

3 the provisions of chapter one hundred seventy-seven (177), acts of the  
4 Forty-fifth General Assembly.

1 "SEC. 5. Whenever the debtor claims the additional exemptions pro-  
2 vided for in this act, the officer or person having the execution or writ  
3 of attachment or other process for service shall select one appraiser, the  
4 debtor shall select another and these two appraisers shall select a third.  
5 These appraisers shall fix the value of the property claimed by the  
6 debtor to be exempted under provisions of this act.

1 "SEC. 6. The provisions of this act shall not apply to executions or  
2 attachments that were levied on or before the sixteenth day of March,  
3 1933, upon any property provided for in chapter one hundred seventy-  
4 seven (177) of the acts of the Forty-fifth General Assembly of Iowa,  
5 nor shall it affect the remedies for existing obligations as against prop-  
6 erty then in existenee, except household goods not to exceed one hun-  
7 dred (100) dollars in value, as provided in section three (3) of this act.

1 "SEC. 7. All acts, and parts of acts, in conflict with the provisions of  
2 this act are suspended during the period this act is in effect.

1 "SEC. 8. If any portion of this act is held to be unconstitutional or  
2 invalid, such decision shall not affect the validity of the remaining por-  
3 tions of this act."

1 SEC. 9. This act being deemed of immediate importance shall be-  
2 come effective from and after its publication in the Adams County Free  
3 Press, a newspaper published in Corning, Adams County, Iowa, and in  
4 the Bedford Times-Press, a newspaper published in Bedford, Taylor  
5 County, Iowa.

Senate File 57. Approved February 7, 1935.

I hereby certify that the foregoing act was published in the Adams County Free  
Press and the Bedford Times-Press, February 14, 1935.

MRS. ALEX MILLER, *Secretary of State.*

## CHAPTER 110

### EXTENSION OF REDEMPTION PERIOD

H. F. 84

AN EMERGENCY ACT relating to the extension of the redemption period from the  
sale under foreclosure of real estate where deeds of conveyance have not already  
passed; declaring that the emergency still exists; providing for the making of appli-  
cations for extensions of the period of redemption and for the kind and manner of  
notices to be given; making the provisions of this act applicable to all cases where  
the courts have granted such extension; and providing for applications now on  
file, for payment and distribution of rents and for suspension of all acts or parts  
of acts in conflict with this act.

WHEREAS, the Forty-fifth General Assembly enacted chapter one hun-  
dred seventy-nine (179), providing for the extension of the redemption pe-  
riod in any action for the foreclosure of a real estate mortgage or a deed  
of trust upon the conditions provided for in said act, and

WHEREAS, that at the time of the enacting of said chapter the governor  
of the state of Iowa had declared that an emergency existed, and the Gen-

eral Assembly had determined that such an emergency did exist, which was general throughout the state, and that the safety and future welfare of the state as a whole was endangered thereby, and the General Assembly acting under the power reserved by the people of Iowa did so enact said chapter, and

WHEREAS, in the case entitled "Des Moines Joint Stock Land Bank, Appellant, vs. David T. Nordholm, et al., Appellees," 217 Iowa, page 1319, decided by the supreme court of the state of Iowa, on the fourth day of April, 1934, it was held that said act was not in violation of the constitutional provisions regarding the impairment of the obligations of contracts, or the deprivation of the obligations of contracts, or the deprivation of vested property rights without due process of law, and it was stated that contract rights and vested interests must reasonably yield to the paramount right of the state through the reservoir of its reserved police power to protect by appropriate legislation, its sovereignty, its government, its people and their general welfare against exigencies arising out of a great emergency, and

WHEREAS, the governor of the state of Iowa in his inaugural address to the Forty-sixth General Assembly stated in substance that said emergency still exists, and that the need of the people of Iowa for the extension of the time of redemption as provided in said chapter one hundred seventy-nine (179), acts of the Forty-fifth General Assembly, still exists and that said period should be extended, and

WHEREAS, the governor of the state of Iowa has not rescinded or recalled or otherwise modified the proclamation, above referred to, and

WHEREAS, the Forty-sixth General Assembly has determined that such emergency exists at this time, and that the need for continuing and extending the time to which such period of redemption may be applied for and extended, and for such relief is as great at this time as it was at the time of the enactment of chapter one hundred seventy-nine (179), acts of the Forty-fifth General Assembly, and economic conditions have since arisen greatly aggravating the then existing conditions, therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. The Forty-sixth General Assembly hereby declares and  
2 determines that the emergency which existed when chapter one hun-  
3 dred seventy-nine (179), of the acts of the Forty-fifth General Assem-  
4 bly, was enacted does continue to exist, and that such emergency at this  
5 time is general throughout the state of Iowa, and that the safety and  
6 future welfare of the state as a whole is endangered thereby. The  
7 General Assembly acting under the power reserved by the people of  
8 Iowa does hereby enact the following:

1 "SEC. 2. In any action, for the foreclosure of a real estate mortgage  
2 or a deed of trust, which has been commenced prior to March 1, 1935,  
3 in any of the courts, and in which a decree has been or may hereafter  
4 be entered, but the redemption period, as now provided, has not expired,  
5 upon application of the owner or owners of such real estate, the court  
6 shall, unless upon hearing upon said application good cause is shown  
7 to the contrary, order that no sheriff's deed shall be issued until March  
8 1, 1937, and in the meantime said owner or owners may redeem such  
9 property, and are entitled to possession thereof.

10 "Provided, the court having jurisdiction of such foreclosure action

11 shall order and direct, that there shall be applied from the income of  
 12 said real estate so much thereof as is just and equitable, toward the  
 13 payment of taxes accruing thereon during the period of redemption  
 14 extension as provided by this act, and any balance distributed as the  
 15 court may direct, and shall make such provision for the preservation of  
 16 said property as will be just and equitable during the redemption period,  
 17 and to this end the court may, in his discretion, in order to carry out  
 18 the foregoing powers, appoint a receiver of said real estate, and invest  
 19 said receiver with such powers as the court may find will be just and  
 20 equitable to all parties to the proceeding.

21 "Providing, that in the event the said owner or owners do not comply  
 22 with the orders of the court, the order for extension of redemption  
 23 period as authorized by this act shall, on proper hearing, be set aside  
 24 by order of the court.

1 "SEC. 3. During the period of extension of redemption, as herein  
 2 provided, the owner or owners of said real estate shall have the exclu-  
 3 sive right to redeem, and the rights of redemption of subsequent mort-  
 4 gagees, junior lienholders, and creditors shall terminate within the pe-  
 5 riod as by law now provided, the provisions of this act notwithstanding.

1 "SEC. 4. During the period of extension of redemption, as herein  
 2 provided, the clerk of the district court of the county in which such  
 3 foreclosure action is brought, shall receive and disburse the income  
 4 from said real estate, as the court shall order as just and equitable.

1 "SEC. 5. Immediately upon this act going into effect the clerk of the  
 2 district court shall notify by registered mail in properly addressed and  
 3 stamped envelopes at their last known addresses all defendant mort-  
 4 gators or grantors of deeds of trust who have been granted extensions  
 5 of the period of redemption, and which have not been revoked, and  
 6 also their attorney or attorneys of record, that unless an application  
 7 for a further extension under this chapter is made before March 1, 1935,  
 8 that the extension theretofore granted shall automatically expire.

1 "SEC. 6. Immediately upon filing of the application for the further  
 2 extension of a period of redemption, the court shall set the time and  
 3 place of hearing and prescribe the kind of notice to be given to all  
 4 parties plaintiff, and no sheriff's deed shall issue until the hearing is  
 5 had upon such application and the extension of the period of redemption  
 6 denied, and unless good cause is shown why said extension should not  
 7 be granted until March 1, 1937, the court shall grant the extension.

1 "SEC. 7. The provisions of this act shall not apply to any mortgages  
 2 or deeds of trust executed subsequent to March 1, 1934, nor shall it  
 3 apply to mortgagors or mortgagors under deeds of trust who acquired  
 4 the real estate subsequent to March 1, 1934, except only in cases where  
 5 the period of redemption has already been extended by court order.

1 "SEC. 8. The provisions of this act shall apply to any mortgages or  
 2 deeds of trust executed prior to March 1, 1934, and subsequently re-  
 3 newed.

1 "SEC. 9. All applications which have been filed for extension of re-  
 2 demption and upon which no hearings have been held shall be in full  
 3 force and effect.

1 "SEC. 10. Every original notice covering the foreclosure of a real  
2 estate mortgage, or deed of trust, or the note or notes secured thereby,  
3 served after the taking effect of this act, shall, during the time this act  
4 is in effect, contain a notice to the defendant or defendants that he or  
5 they may appear at the time and place stipulated in said notice and  
6 file application for continuance of said cause of action until March 1,  
7 1937.

1 "SEC. 11. The words 'owner or owners' as used in this act, shall in-  
2 clude any person holding rights in real estate as joint tenant, tenant in  
3 common, life tenant, devisee or heir at law and/or any person holding  
4 the legal title to real estate. The application for extension by one or  
5 more owners, when made as provided in this act, shall inure to the  
6 benefit of all of the owners, if there be more than one.

1 "SEC. 12. All acts or parts of acts in conflict with this act are hereby  
2 suspended.

1 "SEC. 13. If any section, subsection, clause, sentence, or phrase of  
2 this act is for any reason held to be unconstitutional and/or invalid, such  
3 decision shall not affect the validity of the remaining portions of this act.  
4 The legislature hereby declares that it would have passed this act and  
5 each section, subsection, clause, sentence, or phrase hereof, irrespective  
6 of whether any one or more of the sections, subsections, clauses, sen-  
7 tences, or phrases be declared unconstitutional."

1 SEC. 14. This act being deemed of immediate importance shall be  
2 in full force and effect after its passage and publication in the Oelwein  
3 Daily Register, a newspaper published at Oelwein, Iowa, and in the  
4 Sioux City Tribune, a newspaper published at Sioux City, Iowa.

House File 84. Approved February 6, 1935.

I hereby certify that the foregoing act was published in the Sioux City Tribune and  
the Oelwein Daily Register, February 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

## CHAPTER 111

### REDEMPTION FROM EXECUTION SALE

S. F. 174

AN ACT to amend section eleven thousand seven hundred eighty-four (11784), code,  
1931, relating to redemption from execution sale by the title holder and to provide  
for the making of such redemption by the surrender of the sheriff's certificate.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. That section eleven thousand seven hundred eighty-  
2 four (11784), code, 1931, be amended by adding after the period at the  
3 end thereof the following:

4 "Redemption may also be made by the title holder presenting to the  
5 clerk of the district court sheriff's certificate of sale properly assigned  
6 to the title holder, whereupon the clerk of the district court shall can-  
7 cel the said certificate and enter full redemption in the sale book."