

FEB 19 2004
JUDICIARY

HOUSE FILE 2320
BY HOGG and LUKAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to disposition of an award of damages in a
2 condemnation proceeding pending appeal of the award to
3 district court.

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

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HF 2320

1 Section 1. Section 6B.23, Code 2003, is amended to read as
2 follows:

3 6B.23 QUESTION DETERMINED.

4 On the trial of the appeal, no judgment shall be rendered
5 except for costs and allocation of interest earned pursuant to
6 section 6B.25, but the amount of damages shall be ascertained
7 and entered of record.

8 Sec. 2. Section 6B.25, Code 2003, is amended by adding the
9 following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. If an award of damages is
11 appealed to district court, the amount deposited with the
12 sheriff, less the amount paid by the sheriff to the claimant,
13 shall be transferred to the clerk of district court where the
14 appeal was filed and the clerk shall deposit the money in an
15 interest-bearing account. The district court in its judgment
16 rendered pursuant to section 6B.23 shall determine which party
17 is to receive the interest earned on the account.

18 EXPLANATION

19 This bill provides that when an award of damages in a
20 condemnation proceeding is appealed to district court, the
21 sheriff shall transfer to the clerk of district court where
22 the appeal is taken the balance of the damages award not paid
23 to the claimant. The bill requires the clerk of district
24 court to deposit the balance of the award in an interest-
25 bearing account. The bill provides that the district court,
26 when rendering judgment on assessment of court costs, shall
27 also determine which party is to receive the interest earned
28 on the account.

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