

CHAPTER 213

ASSESSMENT OF COSTS IN CONDEMNATION PROCEEDINGS

AN ACT to amend section seventy-eight hundred forty-one (7841) of the code, 1927, relating to the trial of appeals from the awards of commissioners in condemnation proceedings; and to amend section seventy-eight hundred fifty-two (7852) of the code, 1927, relating to the assessment of costs and attorney fees in condemnation proceedings.

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

1 SECTION 1. Section seventy-eight hundred forty-one (7841) of
2 the code, 1927, is hereby amended by adding thereto at the end of
3 said section and after the word "proceedings" in line seven (7) the
4 following: A written petition shall be filed by the plaintiff on or
5 before the 1st day of the term to which the appeal is taken, stating
6 specifically the items of damage and the amount thereof. The de-
7 fendant shall file a written answer to plaintiff's petition, or such other
8 pleadings as may be proper.

1 SEC. 2. Section seven thousand eight hundred fifty-two (7852) of
2 the code, 1927, is amended by adding at the end of said section the
3 following: "Provided that in all cases in which the state of Iowa is
4 the applicant, no attorney fee shall be taxed."

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Boone
3 News Republican, a newspaper published in Boone, Iowa, and the
4 Madrid Register-News, a newspaper published in Madrid, Iowa.

House File No. 267. Approved April 12, A. D. 1929.

I hereby certify that the foregoing act was published in the Boone News Republican
April 16, 1929, and the Madrid Register-News April 18, 1929.

ED. M. SMITH, *Secretary of State.*

CHAPTER 214

GUARDIANSHIP OF VETERANS

AN ACT concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans.

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

1 SECTION 1. As used in this act, the term "person" includes a part-
2 nership, corporation or an association.

3 The term "bureau" means the United States veterans' bureau or
4 its successor.

5 The terms "estate" and "income" shall include only moneys re-
6 ceived by the guardian from the bureau and all earnings, interest and
7 profits derived therefrom.

8 The term "benefits" shall mean all moneys payable by the United
9 States through the bureau.

10 The term "director" means the director of the United States vet-
11 erans' bureau or his successor.

12 The term "ward" means a beneficiary of the bureau.

13 The term "guardian" shall mean any person acting as a fiduciary
14 for a ward.

1 SEC. 2. Whenever pursuant to any law of the United States or
2 regulation of the bureau, the director requires, prior to payment of
3 benefits, that a guardian be appointed for a ward, such appointment
4 shall be made in the manner hereinafter provided.

1 SEC. 3. A petition for the appointment of a guardian for an incom-
2 petent ward may be filed in the district court of the county of which
3 he is an inhabitant.

4 The petition shall set forth:

5 1. The name, age, and place of residence of the ward, and the
6 name and address of the person or institution, if any, having actual
7 custody of the ward.

8 2. The name and place of residence of the nearest known relative
9 of the ward.

10 3. The fact that the ward is entitled to receive moneys payable
11 by or through the bureau, and the amount thereof then due and the
12 amount of probable future payments.

13 4. The fact that the ward has been rated incompetent on exami-
14 nation by the bureau in accordance with the laws and regulations
15 governing the bureau.

1 SEC. 4. Notice of the commencement of the action shall be served
2 upon the ward as provided by chapter 489, code of Iowa, 1927.

1 SEC. 5. A temporary guardian may be appointed as provided by
2 section 12620, code of Iowa, 1927.

1 SEC. 6. Trial shall be had as provided by section 12621, code of
2 Iowa, 1927.

1 SEC. 7. Upon trial of an issue arising upon a prayer for the appoint-
2 ment of either a temporary or permanent guardian, a certificate of
3 the director, or his representative, setting forth the fact that the de-
4 fendant ward has been rated incompetent by the bureau on examina-
5 tion in accordance with the laws and regulations governing the
6 bureau; and that the appointment of a guardian is a condition prece-
7 dent to the payment of any moneys due such person by the bureau,
8 shall be prima facie evidence of the necessity for such appointment,
9 and the court may appoint a guardian for the property of such
10 person.

1 SEC. 8. Guardians for the estate of minor wards may be appointed
2 as provided by chapter 539, code of Iowa, 1927.

1 SEC. 9. Upon appointment the guardian shall execute and file a
2 bond as provided in the case of guardians of minors in sections 12577
3 and 12578, and chapter 551, code of Iowa, 1927. The court shall have
4 power from time to time to require the guardian to file an additional
5 bond.

1 SEC. 10. Except as hereinafter provided it shall be unlawful for

2 any person to accept appointment as guardian of any ward if such
3 proposed guardian shall at that time be acting as guardian for ten
4 wards. In any case, upon presentation of a petition by an attorney
5 of the bureau under this section alleging that a guardian is acting
6 in a fiduciary capacity for more than ten wards and requesting his
7 discharge for that reason, the court, upon proof substantiating the
8 petition, shall require a final accounting forthwith from such guardian
9 and shall discharge such guardian in said case.

10 The limitations of this section shall not apply where the guardian
11 is a bank or trust company acting for the estate only and not for the
12 person of the ward. An individual may be guardian of more than
13 ten wards if they are all members of the same family.

1 SEC. 11. Every guardian who shall receive on account of his ward
2 any moneys from the bureau shall file with the court annually, on the
3 anniversary date of the appointment, in addition to such other ac-
4 counts as may be required by the court, a full, true and accurate ac-
5 count under oath of all moneys so received by him, of all disburse-
6 ments thereof, and showing the balance thereof in his hands at the
7 date of such account and how invested.

8 The court, or a judge thereof, shall fix a time and place for the
9 hearing on such account not less than fifteen and not more than thirty
10 days from the date of filing same, and notice thereof by registered
11 mail shall be given by the guardian to the proper office of the bureau
12 not less than fifteen days prior to the date fixed for the hearing,
13 which notice shall include a true copy of the accounting.

1 SEC. 12. If any guardian shall fail to file an account of the moneys
2 received by him from the bureau on account of his ward within thirty
3 days after such account is required by either the court or the bureau,
4 or shall fail to furnish the bureau a copy of his accounts as required
5 by this act, such failure shall be grounds for removal; provided, how-
6 ever, that the court shall have in addition hereto the same authority
7 to impose penalties and to remove guardians for cause as provided in
8 the general guardianship laws of this state.

1 SEC. 13. Compensation payable to guardians shall not exceed five
2 per centum of the income of the ward during any year. In the event
3 of extraordinary services rendered by such guardian the court may,
4 upon petition and after hearing thereon, authorize additional com-
5 pensation therefor, payable from the estate of the ward. Notice of
6 such petition and hearing shall be given the proper office of the bureau
7 in the manner provided in section 11. No compensation shall be
8 allowed on the corpus of an estate received from a preceding guardian.
9 The guardian may be allowed from the estate of his ward reasonable
10 premiums paid by him to any corporate surety upon his bond.

1 SEC. 14. Every guardian shall invest the funds of the estate under
2 order of court, in such securities, in which the guardian has no in-
3 terest, as authorized by section 12772, code of Iowa, 1927.

1 SEC. 15. A guardian shall not apply any portion of the estate of
2 his ward for the support and maintenance of any person other than
3 his ward, except upon order of the court after a hearing, notice of

4 which has been given the proper office of the bureau in the manner
5 provided in section 11.

1 SEC. 16. This act shall be construed liberally to secure the bene-
2 ficial intent and purpose thereof, and shall apply only to beneficiaries
3 of the bureau.

1 SEC. 17. This act may be cited as the "Uniform Veterans' Guard-
2 ianship Act."

1 SEC. 18. This act shall be so interpreted and construed as to ef-
2 fectuate its general purpose to make uniform the law of those states
3 which enact it.

1 SEC. 19. The invalidity of any portion of this act shall not affect
2 the validity of any other portion thereof which can be given effect
3 without such invalid part.

1 SEC. 20. All laws or parts of laws relating to beneficiaries of the
2 bureau inconsistent with this act are hereby repealed.

3 Guardians appointed under this act shall be subject to the general
4 guardianship law of the state except insofar as the same is modified
5 by this act.

6 Insofar as it may be applicable, this act shall apply to guardians
7 of bureau beneficiaries heretofore or hereafter appointed under the
8 general laws of the state.

1 SEC. 21. This act shall not be construed to require dual guardian-
2 ship proceedings of the property of the same person, but when a
3 guardian is such both as to moneys paid by the United States through
4 the bureau and as to other property of the ward, the accounts of the
5 moneys received through the bureau shall be kept separate and apart
6 from the accounts of other property.

Senate File No. 33. Approved April 16, A. D. 1929.

CHAPTER 215

REAL ESTATE BROKERS

AN ACT to define, regulate, and license real estate brokers and real estate salesmen;
to create a state real estate commissioner; and to provide a penalty for a violation
of the provisions thereof.

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

1 SECTION 1. That on and after January 1, 1930, it shall be unlaw-
2 ful for any person, copartnership, association or corporation, to act
3 as a real estate broker or real estate salesman, or to advertise or
4 assume to act as such real estate broker or real estate salesman,
5 without a license issued by the Iowa real estate commissioner.

6 No copartnership, association, or corporation shall be granted a
7 license, unless every member or officer of such copartnership, asso-
8 ciation or corporation, who actively participates in the brokerage
9 business of such copartnership, association or corporation, shall hold
10 a license as a real estate broker, and unless every employee who acts
11 as a salesman for such copartnership, association or corporation
12 shall hold a license as a real estate salesman.