copartnership.

[C73, § 1309; C97, § 2075; C24, 27, 31, 35, 39, § **11607**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.28]

#### **624.29 Conveyance by commissioner.**

Real property may be conveyed by a commissioner appointed by the court:

1. Where, by judgment in an action, a party is ordered to convey such property to another.
2. Where such property has been sold under a judgment or order of the court, and the purchase price has been paid.

[R60, § 3165; C73, § 2886; C97, § 3805; C24, 27, 31, 35, 39, § **11613**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.29]

#### **624.30 Deed.**

The deed of the commissioner shall refer to the judgment, orders, and proceedings authorizing the conveyance.

[R60, § 3166; C73, § 2887; C97, § 3806; C24, 27, 31, 35, 39, § **11614**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.30]

#### **624.31 Conveys title.**

A conveyance made in pursuance of a judgment shall pass to the grantee the title of the parties ordered to convey the land.

[R60, § 3167; C73, § 2888; C97, § 3807; C24, 27, 31, 35, 39, § **11615**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.31]

### **624.32 Other parties.**

A conveyance made in pursuance of a sale ordered by the court shall pass to the grantee the title of all the parties to the action or proceeding.

[R60, § 3168; C73, § 2889; C97, § 3808; C24, 27, 31, 35, 39, § **11616**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.32]

### **624.33 Approval by court.**

A conveyance by a commissioner shall not pass any right until it has been approved by the court, which approval shall be endorsed on the conveyance and recorded with it.

[R60, § 3169; C73, § 2890; C97, § 3809; C24, 27, 31, 35, 39, § **11617**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.33]

### **624.34 Form.**

The conveyance shall be signed by the commissioner only, without affixing the names of the parties whose title is conveyed, but the names of such parties shall be recited in the body of the conveyance.

[R60, § 3170; C73, § 2891; C97, § 3810; C24, 27, 31, 35, 39, § **11618**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.34]

### **624.35 Recorded.**

The conveyance shall be recorded in the office in which, by law, it should have been recorded had it been made by the parties whose title is conveyed by it.

[R60, § 3171; C73, § 2892; C97, § 3811; C24, 27, 31, 35, 39, § **11619**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.35]

**624.36** Repealed by 67 Acts, ch 400, § 164.

### **624.37 Satisfaction of judgment penalty.**

When the amount due upon judgment is paid off, or satisfied in full, the party entitled to the proceeds thereof, or those acting for that party, must acknowledge satisfaction of the judgment by the execution of an instrument referring to it, duly acknowledged and filed in the office of the clerk in every county wherein the judgment is a lien. A failure to do so within thirty days after having been requested in writing shall subject the delinquent party to a penalty of one hundred dollars plus reasonable attorney fees incurred by the party aggrieved, to be recovered in an action for the satisfaction or acknowledgment by the party aggrieved.

[C97, § 3804; C24, 27, 31, 35, 39, § **11621**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 624.37]

90 Acts, ch 1030, §1; 99 Acts, ch 144, §10

### **624.38 Minor's liability for own acts.**

The provisions of section 613.16 shall not limit any liability of any minor for the minor's own acts and shall

not limit any liability imposed by the common law or by any other provision of the Code.

[C71, 73, 75, 77, 79, 81, § 624.38]