

CHAPTER 210

JUDGMENTS AND DECREES LEGALIZED

H. F. 227

AN ACT to legalize and validate orders, judgments and decrees entered prior to July 4, 1951, upon service of notice by publication or posting, and to limit the time within which actions may be brought to question such orders, judgments and decrees or rights or status arising thereunder.

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

1 SECTION 1. In all actions or in proceedings in probate where an
2 order, judgment or decree has been entered prior to July 4, 1951,
3 based upon service of notice by publication as provided by rule sixty
4 (60) of the Iowa Rules of Civil Procedure or any statute authorizing
5 publication of notice or upon service of notice by publication or post-
6 ing pursuant to authorization or direction of any court of competent
7 jurisdiction in the State of Iowa, all such orders, judgments or decrees
8 are hereby declared valid and of full force and effect, unless an action
9 shall be commenced within the time provided in section two (2) hereof
10 to question such order, judgment or decree, or any right or status
11 created, confirmed or existing thereunder.

1 SEC. 2. No action shall be maintained in any court to question any
2 such order, judgment or decree, or any right or status created, con-
3 firmed or existing thereunder unless such action shall be commenced
4 within one (1) year from July 4, 1951.

1 SEC. 3. The provisions of section six hundred fourteen point eight
2 (614.8), Code 1950, as to the rights of minors and insane persons
3 and any other provision of law fixing or extending the time within
4 which actions may be commenced shall not be applicable to extend
5 the time within which any such action shall be commenced beyond
6 one (1) year after July 4, 1951.

1 SEC. 4. This act shall not affect pending litigation and shall not
2 operate to revive rights or claims previously barred, or permit any
3 action to be brought or maintained upon any claim or cause of action
4 which was barred by any rule, law or statute in force prior to July 4,
5 1951.

1 SEC. 5. If any clause, sentence, paragraph, section or part of this
2 act shall for any reason be adjudged by any court of competent juris-
3 diction to be invalid, such judgment shall not affect, impair or in-
4 validate the remainder of the act, but shall be confined in its operation
5 to the clause, sentence, paragraph, section or part thereof directly
6 involved in the controversy in which said judgment has been rendered.

Approved March 9, 1951.

CHAPTER 211

JUDGMENTS AND DECREES LEGALIZED

H. F. 228

AN ACT to legalize and validate orders, judgments and decrees entered prior to July 4, 1951, where acceptance of service of notice, delivery of copy thereof or posting or proof of posting was done by an attorney or his agent.

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

1 SECTION 1. In all actions or in proceedings in probate where an
2 order, judgment or decree was entered prior to July 4, 1951, upon any
3 notice provided by the Iowa Rules of Civil Procedure or any other
4 statute authorizing notice and in effect prior thereto or upon service
5 of notice by publication or posting pursuant to any order, judgment
6 or decree of any court of competent jurisdiction in the State of Iowa,
7 and the acceptance of service of any such notice or the delivery of copy
8 thereof or the posting or proof of posting of any such notice was taken
9 or made by an attorney or his agent, the service of such notice, de-
10 livery of copy thereof and the posting and proof of posting are hereby
11 declared valid and of the same force and effect as if such acts were
12 done by any person competent to perform such acts under the rules
13 of procedure and the laws and statutes of the State of Iowa at the
14 time thereof, and no action shall be maintained in any court to ques-
15 tion such notice or the validity thereof by reason of such acceptance,
16 delivery, posting or proof of service unless the claimant, his agent or
17 attorney, or if he be a minor or under legal disability, his guardian,
18 trustee or either parent, shall within one (1) year from July 4, 1951,
19 file in the office of the Clerk of the District Court where such decree
20 or order was entered a statement in writing, duly acknowledged,
21 claiming a good defense to the action or proceeding in which such
22 order, judgment or decree was entered, and stating the facts upon
23 which such claim is based. Such claim shall be entered by the Clerk
24 in the docket record of the action in which the order, judgment or de-
25 cree was entered or in the probate docket, if such order, judgment or
26 decree shall be in any proceeding in probate, and indexed so as to
27 refer to such order, judgment or decree.

1 SEC. 2. This act shall not affect pending litigation and shall not
2 operate to revive rights or claims previously barred, or permit any
3 action to be brought or maintained upon any claim or cause of action
4 which was barred by rule, law or statute in force prior to July 4, 1951.

Approved March 9, 1951.