

JAN 12 1998  
JUDICIARY

HOUSE FILE 2004  
BY BRAUNS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing a procedure for entry of a memorandum of  
2 satisfaction of judgment by a clerk of court when a judgment  
3 creditor cannot be located.

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

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*HF 2004*

1 Section 1. Section 624.37, Code 1997, is amended to read  
2 as follows:

3 624.37 SATISFACTION OF JUDGMENT ---PENALTY.

4 1. When the amount due upon judgment is paid off, or  
5 satisfied in full, the party entitled to the proceeds thereof,  
6 or those acting for that party, must acknowledge satisfaction  
7 thereof upon the record of such judgment, or by the execution  
8 of an instrument referring to it, duly acknowledged and filed  
9 in the office of the clerk in every county wherein the  
10 judgment is a lien. A failure to do so within thirty days  
11 after having been requested in writing shall subject the  
12 delinquent party to a penalty of one hundred dollars plus  
13 reasonable attorney fees incurred by the party aggrieved, to  
14 be recovered in an action for the satisfaction or  
15 acknowledgment by the party aggrieved.

16 2. If the judgment creditor cannot be located within the  
17 thirty-day period described in subsection 1 in order to  
18 acknowledge satisfaction of the judgment, the judgment debtor  
19 may file a motion in the court that rendered the original  
20 judgment requesting the court to order the clerk of court to  
21 enter a memorandum of satisfaction. The judgment debtor shall  
22 attach an affidavit to the motion from the clerk of court,  
23 showing that payment in full of the amount due has been  
24 tendered to the clerk, and that diligent efforts have been  
25 made to contact the judgment creditor. The judge shall rule  
26 on the motion according to rule of civil procedure 256 and  
27 enter appropriate orders, including direction to the clerk of  
28 court to enter the memorandum of satisfaction and to deposit  
29 the tendered funds in a trust account for the benefit of the  
30 judgment creditor. If those funds remain unclaimed for the  
31 requisite period of time, they shall be subject to disposition  
32 according to section 556.8.

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#### EXPLANATION

34 This bill amends Code section 624.37 to provide an express  
35 procedure for entry of a satisfaction of judgment when the

1 judgment creditor cannot be located. The judgment debtor must  
2 file a motion with the court and attach an affidavit from the  
3 clerk of court showing that payment in full has been tendered  
4 and that diligent efforts have been made to contact the  
5 judgment creditor. The court, in accordance with rule of  
6 civil procedure 256, shall rule "according to the  
7 circumstances" and shall enter orders as appropriate,  
8 including direction to the clerk to enter the memorandum of  
9 satisfaction and to place the funds in trust for the judgment  
10 creditor. The funds, if unclaimed for two years, would be  
11 subject to disposition as abandoned property under Code  
12 section 556.8.

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