

JUDICIARY: Varn, Chair, Mann and Drake

Dr. Pass 3/17/87 (p. 771)
See Judiciary 3/21/87
Dr. Pass 4/5/87 (p. 1231)

FILED FEB 23 1987

SENATE FILE 231
BY WELSH

Passed Senate, Date 3.23.87 (p. 860) Passed House, Date 4.13.87 (p. 1276)
Vote: Ayes 46 Nays 0 Vote: Ayes 93 Nays 0
Approved April 27, 1987 (p. 1541)

A BILL FOR

1 An Act relating to the date on which a pleading is considered
2 filed.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 231

1 Section 1. Section 602.8102, subsection 9, Code 1987, is
2 amended to read as follows:

3 9. Enter in the appearance docket a memorandum of the date
4 of filing of all petitions, demurrers, answers, motions, or
5 papers of any other description in the cause. A pleading of
6 any description is ~~not~~ considered filed ~~in-the-cause-or~~ when
7 the clerk entered the date the pleading was received on the
8 pleading and the pleading shall not be taken from the clerk's
9 office until the memorandum is made. The memorandum shall be
10 made before the end of the next working day. Thereafter, when
11 a demurrer or motion is sustained or overruled, a pleading is
12 made or amended, or the trial of the cause, rendition of the
13 verdict, entry of judgment, issuance of execution, or any
14 other act is done in the progress of the cause, a similar
15 memorandum shall be made of the action, including the date of
16 action and the number of the book and page of the record where
17 the entry is made. The appearance docket is an index of each
18 suit from its commencement to its conclusion.

19 EXPLANATION

20 This bill provides that any pleading filed with the clerk
21 of the district court is to be considered filed at the time
22 the file is stamped "received" by the clerk. The pleading is
23 not to be taken from the clerk's office until a memorandum of
24 the filing is made in the court's appearance docket.

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the entry is made. The appearance docket is an index of each suit from its commencement to its conclusion.

SENATE FILE 231

JO ANN ZIMMERMAN
President of the Senate

AN ACT

RELATING TO THE DATE ON WHICH A PLEADING IS CONSIDERED FILED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DONALD D. AVENSON
Speaker of the House

Section 1. Section 602.8102, subsection 9, Code 1987, is amended to read as follows:

I hereby certify that this bill originated in the Senate and is known as Senate File 231, Seventy-second General Assembly.

9. Enter in the appearance docket a memorandum of the date of filing of all petitions, demurrers, answers, motions, or papers of any other description in the cause. A pleading of any description is not considered filed ~~in-the-cause-or~~ when the clerk entered the date the pleading was received on the pleading and the pleading shall not be taken from the clerk's office until the memorandum is made. The memorandum shall be made before the end of the next working day. Thereafter, when a demurrer or motion is sustained or overruled, a pleading is made or amended, or the trial of the cause, rendition of the verdict, entry of judgment, issuance of execution, or any other act is done in the progress of the cause, a similar memorandum shall be made of the action, including the date of action and the number of the book and page of the record where

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1987

TERRY E. BRANSTAD
Governor

S.F. 231