

Senate Study Bill 307

Conference Committee Text

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1 1 Section 1. Section [420.239](#), Code 1995, is amended to read
1 2 as follows:

1 3 420.239 CERTIFICATE OF REDEMPTION.

1 4 The treasurer, collector, or person authorized to receive
1 5 the same, upon application of any party to redeem real
1 6 property sold as aforesaid, and being satisfied that such
1 7 person has a right to redeem the same, and on payment of the
1 8 proper amount, shall issue to such party a certificate of
1 9 redemption, in substance and form as provided for the
1 10 redemption of property sold for state and county taxes,

~~and~~

1 11

~~shall make proper entry thereof in the sale book,~~

~~which~~

1 12 redemption shall thereupon be deemed complete without further
1 13 proceedings.

1 14 Sec. 2. Section [602.8102](#), subsection 44, Code 1995, is
1 15 amended to read as follows:

1 16 44.

~~Certify~~

~~Forward~~ to the superintendent of each

1 17 correctional institution a copy of the sheriff's certification
1 18 concerning the number of days that have been credited toward
1 19 completion of an inmate's sentence as provided in section
1 20 903A.5.

1 21 Sec. 3. Section [602.8105](#), subsection 1, Code 1995, is
1 22 amended by adding the following new paragraph:

1 23 NEW PARAGRAPH. f. For a motion to show cause in a civil
1 24 case, twenty-five dollars.

1 25 Sec. 4. Section [626.10](#), Code 1995, is amended to read as
1 26 follows:

1 27 626.10 DUPLICATE RETURNS AND RECORD.

1 28 If real estate is sold under said execution

~~said~~

~~the~~

1 29 officer shall make return thereof in duplicate, one of which
1 30 shall be appended to the execution and returned to the court
1 31 from which it is issued, the other with a copy of the
1 32 execution to the district court of the county in which

~~said~~

1 33 the real estate is situated, which shall be filed by the clerk
1 34

~~who shall make entries thereof in the sale book~~

~~and handled in~~

1 35 the same manner as if such judgment had been rendered and
2 1 execution issued from

~~said~~

- ~~the~~ court.

2 2 Sec. 5. Section [628.13](#), unnumbered paragraph 2, Code 1995,
2 3 is amended to read as follows:
2 4 Redemption may also be made by the titleholder presenting
2 5 to the clerk of the district court ~~the~~ sheriff's certificate
2 6 of sale properly assigned to the titleholder, whereupon the
2 7 clerk of the district court shall cancel the

~~said~~

- certificate
2 8

~~and enter full redemption in the sale book~~

-

2 9 Sec. 6. Section [628.20](#), Code 1995, is amended to read as
2 10 follows:
2 11 628.20 EXCESS PAYMENT &endash;

~~ENTRY AND~~

- CREDIT.

2 12 If the amount paid to the clerk is in excess of the prior
2 13 bid and liens, the clerk shall refund the excess to the party
2 14 paying the

~~same, and enter each such redemption made by a~~

-

2 15

~~lienholder upon the sale book, and~~

- ~~amount. If the clerk is~~

2 16 the clerk of the district court where the judgment giving rise
2 17 to the lien was entered, the clerk shall credit upon the lien

~~,~~

-

2 18

~~if a judgment in the court of which the clerk is clerk,~~

- the

2 19 full amount thereof, including interest and costs, or such
2 20 less amount as the lienholder is willing to credit therein, as
2 21 shown by the affidavit filed.

2 22 Sec. 7. Section [633.301](#), Code 1995, is amended to read as
2 23 follows:

2 24 633.301 COPY OF WILL FOR EXECUTOR.

2 25 When a will has been admitted to probate and certified
2 26 pursuant to section 633.300, the clerk shall

~~cause an~~

-

2 27

~~authenticated~~

- provide a copy

~~thereof~~

- to

~~be placed in the hands~~

-

2 28

~~of~~

- the executor to whom letters are issued. The clerk shall

2 29 provide an authenticated copy to the executor upon request.

2 30 The clerk shall retain the will in a separate file provided

2 31 for that purpose until the time for contest has expired, and

2 32 promptly thereafter shall place it with the files of the
2 33 estate.
2 34 Sec. 8. Section [811.4](#), Code 1995, is amended to read as
2 35 follows:
3 1 811.4 UNDERTAKING OF BAIL AS LIENS ON REAL ESTATE.
3 2 Undertakings of bail, immediately after

~~such~~

~~the~~

3 3 undertakings are filed with the clerk of the district court,
3 4 shall be docketed as liens on real estate, entered upon the
3 5 lien index as required for judgments in civil cases, and from
3 6 the time of

~~such~~

~~the~~ entries, shall be liens upon real estate
3 7 of the

~~persons~~

~~defendant~~ executing the same. Attested copies
3 8 of

~~such~~

~~the~~ undertakings may be filed in the office of the
3 9 clerk of the district court of the county in which the real
3 10 estate is situated, in the same manner and with like effect as
3 11 attested copies of civil judgments, and shall be immediately
3 12 docketed and indexed in the same manner.

3 13 Sec. 9. Section [903A.5](#), unnumbered paragraph 1, Code 1995,
3 14 is amended to read as follows:

3 15 An inmate shall not be discharged from the custody of the
3 16 director of the Iowa department of corrections until the
3 17 inmate has served the full term for which the inmate was
3 18 sentenced, less good conduct time earned and not forfeited,
3 19 unless the inmate is pardoned or otherwise legally released.
3 20 Good conduct time earned and not forfeited shall apply to
3 21 reduce a mandatory minimum sentence being served pursuant to
3 22 section 124.406, 124.413, 902.7, 902.8, or 902.11. An inmate
3 23 shall be deemed to be serving the sentence from the day on
3 24 which the inmate is received into the institution. However,
3 25 if an inmate was confined to a county jail or other
3 26 correctional or mental facility at any time prior to
3 27 sentencing, or after sentencing but prior to the case having
3 28 been decided on appeal, because of failure to furnish bail or
3 29 because of being charged with a nonbailable offense, the
3 30 inmate shall be given credit for the days already served upon
3 31 the term of the sentence. The

~~clerk of the district court~~

~~from~~
3 32 sheriff of the county

~~from~~

~~in~~ which the inmate was

~~sentenced,~~

~~warden~~
3 33 confined shall certify to the

~~warden~~

~~clerk of the district~~

3 34 court from which the inmate was sentenced the number of days
3 35 so served. The clerk of the district court shall forward a
4 1 copy of the certification of the days served to the warden.

4 2 EXPLANATION

4 3 Sections 1 and 4 through 6 of this bill eliminate the
4 4 requirements of the clerk of the district court and certain

4 5 local officials to enter certain actions relating to
4 6 redemption of property in the sale book. Section 602.8104
4 7 does not require the court to maintain a sheriff's sale book.
4 8 Section 3 of this bill requires a \$25 fee payable to the
4 9 clerk of the district court for filing a motion to show cause
4 10 in a civil case.

4 11 Section 7 of the bill requires the clerk of the district
4 12 court to provide an executor an authenticated copy of the will
4 13 only upon request. The clerk is still required to provide the
4 14 executor with a copy of the will.

4 15 Section 8 of the bill provides that undertakings of bail
4 16 shall only be liens upon the real estate of the defendant and
4 17 not also on the real estate of surety companies executing bail
4 18 bonds.

4 19 Sections 2 and 9 of the bill require that the sheriff
4 20 certify the amount of time an inmate has served in a county
4 21 jail or other correctional facility prior to sentencing or
4 22 after sentencing but prior to a decision on appeal. The clerk
4 23 of the district court of the county from which the inmate was
4 24 sentenced shall forward this certification to the warden.
4 25 Current law requires the clerk to certify the days served to
4 26 the warden.

4 27 LSB 1896SC 76

4 28 ec/jw/5