

CHAPTER 102

FEES

H. F. 357

AN ACT to repeal paragraph seven (7) of section 1, chapter 49, acts of the thirty-seventh general assembly (C. C. 3206), relating to the fees of the sheriff for collecting and paying over money, and providing for refund in certain cases.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Repeal.** That paragraph seven (7) of section one (1)
2 chapter 49, acts of the thirty-seventh general assembly (C. C. 3206),
3 is hereby repealed.

1 **SEC. 2. Renumbering paragraphs.** Section one (1) of chapter
2 forty-nine (49) acts of the thirty-seventh (37) general assembly is
3 amended by renumbering paragraphs eight (8) to eighteen (18),
4 inclusive, as seven (7) to seventeen (17), inclusive.

1 **SEC. 3. Retroactive effect.** Where property has heretofore been
2 sold at sheriff's sale and the time of redemption has not yet expired
3 and the debtor, or other lien holder, redeems from the sale, the
4 county shall refund to the debtor, or whoever redeems, the fees col-
5 lected by the sheriff at the time of sale under the law repealed by
6 section 1 of this act, or if the property is not redeemed, then the
7 county shall refund said fee to the holder of the certificate of sale
8 at the time the redemption period expires.

1 **SEC. 4. Publication clause.** This act being deemed of immediate
2 importance shall take effect and be in full force and effect after its
3 publication in the Des Moines Register and the Des Moines Capital,
4 newspapers published in Des Moines, Iowa.

Approved March 15, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital
March 17, 1923, and the Des Moines Register March 18, 1923.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 103

COUNTY SHERIFF

S. F. 406

AN ACT relating to and requiring sheriffs to make reports of all monies received from or through condemnation proceedings and to pay such funds to county treasurers or the successor in office of such sheriff and requiring such treasurers and successors to account for the same.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Condemnation funds—accounting.** That on or before
2 the first day of January in each year the sheriff of each county in

3 Iowa having any condemnation funds in his possession shall make a
4 detailed report under oath of all funds in his possession received
5 from condemnation proceedings of any kind that have been finally
6 adjudicated, reciting therein the names of the parties to whom said
7 funds belong, when received, and describing the property condemned,
8 which report shall be filed with the county treasurer, and the sum so
9 shown due from such sheriff paid over to the county treasurer, who
10 shall make a detailed receipt therefor.

1 **SEC. 2. Nonadjudicated cases.** Every sheriff having any condem-
2 nation funds in his possession in cases not finally adjudicated, shall
3 make a further report of funds received by him in such cases, in
4 detail as called for in section one hereof and file the same with the
5 county auditor for examination and checking by the board of super-
6 visors, and where any sheriff's term is expiring he shall pay
7 such condemnation funds in cases not finally adjudicated to his suc-
8 cessor in office, taking his receipt therefor.

1 **SEC. 3. Present cases.** The sheriff of any county in Iowa, whose
2 term has expired, and who has such condemnation funds in his
3 possession not turned over to his successor, shall make the reports
4 provided for in sections one and two hereof, and pay over such funds
5 to such county treasurer or his successor in office as the case may be
6 within thirty days (30) after the passage of this act.

1 **SEC. 4. Disbursement of funds.** The county treasurer receiving
2 such funds shall enter the same in detail in a book kept for that pur-
3 pose, listing the names of the parties to whom such funds are due,
4 description of property condemned and amount of each item so due,
5 and the same shall be paid out by him to the parties to whom the
6 same is due, upon warrants ordered by the board of supervisors and
7 issued by the county auditor, drawn upon said condemnation fund,
8 and shall not be payable out of any other fund. And such county
9 treasurer and his sureties shall be liable for such funds the same as
10 for other funds received in his official capacity.

1 **SEC. 5. Disbursement or deposit by sheriff.** Any sheriff receiving
2 funds as provided in section two hereof shall list the same in detail in
3 a book kept for that purpose, and pay the same to the parties entitled
4 thereto, upon final adjudication of such cases, or if held, after final
5 adjudication until the end of the calendar year to the county treasurer
6 as provided in paragraph one hereof.

1 **SEC. 6. Interpretation clause.** Nothing contained in this act shall
2 be construed as relieving such sheriffs or ex-sheriffs or the sureties
3 on their bonds from liability for such funds so received by them until
4 such payment has been made to the county treasurer or successor in
5 office as herein provided.

1 **SEC. 7. Publication clause.** This act being deemed of immediate
2 importance, shall take effect and be in force from and after its pub-
3 lication in the Des Moines Register and the Des Moines Capital, news-
4 papers published in Des Moines, Iowa.

Approved April 10, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital
April 11, 1923, and the Des Moines Register April 12, 1923.

W. C. RAMSAY, *Secretary of State.*