

**626.78 Notice to defendant.**

If the debtor is in actual occupation and possession of any part of the land levied on, the officer having the execution shall, at least twenty days previous to such sale, serve the debtor with written notice, stating that the execution is levied on said land, and mentioning the time and place of sale, which notice shall be served in the manner provided by rule of civil procedure 1.305(1). However, upon the filing of an affidavit that the debtor is intentionally evading service of process or otherwise cannot be served despite repeated and diligent attempts, the notice may be served by placing the notice in a plain opaque envelope, addressed to the defendant and marked personal and confidential, by affixing the envelope to a main entrance of the premises subject to sale, and by mailing a copy of the notice to the debtor at the debtor's last known address by ordinary mail.

[R60, §3318; C73, §3087; C97, §4025; S13, §4025; C24, 27, 31, 35, 39, §11726; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §626.78]

2006 Acts, ch 1132, §5, 16

Referred to in [§626.79](#)

2006 amendments apply to actions commenced on or after July 1, 2006; 2006 Acts, ch 1132, §16