

3 hereby amended by striking from line one (1) of section six (6) there-
 4 of the word "immediately" and changing the small letter "u" in the
 5 word "upon" to a capital letter "U" and by inserting after the word
 6 "upon" the word "the" and by striking the word "the" preceding the
 7 word "application" in line one (1) and inserting the word "an" in lieu
 8 thereof. Further amend by adding after the word "court" in line
 9 two (2) of section six (6) the following "or any judge of said court
 10 either in term time or in vacation".

1 SEC. 2. Further amend by adding to section seven (7) the following:
 2 "The filing of an application for an extension of the right of redemp-
 3 tion in any mortgage foreclosure action shall automatically extend the
 4 period of redemption until such time as the application shall have been
 5 finally disposed of by the court and no deed shall be issued until after
 6 a hearing has been had before the court on said application."

1 SEC. 3. If any section, paragraph, sentence or phrase of this act
 2 is declared to be unconstitutional, the Legislature hereby declares that
 3 it would have passed the remainder of said act irrespective of said
 4 section, paragraph, sentence or phrase.

1 SEC. 4. This act being deemed of immediate importance shall be in
 2 full force and effect after its passage and publication in the Eagle
 3 Grove Eagle, a newspaper published at Eagle Grove, Iowa, and the
 4 Humboldt Republican, a newspaper published at Humboldt, Iowa.

House File 341. Approved April 15, 1937.

I hereby certify that the foregoing act was published in the Eagle Grove Eagle, April
 22, 1937, and the Humboldt Republican, April 23, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 80 EMERGENCY ACT

S. F. 15

AN EMERGENCY ACT relating to the foreclosure of real estate mortgages and deeds of trust; providing for the continuance of such actions; providing for determination by the court of the rights of the holder of such mortgages, and of the owner or owners of the real estate, and of persons liable on such mortgages, deeds of trust, or the notes secured thereby, to the possession of the real estate, and to the rents, income and profits therefrom; providing for suspension of conflicting acts; providing that applications heretofore filed under chapter one hundred eighty-two (182) acts of the Forty-fifth General Assembly, and/or chapter one hundred fifteen (115), acts of the Forty-sixth General Assembly, whether ruled upon or not, shall be considered as refiled under this act; and providing for the termination of this act.

WHEREAS, the Forty-fifth General Assembly enacted chapter one hundred eighty-two (182), and the Forty-sixth General Assembly enacted chapter one hundred fifteen (115) providing for the continuance of actions for the foreclosure of real estate mortgages and deeds of trust upon the conditions provided for in said act.

WHEREAS, at the time of the enacting of said chapters the governor of the state of Iowa had declared that an emergency existed, and the general 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 chapters, and

WHEREAS, the Forty-seventh General Assembly has determined that such emergency exists at this time, and that the need exists for continuing and extending the time to which continuance of such actions may be had, and that the need for such relief is as great at this time as it was at the time of the enactment of chapter one hundred eighty-two (182), acts of the Forty-fifth General Assembly, and chapter one hundred fifteen (115), acts of the Forty-sixth General Assembly,

WHEREAS, since the enactment of said chapters, Iowa has been afflicted with a severe drouth, visited by destructive insect pests, and stricken by other devastating circumstances which greatly imperil the present and future welfare of the state as a whole, so that the Forty-seventh General Assembly has now determined that a new and additional emergency has arisen, and the governor has by proclamation so declared, therefore,

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

1 SECTION 1. The Forty-seventh General Assembly hereby declares
2 and determines that the emergency which existed when chapter one
3 hundred eighty-two (182), acts of the Forty-fifth General Assembly,
4 and chapter one hundred fifteen (115), acts of the Forty-sixth General
5 Assembly of Iowa, were enacted does continue to exist, aggravated
6 by new and distressing conditions, which of themselves constitute a
7 new emergency, and that such emergency at this time is general
8 throughout the state of Iowa, and that the safety and future welfare
9 of the state as a whole is endangered thereby. The general assembly
10 acting under the power reserved by the people of Iowa does hereby
11 enact the following:

1 "SEC. 2. In all actions for the foreclosure of real estate mortgages
2 or deeds of trust or notes secured thereby now pending in which de-
3 crees have not been entered and in all actions hereafter commenced
4 for the foreclosure of real estate mortgages or deeds of trust or on notes
5 secured thereby, in any court of record in the state of Iowa, while this
6 act is in effect, the court, upon the application in good faith of the
7 owner or owners of such real estate, or person liable on said mortgages
8 or deeds of trust or notes secured thereby, who are defendants in said
9 cause, shall upon hearing upon an application filed for a continuance,
10 order said cause continued until March 1, 1939, unless good cause is
11 shown to the contrary, and upon the entry of such order of continuance,
12 the court shall make order or orders for possession of said real estate
13 giving preference to the owner or owners in possession, determine a
14 fair rental to be paid by the party or parties to be in possession, and
15 the court shall further order the application and distribution of the
16 rents, income, and profits from said real estate and make such provi-
17 sion for the preservation of said property as will be just and equitable
18 during the continuance of said cause, which order or orders shall pro-
19 vide that such rents, income or profits shall be paid to and distributed
20 by the clerk of the district court of the county in which said suit is
21 pending, or any other person agreed upon by the parties to the action,
22 and further provide that in such distribution, taxes, insurance, cost

23 of maintenance and upkeep of said real estate shall be paid in the
24 priority named, and any balance distributed as the court may further
25 direct; provided, however, that the court shall, upon a substantial vio-
26 lation of its said order or orders, or for other good and sufficient cause
27 shown, set aside said order of continuance and the cause shall proceed
28 to trial as by law now provided, the provisions of this act to the con-
29 trary notwithstanding.

1 "SEC. 3. A showing of present insolvency of the mortgagor or
2 mortgagors and/or present inadequacy of the security shall in them-
3 selves not be sufficient to constitute good cause for refusal to grant a
4 continuance within the meaning of section 2 of this act.

1 "SEC. 4. All applications heretofore filed for continuances under
2 chapter one hundred eighty-two (182), of the acts of the Forty-fifth
3 General Assembly, and chapter one hundred fifteen (115) of the acts
4 of the Forty-sixth General Assembly, and on which orders have been
5 entered continuing said cause, and which orders are now in full force
6 and effect, and all applications which have not been adjudicated shall
7 be considered refiled even though hearing may have been had and
8 order entered on the applications, which applications may be amended,
9 or substitutions made therefor, and such cause shall not proceed to
10 trial until the application for a continuance, or the amendments thereto,
11 or the substituted application therefor has been disposed of by court
12 order, and in all such cases the provisions of section two (2) of this
13 act relating to the continuances to March 1, 1939, possession, rentals,
14 distribution of rents and profits, and the setting aside of the orders for
15 continuance, shall apply.

1 "SEC. 5. The provisions of this act shall not apply to any mort-
2 gages or deeds of trust executed subsequent to January 1, 1936, nor
3 shall it apply to a mortgagor or mortgagors under deeds of trust who
4 acquired the real estate subsequent to January 1, 1936, except only in
5 cases where continuances have already been granted by the court under
6 chapter one hundred eighty-two (182) of the acts of the Forty-fifth
7 General Assembly of Iowa, or chapter one hundred fifteen (115) of
8 the acts of the Forty-sixth General Assembly of Iowa.

1 "SEC. 6. The provisions of this act shall apply to any mortgages or
2 deeds of trust executed prior to January 1, 1936, and subsequently
3 renewed.

1 "SEC. 7. In all cases where the hearing has not already been had
2 on the application for continuance, the court shall determine the rentals
3 and distribution of the rents, issues and profits, from and after the
4 date of the commencement of the said action of foreclosure.

1 "SEC. 8. 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
4 act is in effect, contain a notice to the defendant or defendants that he
5 or they may appear at the time and place stipulated in said notice and
6 file application* of said cause of action until March 1, 1939.

* Amended S. F. 183.

1 "SEC. 9. If any section, subsection, clause, sentence, or phrase of
2 this act is for any reason held to be unconstitutional and/or invalid,
3 such decision shall not affect the validity of the remaining portions
4 of this act. The legislature hereby declares that it would have passed
5 this act and each section, subsection, clause, sentence or phrase thereof,
6 irrespective of whether any one or more of the sections, subsections,
7 clauses, sentences or phrases be declared to be unconstitutional.

1 "SEC. 10. All acts and parts of acts in conflict with this act are
2 suspended while this act is in effect."

1 SEC. 11. This act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in the Wright
3 County Monitor, a newspaper published at Clarion, Iowa, and the Iowa
4 Falls Citizen, a newspaper published at Iowa Falls, Iowa.

Senate File 15. Approved February 15, 1937.

I hereby certify that the foregoing act was published in the Wright County Monitor,
February 18, 1937, and the Iowa Falls Citizen, February 18, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 81

EMERGENCY ACT

S. F. 183

AN ACT to amend senate file fifteen (15), passed by the Forty-seventh General Assembly, entitled "an emergency act relating to foreclosure of real estate mortgages and deeds of trust; providing for the continuances of such action"; amending said senate file by clarifying section eight (8) of said act as to what original notices shall contain.

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

1 SECTION 1. That senate file fifteen (15) as passed by the Forty-
2 seventh general assembly of the state of Iowa be amended by inserting
3 the words "for continuance" following the word "application" and be-
4 fore the words "of said" in line six (6) in section eight (8) of said act.

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in the Taylor
3 County Herald, a newspaper published at Bedford, Iowa, and the Bed-
4 ford Times Press, a newspaper published at Bedford, Iowa.

Senate File 183. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Taylor County Herald,
May 20, 1937, and the Bedford Times Press, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*