

MAR 8 2004
Place On Calendar

HOUSE FILE 2504
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2022)

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

A BILL FOR

1 An Act relating to the statute of limitations relative to a
2 judgment of distribution of marital assets involving fraud.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2504

HOUSE FILE 2504

H-8228

1 Amend House File 2504 as follows:
2 1. Page 1, line 24, by striking the letter "a",
3 and inserting the following: "a".
4 2. Page 1, by striking line 28, and inserting the
5 following: "person benefiting from the fraud within
6 five years after the cause accrues, or afterwards
7 within one year of the".

By BOAL of Polk

H-8228 FILED MARCH 11, 2004

1 Section 1. NEW SECTION. 598.21B STATUTE OF LIMITATIONS
2 -- FRAUD -- JUDGMENT OF DISTRIBUTION OF MARITAL ASSETS.

3 The statute of limitations provisions established in
4 chapter 614 shall apply to actions brought for relief on the
5 ground of fraud relative to a judgment of distribution of
6 marital assets.

7 Sec. 2. Section 614.1, subsections 4 and 6, Code
8 Supplement 2003, are amended to read as follows:

9 4. UNWRITTEN CONTRACTS -- INJURIES TO PROPERTY -- FRAUD --
10 OTHER ACTIONS. Those founded on unwritten contracts, those
11 brought for injuries to property, or for relief on the ground
12 of fraud in cases heretofore solely cognizable in a court of
13 chancery, and all other actions not otherwise provided for in
14 this respect, within five years, except as provided by
15 subsections 6, 8, and 10.

16 6. JUDGMENTS OF COURTS OF RECORD.

17 a. Those founded on a judgment of a court of record,
18 whether of this or of any other of the United States, or of
19 the federal courts of the United States, within twenty years,
20 except that a time period limitation shall not apply to an
21 action to recover a judgment for child support, spousal
22 support, or a judgment of distribution of marital assets
23 except as provided in paragraph "b".

24 b. Notwithstanding paragraph "a" if fraud has been
25 perpetrated in connection with a judgment of distribution of
26 marital assets, an action may be brought for relief by the
27 person aggrieved against the perpetrator of the fraud or any
28 person benefiting from the fraud only within one year of the
29 discovery of the fraud as provided in section 614.4.

30 EXPLANATION

31 This bill provides that if an action is brought based on
32 fraud relative to a judgment of distribution of marital
33 assets, the action may only be brought within one year of
34 discovery of the party by the party aggrieved. Currently, a
35 time period limitation does not apply to any actions to

1 recover a judgment of distribution of marital assets and an
2 action for relief based upon the ground of fraud may only be
3 brought within five years from the time the cause of action
4 accrues.

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