

## CHAPTER 616

### PLACE OF BRINGING ACTIONS

For Iowa court rules concerning change of venue,  
see R.C.P. 1.801 – 1.808  
Change of venue, chapter 623

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#### 616.1 Real property.

Actions for the recovery of real property, or of an estate therein, or for the determination of such right or interest, or for the partition of real property, must be brought in the county in which the subject of the action or some part thereof is situated.

[C51, §1703; R60, §2795; C73, §2576; C97, §3491; C24, 27, 31, 35, 39, §11034; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.1]

Real estate foreclosure, §654.3

#### 616.2 Injuries to real property.

Actions for injuries to real property may be brought either in the county where the property is, or where the defendant resides.

[C73, §2577; C97, §3492; C24, 27, 31, 35, 39, §11035; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.2]

#### 616.3 Local actions.

Actions for the following causes must be brought in the county where the cause, or some part thereof, arose:

1. *For fines, penalties, or forfeitures.* Those for the recovery of a fine, penalty, or forfeiture imposed by a statute; but when the offense for which the claim is made was committed on a watercourse or road which is the boundary of two counties, the action may be brought in either of them.

2. *Against public officers.* Those against a public officer or person specially appointed to execute the public officer's duties, for an act done by the officer or person in virtue or under color of the public office, or against one who by the officer's or person's command or in the officer's or person's aid shall do anything touching the duties of such officer, or for neglect of official duty.

3. *On official bonds.* Those on the official bond of a public officer.

4. *Actions on bonds of executor or guardian.* Those on the bond of an executor, administrator, or guardian may be brought in the county in which the appointment was made and such bond filed.

5. *Actions on other bonds.* Actions on all other bonds provided for or authorized by law may be brought in the county in which such bond was filed and approved.

[R60, §2796; C73, §2579; C97, §3494; S13, §3494; C24, 27, 31, 35, 39, §11036; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.3]

#### 616.4 Nonresident — attachment.

An action against a nonresident of the state, when aided by an attachment, may be brought in any county of the state wherein any part of the property sought to be attached may be found,

or wherein any part was situated when the action was commenced, or where the defendant is personally served in this state.

[C51, §1703; R60, §2797; C73, §2580; C97, §3495; C24, 27, 31, 35, 39, §11037; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.4]

#### **616.5 Resident — attachment.**

Except as hereinafter provided, an action against a resident of this state must be brought in the county of the defendant's residence, or that in which the contract was to be performed, except that, if an action be duly brought against such defendant in any other county by virtue of any of the provisions of [this chapter](#), then such action may, if legal cause for an attachment exist, be aided by attachment.

[R60, §2797; C73, §2580; C97, §3495; C24, 27, 31, 35, 39, §11038; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.5]

#### **616.6 Transfer — attached property held.**

Should such action be brought against a resident of this state in any other county than that of the defendant's residence, the defendant may have the place of trial changed to the district court of the county wherein the defendant resides, in the same manner and upon the same terms as provided in rule of civil procedure 1.808, and the property attached shall not be released because said action was brought in the wrong county, but shall be held and subject in the same manner as if said action had been brought in the county of defendant's residence.

[R60, §2797; C73, §2580; C97, §3495; C24, 27, 31, 35, 39, §11039; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.6]

#### **616.7 Place of contract.**

When, by its terms, a written contract is to be performed in any particular place, action for a breach thereof may, except as otherwise provided, be brought in the county wherein such place is situated.

[C51, §1704; R60, §2798; C73, §2581; C97, §3496; C24, 27, 31, 35, 39, §11040; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.7]

#### **616.8 Certain carriers and transmission companies — actions against.**

An action may be brought against any railway corporation, the owner of stages, or other line of coaches or cars, express, canal, steamboat and other river crafts, telegraph and telephone companies, or the owner of any line for the transmission of electric current for lighting, power, or heating purposes, and the lessees, companies, or persons operating the same, in any county through which such road or line passes or is operated.

[C73, §2582; C97, §3497; S13, §3497; C24, 27, 31, 35, 39, §11041; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.8]

#### **616.9 Construction companies.**

An action may be brought against any corporation, company, or person engaged in the construction of a railway, canal, telegraph or telephone line, oil, gas, or gasoline transmission lines, highway, or public drainage improvement, on any contract relating thereto, or to any part thereof, or for damages in any manner growing out of the contract or work thereunder, in any county where such contract was made, or performed in whole or in part, or where the work was done out of which the damage claimed arose.

[C73, §2583; C97, §3498; C24, 27, 31, 35, 39, §11042; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.9]

#### **616.10 Insurance companies.**

Insurance companies may be sued in any county in which their principal place of business is kept, or in which the contract of insurance was made, or in which the loss insured against occurred, or, in case of insurance against death or disability, in the county of the domicile of the insured at the time the loss occurred, or in the county of plaintiff's residence. As used in [this section](#) the term "insurance companies" includes nonprofit hospital service corporations

and nonprofit medical service corporations which have incorporated under the provisions of [chapter 504, Code 1989](#), or current [chapter 504](#).

[C73, §2584; C97, §3499; C24, 27, 31, 35, 39, §11043; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.10]

[91 Acts, ch 97, §60](#); [2003 Acts, ch 108, §105](#); [2004 Acts, ch 1049, §191](#); [2004 Acts, ch 1175, §394](#)

#### **616.11 Nonlife insurance assessments.**

No court other than that of the county in which the member resides shall have jurisdiction of actions to collect assessments levied by associations organized under the provisions of [chapter 518A](#) but such actions shall be brought in the county of the member's residence, any statement or agreement in the policy or contract of insurance, the application therefor, or any other contract entered into between the member and the association to the contrary notwithstanding.

[C24, 27, 31, 35, 39, §11044; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.11]

#### **616.12 Nonlife insurance premiums or notes.**

No court other than that of the county in which the policyholder resides shall have jurisdiction of actions to collect premiums or premium notes payable or given for insurance other than life, but such actions shall be brought in the county of the policyholder's residence, any statement or agreement in the policy or contract of insurance, the application therefor, or any other contract entered into between the policyholder and the company or its agent to the contrary notwithstanding.

[C27, 31, 35, §11044-a1; C39, §11044.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.12]

#### **616.13 Operators of coal mines.**

An action may be brought against any corporation, company, or person, owning, leasing, operating, or maintaining a coal mine, in the county where said mine is located, on any contract, or for any tort, in any manner connected with or growing out of the construction, use, or operation of said mine.

[S13, §3499-a; C24, 27, 31, 35, 39, §11045; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.13]

#### **616.14 Office or agency.**

When a corporation, company, or individual has an office or agency in any county for the transaction of business, any actions growing out of or connected with the business of that office or agency may be brought in the county where such office or agency is located.

[C51, §1705; R60, §2801; C73, §2585; C97, §3500; C24, 27, 31, 35, 39, §11046; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.14]

#### **616.15 Surety companies.**

1. Suit may be brought against any company or corporation furnishing or pretending to furnish surety, fidelity, or other bonds in this state, in any county in which the principal place of business of such company or corporation is maintained in this state, or in any county wherein is maintained its general office for the transaction of its Iowa business, or in the county where the principal resides at the time of bringing suit, or in the county where the principal did reside at the time the bond or other undertaking was executed; and in the case of bonds furnished by any such company or corporation for any building or improvement, either public or private, action may be brought in the county wherein said building or improvement or any part thereof is located.

2. The secretary of state shall serve as the agent for service of process for the purposes of 31 U.S.C. §9306, of any surety company or corporation for a surety bond written by that surety company or corporation for the federal government and issued in this state as required or permitted under federal law, if the surety company or corporation is licensed in this state and cannot be otherwise served with process. Notwithstanding [section 507.14](#), upon request of the secretary of state, the commissioner of insurance shall provide the secretary of state

with the name and address of the person designated for consent to service of process by the surety company or corporation which is on file with the commissioner.

[S13, §3500-a; C24, 27, 31, 35, 39, §11047; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.15]

[2006 Acts, ch 1117, §126](#)

#### **616.16 Municipal corporations in certain counties.**

Actions against municipal corporations in all counties where the district court convenes in more than one place must be brought in the county and at the place where court is held nearest to where the cause or subject of the action originated.

[S13, §3504-a; C24, 27, 31, 35, 39, §11048; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.16]

#### **616.17 Personal actions.**

Personal actions, except as otherwise provided, must be brought in a county in which some of the defendants actually reside, but if neither of them have a residence in the state, they may be sued in any county in which either of them may be found.

[C51, §1701; R60, §2800; C73, §2586; C97, §3501; C24, 27, 31, 35, 39, §11049; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.17]

Referred to in [§616.20](#)

#### **616.18 Personal injury or damage actions.**

Actions arising out of injuries to a person or damage to property may be brought in the county in which the defendant, or one of the defendants, is a resident or in the county in which the injury or damage is sustained.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.18]

#### **616.19 Negotiable paper.**

In all actions upon negotiable paper, except when made payable at a particular place, in which any maker thereof, being a resident of the state, is defendant, the place of trial shall be limited to a county wherein some one of such makers resides.

[C73, §2586; C97, §3501; C24, 27, 31, 35, 39, §11050; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.19]

Referred to in [§616.20](#)

#### **616.20 Right of nonresident defendant.**

Where an action provided for in [sections 616.17](#) and [616.19](#) is against several defendants, some of whom are residents and others nonresidents of the county, and the action is dismissed as to the residents, or judgment is rendered in their favor, or there is a failure to obtain judgment against such residents, such nonresidents may, upon motion, have said cause dismissed, with reasonable compensation for trouble and expense in attending at the wrong county, unless they, having appeared to the action, fail to object before judgment is rendered against them.

[C73, §2587; C97, §3502; C24, 27, 31, 35, 39, §11051; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.20]

#### **616.21 Change of residence.**

If, after the commencement of an action in the county of the defendant's residence, the defendant removes therefrom, the service of notice upon the defendant in another county shall have the same effect as if it had been made in the county from which the defendant removed.

[C73, §2588; C97, §3503; C24, 27, 31, 35, 39, §11052; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §616.21]