

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."

1 SEC. 2. This act being deemed of immediate importance shall be  
 2 in full force and take effect from and after its passage and publication  
 3 in the Charles City Press, a newspaper published at Charles City,  
 4 Iowa, and in the Mason City Globe-Gazette, a newspaper published at  
 5 Mason City, Iowa.

Senate File 174. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Charles City Press, May 8, 1935, and the Mason City Globe-Gazette, May 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

## CHAPTER 112

### MORTGAGES. REAL ESTATE OF DECEDENT

S. F. 298

AN ACT to provide for the mortgaging by an executor or administrator of real estate of decedent, a part or all of which is exempt as a homestead for the purpose of extending or refinancing liens thereon and paying claims and charges against the estate and paying commissions or other expenses of securing such loans and to provide the procedure thereof, and to limit the time within which the validity of such mortgage may be questioned.

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

1 SECTION 1. If a decedent held an interest in real estate, any part  
 2 of which was exempt to him or is exempt to his spouse or issue as a  
 3 homestead or otherwise, and any part of said real estate is subject to  
 4 a lien or liens, claims and charges, on which a payment is delinquent,  
 5 due, or about to become due, whether a claim for the debt for which  
 6 said lien exists has been filed in the estate or not, and the court or  
 7 judge having jurisdiction of said estate is satisfied on consideration  
 8 of the circumstances that it is for the best interests of said estate and  
 9 the owners of said real estate or any interest therein to extend or  
 10 refinance such lien or liens and the indebtedness secured thereby, and  
 11 to pay any claims and charges against the estate; the court or judge  
 12 may authorize and order the executor or administrator to borrow  
 13 money for such purposes, and mortgage all or any part of said real  
 14 estate therefor, and to execute or join in the execution of a note or  
 15 notes and a mortgage or mortgages on the same, and from the pro-  
 16 ceeds thereof also pay the necessary or required commission or other  
 17 expenses of securing said loans.

1 SEC. 2. Any such mortgage shall have the effect of waiving any  
 2 exemption as homestead or otherwise of any minor or incompetent  
 3 or person under legal disability owning an interest in said real estate  
 4 as fully as such owner could do if he were sui juris.

1 SEC. 3. The application for such authority and order shall be veri-  
 2 fied by the executor or administrator, shall describe the property and  
 3 the interest of the owners therein together with the nature of any  
 4 exemptions in favor of any of them, shall contain a full statement of  
 5 the liens thereon, and claims or charges to be paid, and the purposes  
 6 and objects of the proposed loan to be secured by said mortgage and  
 7 the reasons urged as justifying the same as promoting the best inter-  
 8 ests of the estate and the owners of said real estate.