

**657A.3 Interested persons — opportunity to abate public nuisance.**

1. Before appointing a receiver to perform work or to furnish material to abate a public nuisance under [this chapter](#), the court shall establish a date before which interested persons may file with the court written proof of intent and ability to promptly undertake the work required and to post security for the performance of the work. If no such written proof is filed by that date, the court may appoint a receiver pursuant to [subsection 3](#).

2. All amounts expended by the person toward abating the public nuisance are a lien on the property if the expenditures are approved in advance by a judge and if the person desires the lien. Unless an interested person has a contract with the owner providing for a different interest rate, the lien shall bear interest at the rate provided for judgments pursuant to [section 535.3](#), and shall be payable upon terms approved by the judge. If a certified copy of a court order approving the expenses and the terms of payment for the lien, and a description of the property in question, are filed of record within thirty days of the date of issuance of the order in the office of the county recorder of the county in which the property is located, the lien has the same priority as the mortgage of a receiver as provided in [section 657A.7](#).

3. If the court determines by the date established in [subsection 1](#) or at a hearing on the sufficiency of a timely filed rehabilitation plan that no interested person can undertake the work and furnish the materials required to abate the public nuisance, or if the court determines at any time after the hearing that an interested person who is undertaking corrective work pursuant to [this section](#) cannot or will not proceed, or has not proceeded with due diligence, the court may appoint a receiver to take possession and control of the property. The receiver shall be appointed in the manner provided in [section 657A.4](#).

4. If the building is a historic building or is located in a designated historic district, the court shall give preference to an economically feasible rehabilitation plan that preserves the historical nature of the building.

5. Unless a receiver's mortgage provides for periodic payments, a notice, in lieu of the notice pursuant to [section 654.2D](#), shall also be served by ordinary or electronic mail informing all interested persons of the date certain for the maturity of the mortgage note, or the event triggering maturity of the mortgage note, and that on maturity the receiver's mortgage loan will be payable in full and the mortgagee may then commence foreclosure without further notice. A notice pursuant to [section 654.4B](#) shall also be served by ordinary or electronic mail on the owner of record of the property. The mortgagee shall not commence foreclosure of the mortgage until sixty calendar days have passed since the date of service of a notice under [this subsection](#).

85 Acts, ch 222, §3; 2019 Acts, ch 105, §7

Referred to in §657A.4, 657A.10A, 657A.10B

Section amended