

SENATE FILE 1038

FILED JAN 19 1972

By VAN GILST

forwarding 1-20-72, Page 2-27

Passed Senate, Date 3-13-72 Passed House, Date 3-25-72
Vote: Ayes 46 Nays 0 Vote: Ayes 72 Nays 11
Approved _____

A BILL FOR

1 An Act relating to eminent domain.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 Section 1. In any condemnation proceedings pending on
4 or filed subsequent to January 1, 1968, in any court of the
5 state, under chapter four hundred seventy-two (472) of the
6 Code, wherein the property owner has served a proper notice
7 of appeal on the applicant for condemnation within the statutory
8 period, but has failed to serve notice of appeal on a lien-
9 holder within the statutory period as required by section
10 four hundred seventy-two point eighteen (472.18) of the Code,
11 such failure shall not deprive the court of jurisdiction inso-
12 far as the property owner is concerned, unless a lienholder
13 can show prejudice thereby, and in such instances the appeal,
14 as it affects the property owner, is legalized and validated.
15 Any award of damages and judgment for costs, in any such
16 proceeding, which has been set aside or vacated, by reason
17 of the failure of the property owner to serve notice of appeal
18 on a lienholder within the statutory period required under
19 section four hundred seventy-two point eighteen (472.18) of
20 the Code, shall be reinstated by the court where such award
21 and judgment was entered after notice and hearing, as pre-
22 scribed by the court, and after a finding that such lienholder
23 will not be prejudiced thereby.

EXPLANATION

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25 The bill requires reinstatement by the courts of any award

1 of damages and judgment for costs which has been set aside
2 or vacated because the property owner failed to serve notice
3 of appeal to a lienholder, and the court finds that the lien-
4 holder will not be prejudiced by the award of damages and
5 costs. The bill applies to all awards of damages and judgments
6 for costs pending on or filed subsequent to January 1, 1968.

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10 1 Amend Senate File 1038, line 3, by adding after the word
11 2 "proceedings" the words "instituted by the state highway
12 3 commission and".

12 Filed By VAN GILST
13 March 7, 1972 *adapted* 13-13

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