

HOUSE AMENDMENT TO  
SENATE FILE 434

S-5044

1 Amend Senate File 434, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. Section 364.22, subsection 4, Code  
6 Supplement 2009, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. *h.* The legal description of the  
9 affected real property, if applicable.

10 Sec. 2. Section 364.22, Code Supplement 2009, is  
11 amended by adding the following new subsection:

12 NEW SUBSECTION. 4A. *a.* Upon receiving a citation  
13 under subsection 4 that affects real property and that  
14 charges a violation relating to the condition of the  
15 property, including a building code violation, a local  
16 housing regulation violation, a housing code violation,  
17 or a public health or safety violation, the clerk of  
18 the district court shall index the citation pursuant  
19 to section 617.10, if the legal description of the  
20 affected property is included in or attached to the  
21 citation.

22 *b.* After filing the citation with the clerk of the  
23 district court, the city shall also file the citation  
24 in the office of the county treasurer. The county  
25 treasurer shall include a notation of the pendency of  
26 the action in the county system, as defined in section  
27 445.1, until the judgment of the court is satisfied or  
28 until the action is dismissed. Pursuant to section  
29 446.7, an affected property that is subject to a  
30 pending action shall not be offered for sale by the  
31 county treasurer at tax sale.

32 Sec. 3. Section 446.7, subsection 1, Code 2009, is  
33 amended to read as follows:

34 1. Annually, on the third Monday in June the county  
35 treasurer shall offer at public sale all parcels on  
36 which taxes are delinquent. The treasurer shall not,  
37 however, offer for sale any parcel that is subject to a  
38 pending action as the result of a municipal infraction  
39 citation under section 364.22, a petition filed under  
40 chapter 657, or a petition filed under chapter 657A,  
41 if such municipal infraction citation or petition is  
42 indexed under section 617.10 and noted in the county  
43 system as defined in section 445.1. The sale shall be  
44 made for the total amount of taxes, interest, fees, and  
45 costs due. If for good cause the treasurer cannot hold  
46 the annual tax sale on the third Monday of June, the  
47 treasurer may designate a different date in June for  
48 the sale.

49 Sec. 4. NEW SECTION. 448.13 **Cancellation of tax**  
50 **sale and certificate of purchase — refund of purchase**

1 money.

2 If the county treasurer receives a verified  
3 statement from a city stating that a parcel sold at  
4 tax sale contains a building which is abandoned, as  
5 those terms are defined in section 657A.1, prior to  
6 redemption of the parcel under chapter 447 or the  
7 issuance of a tax deed for the parcel, and the verified  
8 statement is accompanied by a petition filed by the  
9 city under section 657A.10A for title to the parcel,  
10 the county treasurer shall make an entry in the county  
11 system canceling the sale of the parcel and shall  
12 refund the purchase money to the tax sale certificate  
13 holder.

14 Sec. 5. Section 602.8102, subsection 94, Code 2009,  
15 is amended to read as follows:

16 94. File and index petitions and municipal  
17 infraction citations affecting real estate as provided  
18 in sections 617.10 through 617.15.

19 Sec. 6. Section 617.10, subsection 1, Code 2009, is  
20 amended to read as follows:

21 1. When a petition or municipal infraction  
22 citation affecting real estate is filed, the clerk of  
23 the district court where the petition or municipal  
24 infraction citation is filed shall index the petition  
25 or municipal infraction citation in an index book  
26 under the tract number which describes the property,  
27 entering in each instance the case number as a guide  
28 to the record of court proceedings which affect the  
29 real estate. If the petition or municipal infraction  
30 citation is amended to include other parties or other  
31 lands, the amended petition or municipal infraction  
32 citation shall be similarly indexed. When a final  
33 result is determined in the case, the result shall be  
34 indicated in the index book wherever indexed.

35 Sec. 7. Section 617.12, Code 2009, is amended to  
36 read as follows:

37 **617.12 Exceptions.**

38 If the real property affected ~~be~~ is situated in  
39 the county where the petition or municipal infraction  
40 citation is filed it shall be unnecessary to show in  
41 said index lands not situated in said county.

42 Sec. 8. Section 657.1, subsection 1, Code 2009, is  
43 amended to read as follows:

44 1. Whatever is injurious to health, indecent, or  
45 unreasonably offensive to the senses, or an obstruction  
46 to the free use of property, so as essentially to  
47 interfere unreasonably with the comfortable enjoyment  
48 of life or property, is a nuisance, and a civil action  
49 by ordinary proceedings may be brought to enjoin and  
50 abate the nuisance and to recover damages sustained on

1 account of the nuisance. A petition filed under this  
2 subsection shall include the legal description of the  
3 real property upon which the nuisance is located unless  
4 the nuisance is not situated on or confined to a parcel  
5 of real property or is portable or capable of being  
6 removed from the real property.

7 Sec. 9. NEW SECTION. 657.2A Indexing of petition.

8 1. When a petition affecting real property is filed  
9 by a governmental entity under this chapter, the clerk  
10 of the district court shall index the petition pursuant  
11 to section 617.10, if the legal description of the  
12 affected property is included in or attached to the  
13 petition.

14 2. After filing the petition with the clerk of the  
15 district court, the governmental entity shall also file  
16 the petition in the office of the county treasurer.  
17 The county treasurer shall include a notation of the  
18 pendency of the action in the county system, as defined  
19 in section 445.1, until the judgment of the court is  
20 satisfied or until the action is dismissed. Pursuant  
21 to section 446.7, an affected property that is subject  
22 to a pending action shall not be offered for sale by  
23 the county treasurer at tax sale.

24 Sec. 10. Section 657A.2, subsection 1, Code 2009,  
25 is amended to read as follows:

26 1. A petition for abatement under this chapter  
27 may be filed in the district court of the county in  
28 which the property is located, by the city in which the  
29 property is located, by the county if the property is  
30 located outside the limits of a city, by a neighboring  
31 landowner, or by a duly organized nonprofit corporation  
32 which has as one of its goals the improvement of  
33 housing conditions in the county or city in which  
34 the property in question is located. A petition for  
35 abatement filed under this chapter shall include the  
36 legal description of the real property upon which the  
37 nuisance or dangerous or unsafe condition is located  
38 unless the nuisance or dangerous or unsafe condition  
39 is not situated on or confined to a parcel of real  
40 property or is portable or capable of being removed  
41 from the real property. Service on the owner shall  
42 be by personal service or by certified mail, or if  
43 service cannot be made by either method, by posting the  
44 notice in a conspicuous place on the building and by  
45 publication.

46 Sec. 11. Section 657A.10A, subsection 1, unnumbered  
47 paragraph 1, Code 2009, is amended to read as follows:

48 In lieu of the procedures in sections 657A.2 through  
49 657A.10, a city in which an abandoned building is  
50 located may petition the court to enter judgment

1 awarding title to the abandoned property to the city.  
2 A petition filed under this section shall include the  
3 legal description of the abandoned property. If more  
4 than one abandoned building is located on a parcel of  
5 real estate, the city may combine the actions into  
6 one petition. The owner of the building and grounds,  
7 mortgagees of record, lienholders of record, or other  
8 known persons who hold an interest in the property  
9 shall be named as respondents on the petition.

10 Sec. 12. Section 657A.10A, Code 2009, is amended by  
11 adding the following new subsection:

12 NEW SUBSECTION. 6. If a city files a petition  
13 under subsection 1, naming the holder of a tax  
14 sale certificate of purchase for the property as a  
15 respondent, the city shall also file the petition,  
16 along with a verified statement declaring that the  
17 property identified in the petition contains an  
18 abandoned building, with the county treasurer. Upon  
19 receiving the petition and verified statement, the  
20 county treasurer shall make an entry in the county  
21 system canceling the sale of the property and shall  
22 refund the purchase money to the tax sale certificate  
23 holder.

24 Sec. 13. NEW SECTION. 657A.12 Indexing of  
25 petition.

26 1. When a petition affecting real property is filed  
27 by a governmental entity under this chapter, the clerk  
28 of the district court shall index the petition pursuant  
29 to section 617.10, if the legal description of the  
30 affected property is included in or attached to the  
31 petition.

32 2. After filing the petition with the clerk of the  
33 district court, the governmental entity shall also file  
34 the petition in the office of the county treasurer.  
35 The county treasurer shall include a notation of the  
36 pendency of the action in the county system, as defined  
37 in section 445.1, until the judgment of the court is  
38 satisfied or until the action is dismissed. Pursuant  
39 to section 446.7, an affected property that is subject  
40 to a pending action shall not be offered for sale by  
41 the county treasurer at tax sale.>

42 2. Title page, line 3, after <property> by  
43 inserting <and requiring the county treasurer to  
44 withhold certain real property from tax sale>