

CHAPTER 299

SHERIFF'S CERTIFICATE OF SALE

S. F. 228

AN ACT relating to the issuance of duplicate sheriff's certificates of sale for lost or destroyed certificates and providing for cancellation of outstanding certificates after lapse of eight years.

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

- 1 SECTION 1. Chapter four hundred ninety-eight (498), Code, 1939,
2 is hereby amended by adding as new sections, the following:
- 3 1. When any person, firm or corporation to whom a sheriff's certi-
4 ficate of sale has been issued or an assignee thereof shall file in the
5 office of the clerk of the district court in which the certificate was
6 issued and in said action, a verified application signed by the purchaser
7 or assignee, his agent, legal representative or attorney that the out-
8 standing sheriff's certificate of sale in said action has been lost or
9 destroyed, the court or judge shall fix a time for hearing thereon and
10 prescribe the notice therefor and the manner of service thereof on the
11 parties to said action or their successors in interest, and on said hear-
12 ing if the court finds that the sheriff's certificate of sale issued in said
13 cause has been lost or destroyed, shall order the sheriff of said county
14 to issue a duplicate certificate of sale as of the date of the original
15 certificate which shall have the same force and effect as the original,
16 and any deed executed thereunder shall have the same force and effect
17 as if executed under the original certificate of sale.
- 18 2. After eight (8) years have elapsed from the date of issuance of
19 any sheriff's certificate of sale, and no action has been taken by the
20 holder of such certificate to obtain a deed thereunder, it shall be the
21 duty of the sheriff and clerk of the district court to cancel such sale and
22 certificate of record and all rights thereunder shall be barred.

Approved April 15, 1941.

CHAPTER 300

BOND ON SALE OR MORTGAGE OF REAL ESTATE IN ESTATES

S. F. 35

AN ACT to amend section eleven thousand nine hundred thirty-three (11933), Code, 1939, relating to the posting of a bond on the sale or mortgage of real estate in an estate for the purpose of satisfying the debts and charges.

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

- 1 SECTION 1. Section eleven thousand nine hundred thirty-three
2 (11933), Code, 1939, is amended by adding to said section at the end
3 thereof the following:
- 4 "Before any such sale or mortgage can be executed, the executor or
5 administrator must give security to the satisfaction of the court or
6 judge, the penalty of which shall be at least double the value of the
7 property to be sold or of the money to be raised by the mortgage, on

8 condition that he faithfully account for and apply all money received
 9 by him by virtue of such sale or mortgage under the direction of the
 10 court or judge. Where an approved surety company bond is furnished,
 11 said bond may be fixed in a lesser amount, but in no case less than the
 12 the value of the property to be sold or of the money to be raised by the
 13 mortgage, with twenty-five percent added thereto; provided, however,
 14 that in all cases the court or judge in determining the amount of the
 15 bond may take into consideration the condition of the estate, the
 16 amount of money to be actually received by the fiduciary and the nature
 17 and amount of the bond already furnished by the executor or adminis-
 18 trator pursuant to the provisions of section eleven thousand eight hun-
 19 dred eighty-seven (11887), Code of 1939, and reduce the amount of the
 20 bond required by the provisions of this section or order that no addi-
 21 tional bond be required."

Approved April 16, 1941.

CHAPTER 301

CLAIMS AGAINST THE ESTATES OF DECEDENTS

S. F. 436

AN ACT to shorten the time for filing claims against estates of decedents from twelve months to six months and to eliminate claims of the fourth class against such estates, and to amend sections eleven thousand nine hundred seventy (11970), eleven thousand nine hundred seventy-two (11972), eleven thousand nine hundred eighty (11980) and eleven thousand nine hundred twenty-three (11923) and to repeal section eleven thousand nine hundred seventy-four (11974) of the Code, 1939.

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

1 SECTION 1. Section eleven thousand nine hundred seventy (11970),
 2 Code, 1939, is hereby amended by striking out line ten (10) and by
 3 striking out the figure "5" at the commencement of line eleven (11)
 4 and inserting in lieu thereof the figure "4".

1 SEC. 2. Section eleven thousand nine hundred seventy-two (11972),
 2 Code, 1939, is hereby amended by striking from line one (1) the words,
 3 and comma "of the fourth of the above classes," and by striking from
 4 line two (2) the words "and allowed, or if filed and notice" and by
 5 striking from line three the first word and comma "thereof," and by
 6 striking from said line three the words "is not served" and by striking
 7 from line four (4) the word "twelve" and inserting in lieu thereof the
 8 word "six".

1 SEC. 3. Section eleven thousand nine hundred eighty (11980), Code,
 2 1939, is hereby amended by striking from the first line the word
 3 "twelve" and inserting in lieu thereof the word "six".

1 SEC. 4. Section eleven thousand nine hundred seventy-four (11974),
 2 Code, 1939, is hereby repealed.