

FILED MAY 4 1973

SENATE FILE 536

By COMMITTEE ON JUDICIARY

Passed Senate, Date 5-21-73 (1346) Passed House, Date 6-18-73 (2034)
Vote: Ayes 72 Nays 1 Vote: Ayes 73 Nays 0
Approved 7-12-73

A BILL FOR

1 An Act relating to court actions for the recovery of property.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section six hundred forty-three point five
2 (643.5), Code 1973, is amended by striking the section and
3 inserting in lieu thereof the following:

4 643.5 WRIT ISSUED. Upon direction of the court after
5 notice and opportunity for such hearing as it may prescribe,
6 the clerk shall issue a writ under his hand, and the seal of
7 the court, directed to the proper officer, requiring him to
8 take the property therein described and deliver it to the
9 plaintiff.

10 Sec. 2. Section six hundred forty-three point six (643.6),
11 Code 1973, is amended to read as follows:

12 643.6 FILING--PURPOSE OF BOND. Said A bond shall be filed
13 with the clerk, and be for the use of any person injured by
14 the proceeding.

15 Sec. 3. Section six hundred forty-three point seven (643.7),
16 Code 1973, is amended by striking the section and inserting in
17 lieu thereof the following:

18 643.7 BOND. When the plaintiff desires the immediate delivery
19 of the property, he shall execute a bond to the defendant, with
20 sureties to be approved by the clerk, in a penalty at least
21 equal to twice the value of the property sought to be taken,
22 conditioned that he will appear in court on or before the day
23 fixed in the original notice, and prosecute his action to judg-
24 ment, and return the property, if a return is awarded, and pay
25 all costs and damages that may be adjudged against him.

26 EXPLANATION

27 This bill requires a hearing before any property may be
28 seized pursuant to the replevin statutes, to accord with both
29 state and U.S. Supreme Court decisions.

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