

House Local Govt  
DO PASS 4-5-89 (p. 1297)

FILED FEB 08 1989

SENATE FILE 176  
BY MURPHY

Passed Senate, Date 3-27-89 (p. 1011) Passed House, Date 4-12-89 (p. 1520)  
Vote: Ayes 44 Nays 0 Vote: Ayes 92 Nays 0  
Approved 4-27-89 (p. 1740)

A BILL FOR

1 An Act relating to service of notice of expiration of the right  
2 of redemption from tax sales.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 176

1 Section 1. Section 447.9, Code 1989, is amended to read as  
2 follows:

3 447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION.

4 After two years and nine months from the date of sale, or  
5 after nine months from the date of a sale made under section  
6 446.18, 446.38 or 446.39, the holder of the certificate of  
7 purchase may cause to be served upon the person in possession  
8 of the real estate, and also upon the person in whose name the  
9 real estate is taxed, in the manner provided for the service  
10 of original notices in R.C.P. 56.1, if the person resides in  
11 Iowa, or otherwise as provided in section 446.9, subsection 1,  
12 a notice signed by the certificate holder or the certificate  
13 holder's agent or attorney, stating the date of sale, the  
14 description of the property sold, the name of the purchaser,  
15 and that the right of redemption will expire and a deed for  
16 the land be made unless redemption is made within ninety days  
17 from the completed service of the notice. When the notice is  
18 given by a county as a holder of a certificate of purchase the  
19 notice shall be signed by the county treasurer or the county  
20 attorney, and when given by a city, it shall be signed by the  
21 city officer designated by resolution of the council. When  
22 the notice is given by the Iowa finance authority or a city or  
23 county agency holding the property as part of an Iowa  
24 homesteading project, it shall be signed on behalf of the  
25 agency or authority by one of its officers, as authorized in  
26 rules of the agency or authority.

27 Service of the notice shall also be made by mail on any  
28 mortgagee having a lien upon the real estate, a vendor of the  
29 real estate under a recorded contract of sale, a lessor who  
30 has a recorded lease or memorandum of a recorded lease, and  
31 any other person who has an interest of record, at the  
32 person's last known address, if the mortgagee, vendor, lessor,  
33 or other person has filed a request for notice, as prescribed  
34 in section 446.9, subsection 3, and on the state of Iowa in  
35 case of an old-age assistance lien by service upon the state

1 department of human services. The notice shall also be served  
2 on any city where the real estate is situated.

3 Sec. 2. Section 447.12, Code 1989, is amended to read as  
4 follows:

5 447.12 WHEN SERVICE DEEMED COMPLETE -- PRESUMPTION.

6 Service is complete only after an affidavit has been filed  
7 with the treasurer, showing the making of the service, the  
8 manner of service, the time when and place where made, and  
9 under whose direction the service was made. The affidavit  
10 shall be made by the holder of the certificate or by the  
11 holder's agent or attorney, and in either of the latter cases  
12 stating that the affiant is the agent or attorney, of the  
13 holder of the certificate. The affidavit shall be filed by  
14 the treasurer and entered upon the sale book opposite the  
15 entry of the sale, and the record or affidavit is presumptive  
16 evidence of the completed service of the notice. The right of  
17 redemption shall not expire until ninety days after service is  
18 complete. When the property is held by a city or county, a  
19 city or county agency, or the Iowa finance authority, for use  
20 in an Iowa homesteading project, whether or not the property  
21 is the subject of a conditional conveyance granted under the  
22 project, the affidavit shall be made by the treasurer of the  
23 county or the county attorney, a city officer designated by  
24 resolution of the council, or on behalf of the agency or  
25 authority, by one of its officers as authorized in rules of  
26 the agency or authority.

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EXPLANATION

28 Under current law, a notice of expiration of redemption on  
29 a tax sale must be personally served upon the various parties  
30 with interest in the real estate. This bill requires personal  
31 service upon the owner and person in possession residing in  
32 the state and service by mail on owners outside of the state.  
33 Other parties are entitled to notice only if they have filed a  
34 request for notice in the original tax sale proceedings.  
35 Persons who cannot be served personally or by mail may be

1 served by publication under section 447.10.

2 This bill also allows the notice and affidavit to be signed  
3 by the county attorney.

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SENATE FILE 176

AN ACT  
RELATING TO SERVICE OF NOTICE OF EXPIRATION OF THE RIGHT  
OF REDEMPTION FROM TAX SALES.

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

Section 1. Section 447.9, Code 1989, is amended to read as follows:

447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION.

After two years and nine months from the date of sale, or after nine months from the date of a sale made under section 446.18, 446.38 or 446.39, the holder of the certificate of purchase may cause to be served upon the person in possession of the real estate, and also upon the person in whose name the real estate is taxed, in the manner provided for the service of original notices in R.C.P. 56.1, if the person resides in Iowa, or otherwise as provided in section 446.9, subsection 1, a notice signed by the certificate holder or the certificate holder's agent or attorney, stating the date of sale, the description of the property sold, the name of the purchaser, and that the right of redemption will expire and a deed for the land be made unless redemption is made within ninety days from the completed service of the notice. When the notice is given by a county as a holder of a certificate of purchase the notice shall be signed by the county treasurer or the county attorney, and when given by a city, it shall be signed by the city officer designated by resolution of the council. When the notice is given by the Iowa finance authority or a city or county agency holding the property as part of an Iowa homesteading project, it shall be signed on behalf of the

agency or authority by one of its officers, as authorized in rules of the agency or authority.

Service of the notice shall also be made by mail on any mortgagee having a lien upon the real estate, a vendor of the real estate under a recorded contract of sale, a lessor who has a recorded lease or memorandum of a recorded lease, and any other person who has an interest of record, at the person's last known address, if the mortgagee, vendor, lessor, or other person has filed a request for notice, as prescribed in section 446.9, subsection 3, and on the state of Iowa in case of an old-age assistance lien by service upon the state department of human services. The notice shall also be served on any city where the real estate is situated.

Sec. 2. Section 447.12, Code 1989, is amended to read as follows:

447.12 WHEN SERVICE DEEMED COMPLETE -- PRESUMPTION.

Service is complete only after an affidavit has been filed with the treasurer, showing the making of the service, the manner of service, the time when and place where made, and under whose direction the service was made. The affidavit shall be made by the holder of the certificate or by the holder's agent or attorney, and in either of the latter cases stating that the affiant is the agent or attorney of the holder of the certificate. The affidavit shall be filed by the treasurer and entered upon the sale book opposite the entry of the sale, and the record or affidavit is presumptive evidence of the completed service of the notice. The right of redemption shall not expire until ninety days after service is complete. When the property is held by a city or county, a city or county agency, or the Iowa finance authority, for use in an Iowa homesteading project, whether or not the property is the subject of a conditional conveyance granted under the

project, the affidavit shall be made by the treasurer of the county or the county attorney, a city officer designated by resolution of the council, or on behalf of the agency or authority, by one of its officers as authorized in rules of the agency or authority.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 176, Seventy-third General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved 4/27, 1989

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TERRY E. BRANSTAD  
Governor

**SF 176**