

Sen. Jud., to Pass 3/20/92

JAN 21 1991

HOUSE FILE 52

Judiciary & Law Enforcement  
Amend (5164) to H. Res. 2/28/92 (p. 382)

BY CHAPMAN

Passed House, Date 1/15/92 (p. 451) Passed Senate, Date 3/30/92 (p. 1035)  
Vote: Ayes 76 Nays 0 Vote: Ayes 49 Nays 1

Approved April 7, 1992 (p. 1280)  
*motion to reconsider (p. 1280)*  
*12/1/92*

A BILL FOR

1 An Act relating to sheriffs' fees in garnishment proceedings.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 52

H-5164

- 1 Amend House File 52 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "clerk." the following: "The officer may collect the
- 4 officer's costs over and above the execution amount
- 5 which includes the amount of judgment and court
- 6 costs."
- 7 2. Page 1, line 21, by inserting after the word
- 8 "court." the following: "The sheriff may collect the
- 9 sheriff's costs over and above the money attached and
- 10 any associated court costs."

By COMMITTEE ON JUDICIARY AND LAW  
ENFORCEMENT  
JAY of Appanoose, Chairperson

H-5164 FILED FEBRUARY 28, 1992

*Law 3/5/92 (p. 450)*

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HF 52

1 Section 1. Rule of civil procedure 258, Iowa court rules,  
2 third edition, is amended to read as follows:

3 258. EXECUTION -- DUTY OF OFFICER. An officer receiving  
4 an execution must execute it with diligence. He The officer  
5 shall levy on such property of the judgment debtor as is  
6 likely to bring the exact amount, as nearly as practicable.  
7 He The officer may make successive levies if necessary. He  
8 The officer shall collect the things in action, by suit in his  
9 the officer's own name if need be, or sell them. He The  
10 officer shall sell sufficient property levied on and garnish  
11 sufficient funds, or property of sufficient value, to satisfy  
12 the execution, paying the proceeds, less ~~his~~ the officer's own  
13 costs, to the clerk.

14 Sec. 2. Section 639.35, Code 1991, is amended to read as  
15 follows:

16 639.35 MONEY PAID CLERK.

17 ~~All-money~~ Money attached by the sheriff, or coming into the  
18 sheriff's hands by virtue of the attachment, shall forthwith  
19 be paid over, less the sheriff's costs, to the clerk, ~~to be by~~  
20 ~~the.~~ The clerk retained-till-the-further-action-of shall  
21 retain the money until directed otherwise by the court.

22 EXPLANATION

23 This bill authorizes the sheriff to collect the sheriff's  
24 costs in garnishment proceedings prior to paying the proceeds  
25 from the garnishment proceedings to the clerk of the district  
26 court.

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~~the. The clerk retained-till-the-further-action-of shall~~  
retain the money until directed otherwise by the court.

HOUSE FILE 52

AN ACT

RELATING TO SHERIFFS' FEES IN GARNISHMENT PROCEEDINGS.

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

Section 1. Rule of civil procedure 258, Iowa court rules, third edition, is amended to read as follows:

258. EXECUTION -- DUTY OF OFFICER. An officer receiving an execution must execute it with diligence. He The officer shall levy on such property of the judgment debtor as is likely to bring the exact amount, as nearly as practicable. He The officer may make successive levies if necessary. He The officer shall collect the things in action, by suit in his the officer's own name if need be, or sell them. He The officer shall sell sufficient property levied on and garnish sufficient funds, or property of sufficient value, to satisfy the execution, paying the proceeds, less his the officer's own costs, to the clerk.

Sec. 2. Section 639.35, Code 1991, is amended to read as follows:

639.35 MONEY PAID CLERK.

~~All-money Money~~ attached by the sheriff, or coming into the sheriff's hands by virtue of the attachment, shall forthwith be paid over, less the sheriff's costs, to the clerk, ~~to-be-by~~

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ROBERT C. ARNOULD  
Speaker of the House

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MICHAEL E. GRONSTAL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 52, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 9, 1992

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TERRY F. BRANSTAD  
Governor

HF 52