

## CHAPTER 335

## RULES OF CIVIL PROCEDURE

IN THE MATTER OF  
THE  
RULES OF CIVIL PROCEDURE AND  
RULES FOR COURT ADMINISTRATION

}  
REPORT OF  
SUPREME COURT

*To the Sixty-third General Assembly of the State of Iowa:*

1

I.

2 Pursuant to Sections 684.18 and 684.19, Code 1966, the Supreme Court  
3 of Iowa has prescribed and hereby reports to the General Assembly the  
4 following amendments to existing rules of civil procedure:

5 Rule 333 is amended to read:

6 **333. Amount in controversy.** Except where the action involves an  
7 interest in real estate, no appeal shall be taken in any case where the  
8 amount in controversy, as shown by the pleadings, is less than one thou-  
9 sand dollars, unless the trial judge, within thirty days after the judgment or  
10 order is entered, certifies that the cause is one in which appeal should  
11 be allowed. The right of appeal is not affected by any remission of any  
12 part of the verdict or judgment.

13 COMMENT: This increases the minimum amount in controversy from three  
14 hundred to one thousand dollars in an action from which appeal will lie  
15 where an interest in real estate is not involved and the trial judge does not  
16 certify the cause is one in which an appeal should be allowed.

17 Rule 335 is amended to read:

18 **335. Time for Appeal.**

19 (a) Appeals to the supreme court must be taken within, and not after,  
20 thirty days from the entry of the order, judgment or decree, unless a mo-  
21 tion for new trial or judgment notwithstanding the verdict is filed as pro-  
22 vided in Rule 247, and then within thirty days after the entry of the ruling  
23 on such motion; provided however that where an application to the supreme  
24 court or any justice thereof to grant an appeal under Rule 332 is made  
25 within thirty days from the date of such ruling or decision any appeal al-  
26 lowed upon such application shall be deemed timely taken.

27 Provided further that if the supreme court or any justice determines  
28 that the order or decision from which application to appeal under Rule  
29 332 is timely made is a final judgment or decision from which appeal would  
30 lie under Rule 331 an appeal therefrom shall also be deemed timely taken  
31 and perfected when the order making such determination is filed with the  
32 clerk of the supreme court and the provisions of Rule 336 (b) and (c) shall  
33 apply.

34 Provided however a cross-appeal may be taken within said thirty-day  
35 period, or in any event within five days after the appeal is taken.

36 (b) No appeal from a judgment, ruling or order taken after it has actual-  
37 ly been made by the trial court shall be held insufficient because the clerk

38 of the trial court has not recorded such judgment, ruling or order upon the  
39 court records at the time the appeal is taken, if it shall appear that such  
40 record has been made before appellant's proposed abstract on such appeal  
41 is filed with said clerk.

42 COMMENT: Rule 336 abolishes notices of appeal which have been allowed  
43 by the supreme court or taken from what is determined to be a final judg-  
44 ment under Rule 335 (a), so the clause in former Rule 335 as to such no-  
45 tices is here eliminated.

46 New clause (b) reinstates the substance of Section 12839 of the 1939  
47 Code which was inadvertently repealed in the Appendix to the Rules.

48 Rule 336 is amended to read:

49 **336. How taken.**

50 (a) Appeal other than those allowed by order under Rule 332 or Rule 335  
51 is taken and perfected by filing a notice with the clerk of the court where  
52 the order, judgment or decree was entered, signed by the appellant or his  
53 attorney. It shall specify the parties taking the appeal, and the decree,  
54 judgment, order or part thereof appealed from. The clerk shall forthwith  
55 mail or deliver a copy of such notice to the attorneys for all parties of rec-  
56 ord other than appellant, or to any such party who has no attorney of  
57 record, at his last known address. No failure of the clerk to mail or deliver  
58 any notice shall affect the validity of the appeal.

59 (b) Interlocutory appeal under Rule 332 shall be deemed taken and  
60 perfected when the order allowing it is filed with the clerk of the supreme  
61 court. No notice of such appeal is necessary. The time for any further pro-  
62 ceeding on such appeal which would run from the notice of appeal shall  
63 run from the date such order is so filed.

64 (c) The clerk of the supreme court shall promptly transmit a copy of  
65 such order to the attorneys of record and the clerk of the trial court; but  
66 no delay in so doing shall affect the validity of the appeal if the copy is  
67 filed before the abstract on such appeal is filed under Rule 340(a).

68 COMMENT: Notice of appeal for an interlocutory appeal or one determined  
69 to be from a final judgment or decision as provided in Rule 335(a) is abol-  
70 ished because the order allowing it gives ample notice to all interested par-  
71 ties. Filing the order with the trial court will sufficiently apprise that  
72 court of the appeal.

73 Time for some further proceedings which now runs from the notice of  
74 appeal will run from the supreme court order.

75

II.

76 The rules of court administration and amendments to certain rules  
77 of civil procedure to conform therewith, adopted by the supreme court  
78 under the provisions of Chapter 401, Laws of the Sixty-Second General  
79 Assembly, made effective January 1, 1968, are being reported pursuant to  
80 Section 684.19, Code 1966, as required by said Chapter 401, in order to  
81 make them effective after July 1, 1969. They are as follows:

82 **Rule 373. Purpose of Administrative Rules.** The purpose of all  
83 rules for court administration shall be to provide for the administration  
84 of justice in an orderly, efficient and effective manner, in accordance with  
85 the highest standards of justice and judicial service.

86 **Rule 374. Supervision of Courts.** The supreme court, by and  
87 through the chief justice, shall exercise supervisory and administrative con-  
88 trol over all trial courts in the state, and over the judges and other per-  
89 sonnel thereof, including but not limited to authority to make and issue  
90 any order a chief judge may make under Rule 377, or to modify, amend  
91 or revoke any such order or court schedule.

92 **Rule 375. Recall and Transfer of Judges.** The supreme court by  
93 and through the chief justice may at any time order the recall of eligible  
94 retired judges for active service, and the transfer of active judges and other  
95 court personnel from one judicial district to another to provide a sufficient  
96 number of judges to handle the judicial business in all districts promptly  
97 and efficiently.

98 **Rule 376. Selection of Chief Judges.** Not later than December 15  
99 in each odd numbered year the chief justice, with the approval of the su-  
100 preme court, shall appoint from the district judges of each district one of  
101 their number to serve as chief judge. The judge so appointed shall serve for  
102 a two-year term and shall be eligible for reappointment. Vacancies in the  
103 office of chief judge shall be filled in the same manner within 30 days after  
104 the vacancy occurs. Provided if there is a vacant judgeship in a district, the  
105 chief judge therein shall be appointed within 30 days after such vacancy  
106 is filled by qualification of the appointee. During any period of vacancy the  
107 judge of longest service in the district shall be the acting chief judge.

108 **Rule 377. Duties and Powers of Chief Judges.** In addition to their  
109 ordinary judicial duties, chief judges shall exercise continuing administra-  
110 tive supervision within their respective districts over all district courts,  
111 judges, officials and employees thereof for the purposes stated in Rule 373.  
112 They shall by order fix times and places of holding court and designate the  
113 respective presiding judges; they shall supervise and direct the performance  
114 of all administrative business of their district courts; they may conduct  
115 judicial conferences of their district judges to consider, study and plan  
116 for improvement of the administration of justice; and may make such ad-  
117 ministrative orders as necessary. No chief judge shall at any time direct or  
118 influence any judge in any ruling or decision in any proceeding or matter  
119 whatsoever.

120 **Rule 378. Court and Trial Sessions.** Chief judges shall by order  
121 provide for:

122 (a) A court session by a district judge at least once each week in each  
123 county of the district, announced in advance in the form of a written or  
124 printed schedule, provided that, if in the opinion of the chief judge more  
125 efficient operations in the district will result, such court sessions may be at  
126 different intervals than once each week.

127 (b) Additional sessions in each county for the trial of cases, and other  
128 judicial matters, of such duration and frequency as will best serve to expedi-  
129 tiously dispose of pending cases ready for trial, and other pending judicial  
130 matters.

131 **Rule 379. Order Appointing Chief Judges.** The order appointing  
 132 chief judges shall be filed with the clerk of the supreme court who shall  
 133 mail certified copies to the clerk of each district court.

134 **Rule 380. Judicial Council.** There is hereby created a judicial  
 135 council composed of all chief judges and the chief justice, or his designee,  
 136 who shall be the chairman. The council shall convene\* not less than twice  
 137 each year at such times and places as the chairman shall order. The council  
 138 shall consider all court administrative rules, directives and regulations for  
 139 the achievement of the purposes stated in Rule 373 and may propose to the  
 140 supreme court such rules as deemed appropriate.

141 **Rule 117. Motion days—disposition of motions.**

142 Amend paragraph (a) of Rule 117 by:

143 1. Striking the word “judges” from line one (1) and inserting in lieu there-  
 144 of the words “chief judge”.

145 2. Striking the word “rule” from line two (2) and inserting in lieu there-  
 146 of the word “order”.

147 3. Striking the word “ten” from line five (5) and inserting in lieu thereof  
 148 the word “five”.

149 **Rule 181.2. Trial assignments.**

150 Amend paragraph (a) of Rule 181.2 by:

151 1. Striking the first sentence and substituting the following in lieu  
 152 thereof:

153 “On each court day in each county or at such other times as the chief  
 154 judge shall order the judges shall examine the pending criminal cases and  
 155 those civil cases on the ready calendar list which have been certified by  
 156 one of the parties for a period of twenty days and rule on all objections  
 157 permitted under Rule 181. In the event an examination of the papers in  
 158 the case discloses that a case is ready for trial and the matters certified in  
 159 the ready certificates have been completed, he shall place the case on a  
 160 trial list for disposition at the next trial session to be held in that county  
 161 and direct that notice be given the attorneys of record that said case is  
 162 subject to trial at any time thereafter. By oral or written agreement of  
 163 the parties the chief judge may specially assign a case for trial on a day  
 164 certain. Any judge presiding at a trial session may make such assignment  
 165 for a day certain during the session.”

166 2. Striking from the last sentence of said paragraph (a) the words “in  
 167 like manner”.

168 Further amend Rule 181.2 by striking all of paragraphs (b) and (c) and  
 169 substituting the following:

170 “(b) The chief judge shall designate trial sessions in the various counties  
 171 in the district at such times as the business in each county shall require and  
 172 shall assign a judge to try such cases as are placed on the trial list or  
 173 assigned for trial under the provisions of this rule. The designation of trial  
 174 sessions shall be as long in advance as is compatible with a speedy and  
 175 efficient administration of justice and a minimum of conflict with previous

\*According to enrolled Rules.

176 commitments of time of parties, witnesses and attorneys. The chief judge  
177 shall direct that notice of the trial session so designated shall be given to  
178 attorneys of record in cases on the trial list.”

179 **Rule 215.1. Uniform rule for dismissal for want of prosecution.**

180 Amend the second paragraph of Rule 215.1 by striking the first two (2)  
181 sentences and substituting the following in lieu thereof:

182 “All cases at law or in equity where the petition has been filed more  
183 than one year prior to July 15 of any year shall be for trial at any time  
184 prior to January 1 of the next succeeding year. The clerk shall prior to  
185 August 15 of each year give notice to counsel of record as provided in  
186 Rule 82 of:

- 187 (a) the docket number,
- 188 (b) the names of parties,
- 189 (c) counsel appearing,
- 190 (d) date of filing petition,

191 and the notice shall state that such case will be for trial and subject to dis-  
192 missal if not tried prior to January 1 of the next succeeding year pursuant  
193 to this rule.”

194 Further amend Rule 215.1 by striking the words “or term” from line  
195 four (4) of the next to the last paragraph thereof.

196 **Rule 372. Rules by trial courts.**

197 Amend Rule 372 by inserting after the word “practice” in line four (4)  
198 thereof the words “and administration”.

199

III.

200 Consideration of the unified court bill is of course a matter for determina-  
201 tion of the General Assembly, not for this court. Without expressing ap-  
202 proval or disapproval of any provision of the bill, the supreme court has  
203 prescribed and reports to the General Assembly rules of civil procedure to be  
204 effective in the event the Sixty-third General Assembly adopts the unified  
205 court bill. These rules prescribing procedure for the handling of small claims  
206 and amendments to certain existing rules to conform therewith, are as follows:

207

DIVISION XX

208

SMALL CLAIMS

209 **Rule 381. Commencement, Docket.** Civil actions in which the  
210 amount in controversy in money or value is less than \$300, exclusive of  
211 interest and costs, shall be known as small claims. All such actions shall  
212 be commenced by the filing of an original notice with the clerk and by the  
213 mailing by the clerk of a copy of same to each defendant at his last known  
214 address, as stated in the original notice, by restricted, certified mail, return  
215 receipt to the clerk requested. Instead of such mailing, the plaintiff may,  
216 after filing the original notice with the clerk, cause a copy of same to be  
217 served on all or some defendants in the manner provided in Division III  
218 of these rules, whereupon Rules 48 and 49 shall be applicable as to the de-  
219 fendants to be so served. The clerk shall maintain a book known as the

220 small claims docket, which shall contain as to small claims the matters  
221 contained in the combination docket as to the regular civil actions.

222 **Rule 382. Original Notice.** The original notice must be mailed or  
223 otherwise served not less than 10 nor more than 20 days prior to the hear-  
224 ing date. The original notice and copies shall be signed by the plaintiff,  
225 either in person or by attorney, and shall be in substantially the following  
226 form:

227 **IN THE DISTRICT COURT OF IOWA**  
228 **IN AND FOR \_\_\_\_\_ COUNTY**  
229 \_\_\_\_\_  
Plaintiff(s)  
230 \_\_\_\_\_  
Address of each plaintiff  
231 vs. **SMALL CLAIM NO.** \_\_\_\_\_  
232 \_\_\_\_\_  
Defendant(s)  
233 \_\_\_\_\_  
Address of each defendant

234 **ORIGINAL NOTICE**  
235 **TO THE ABOVE NAMED DEFENDANT(S):**  
236 **YOU ARE HEREBY NOTIFIED** that the above named plaintiff(s) demands  
237 of you \_\_\_\_\_  
(1. If demand is for money, state amount; 2. If demand is for something  
238 else, state briefly what is demanded and its value in money; 3. If both money and something  
239 else are demanded, state both 1 and 2)  
240 based on \_\_\_\_\_  
(state briefly the basis for the demand, such as "rent")  
241 and that unless you appear and defend before the above named court at  
242 \_\_\_\_\_ \* in \_\_\_\_\_ \*, Iowa  
(Place) (City or Town)  
243 at \_\_\_\_\_ \* o'clock \_\_\_\_\_ \*. M. on \_\_\_\_\_ \*, 19\_\_ \*.  
(Date)  
244 judgment will be rendered against you for the relief demanded, together  
245 with interest and court costs.  
246 \*(To be completed by clerk)  
247 \_\_\_\_\_  
Plaintiff(s)

248 **Rule 383. Function of Clerk.** The clerk shall furnish forms for  
249 original notice. At the time of filing, the clerk shall enter on the original  
250 notice and copies to be served the file number and the time and place of  
251 hearing, which shall be a time when small claims are scheduled to be heard  
252 not less than 10 nor more than 20 days after the date on which the notice  
253 will be mailed or otherwise served. The clerk shall mail a copy of the origi-  
254 nal notice to each defendant by restricted, certified mail, return receipt to  
255 the clerk requested, except for defendants whom the plaintiff wishes to  
256 serve under Division III of these rules. The clerk shall inform plaintiff of  
257 the time and place fixed for the hearing.

258 **Rule 384. Fees, Costs.** Fees and costs shall be one-half of fees and  
259 costs in regular civil actions in district court.

260 **Rule 385. Pleadings.** Except as provided in Rules 382 and 386, there  
261 shall be no written pleadings or motions unless the court in the interest of  
262 justice requires them, in which event they shall be similar in form to the  
263 original notice.

264 **Rule 386. Joinder, Counterclaim, Cross Claim, Intervention.**

265 (a) Division II of these rules and Rule 75 shall be applicable to small  
266 claims actions, except that Rule 29 shall not apply to actions originating as  
267 a small claims action.

268 (b) In small claims actions, if a party joins a small claim with one which  
269 is not a small claim, the court shall (1) order the small claim to be heard  
270 under this division and dismiss the other claim without prejudice, or (2) as  
271 to parties who have appeared or are existing parties, either (a) order the  
272 small claim to be heard under this division and the other claim to be tried  
273 by regular procedure or (b) order both claims to be tried by regular pro-  
274 cedure.

275 (c) In small claims actions, a counterclaim, cross claim, or intervention  
276 in the amount of a small claim shall be in writing and similar in form to  
277 the original notice, and shall be entitled Original Notice of Counterclaim,  
278 of Cross Claim, or of Intervention, as the case may be. A copy shall be  
279 filed for each existing party. New parties may be brought in without order  
280 and shall be served with notice as provided in Rules 381 and 382; and if  
281 notice is to be served by mail the clerk shall collect the cost of mailing be-  
282 fore filing the pleading. The clerk shall furnish forms of such pleadings. No  
283 counterclaim is necessary to assert an offset arising out of the subject of  
284 the plaintiff's claim.

285 (d) In small claims actions, a counterclaim, cross claim, or intervention  
286 in a greater amount than a small claim shall be in the form of a regular  
287 pleading. A copy shall be filed for each existing party. New parties, when  
288 permitted by order, may be brought in under Rule 34 and shall be given  
289 notice under Division III of these rules. The court shall either (1) order  
290 such counterclaim, cross claim, or intervention to be tried by regular pro-  
291 cedure and the other claim to be heard under this division, or (2) order  
292 the entire action to be tried by regular procedure.

293 (e) In regular actions, when a party joins a small claim with one which  
294 is not a small claim, regular procedure shall apply to both unless the  
295 court transfers the small claim to the small claims docket for hearing  
296 under this division.

297 (f) In regular actions, a counterclaim, cross claim, or intervention  
298 in the amount of a small claim shall be pleaded, tried, and determined by  
299 regular procedure, unless the court transfers such small claim to the small  
300 claims docket for hearing under this division.

301 (g) Pleadings which are not in correct form under this rule shall be or-  
302 dered amended so as to be in correct form; but a small claim which is pro-  
303 ceeding under this division need not be amended although in the form of a  
304 regular pleading.

305 (h) Copies of any papers filed by the parties which are not required to  
306 be served shall be mailed or delivered by the clerk as provided in Rule 82.

307 **Rule 387. Proof of Service.** At the time for hearing the court or clerk  
308 shall first determine that proper notice has been given a party before pro-  
309 ceeding further as to him unless he has appeared or is an existing party,  
310 and also that the action is properly brought as a small claim.

311 **Rule 388. Default.** Unless good cause to the contrary appears, (1) if  
312 the parties fail to appear at the time of hearing the claim shall be dis-  
313 missed without prejudice by the court or clerk; (2) if the plaintiff fails to  
314 appear but the defendant appears, the claim shall be dismissed with preju-  
315 dice by the court or clerk; and (3) if the plaintiff appears but the defendant  
316 fails to appear, judgment shall be rendered against the defendant by the  
317 court, or by the clerk if the relief to be granted is readily ascertainable. The  
318 filing by the plaintiff of a verified account, or an instrument in writing for  
319 the payment of money with an affidavit the same is genuine, shall consti-  
320 tute an appearance by plaintiff for the purpose of this rule. At the request  
321 of either party, the court shall grant such party one continuance to a day  
322 certain.

323 **Rule 389. Hearing.** The time for appearance shall be the time for  
324 hearing, unless a continuance has been granted under Rule 388. The hear-  
325 ing shall be to the court, shall be simple and informal, and shall be con-  
326 ducted by the court itself, without regard to technicalities of procedure;  
327 but the decision must be based on substantial evidence. The court shall  
328 swear the parties and their witnesses, and examine them in such way as  
329 to bring out the truth. The parties may participate, either personally or  
330 by attorney. The court may continue the hearing from time to time if jus-  
331 tice requires. The proceedings shall not be reported unless a party provides  
332 a reporter at his own expense or the parties by agreement cause the pro-  
333 ceedings to be electronically reported, but there shall be no delay for such  
334 purpose.

335 **Rule 390. Judgment, Minutes.**

336 (a) The judgment shall be entered in a space on the original notice first  
337 filed, and the clerk shall immediately enter the judgment in the small  
338 claims docket and district court lien book, without recording. Such relief  
339 shall be granted as is appropriate. The court may enter judgment for in-  
340 stallment payments to be made directly by the party obligated to the party  
341 entitled thereto; and in such event execution shall not issue as long as such  
342 payments are made but execution shall issue for the full unpaid balance of  
343 the judgment upon the filing of an affidavit of default. When entered on  
344 the small claims docket and district court lien book, a small claims judg-  
345 ment shall constitute a lien to the same extent as regular judgments  
346 entered on the district court judgment docket and lien book; but if a small  
347 claims judgment requires installment payments, it shall not be enforceable  
348 or a lien until an affidavit of default is filed, whereupon it shall be enforce-  
349 able and a lien for the full unpaid balance of the judgment.

350 (b) Unless the hearing is reported, minutes of the testimony of each  
351 witness and of any stipulations of the parties shall likewise be entered on  
352 the original notice first filed; and the exhibits or copies thereof shall be  
353 attached to such original notice or be filed, until released by the court.

354 **Rule 391. Other Statutes and Rules.** Small claims shall be com-  
355 menced, heard, and determined in accordance with this division. Other  
356 statutes and rules relating to civil proceedings shall apply, but only insofar

357 as not inconsistent with this division. Small claims on file for 90 days and  
 358 not determined shall be dismissed without prejudice at plaintiff's costs un-  
 359 less prior thereto a party secures an order of continuance to a date certain  
 360 after notice and hearing, upon a ground stated in Rule 215.1. All claims  
 361 in probate in the amount of small claims shall be filed in the probate pro-  
 362 ceedings as provided by the Iowa Probate Code. If a request for hearing is  
 363 filed by the claimant as provided by the Iowa Probate Code, the court may  
 364 transfer the contested claim to the small claims docket and the hearing  
 365 thereon shall proceed as provided in this division. Any judgment entered in  
 366 favor of the claimant shall have the effect of allowing the claim against the  
 367 estate, but no execution shall issue on such judgment. Civil actions coming  
 368 within this division but commenced as a regular action shall not be dis-  
 369 missed, but shall be transferred to the small claims docket and proceed  
 370 accordingly. Civil and probate actions not coming within this division but  
 371 commenced hereunder shall be dismissed without prejudice except for de-  
 372 fendants who have appeared, as to whom such actions shall be transferred  
 373 to the combination or probate docket, as appropriate, and proceed ac-  
 374 cordingly.

375 **Rule 121. Interrogatories — time — nature.**

376 Amend Rule 121 by striking from lines one (1) and two (2), Chapter  
 377 475, Laws of the Sixty-Second General Assembly the words "actions in  
 378 Justice Court or Class B actions in Municipal Court" and substituting the  
 379 words, "small claims" in lieu thereof.

380 **Rule 181.2. Trial assignments.**

381 Amend Rule 181.2(a) by striking from line two (2) the words "and supe-  
 382 rior"; and by striking the last sentence of said paragraph (a).

383 **Rule 309. The writ.**

384 Amend Rule 309 by striking from line three (3) the words "or a municipi-  
 385 pal or superior court".

386 Rules 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, and 365 are  
 387 annulled.

388 **Rule 372. Rules by trial courts.**

389 Amend Rule 372 by striking from lines one (1) and two (2) the words  
 390 ", superior and municipal".

391 The rules for small claims procedure and amendments to existing rules  
 392 appearing in this Part III of the report shall become effective on January 1,  
 393 1971, if the bill for a unified trial court is enacted by the Sixty-Third Gen-  
 394 eral Assembly, otherwise they shall be void and of no effect.\*

395

Respectfully submitted,

396

SUPREME COURT OF IOWA

397

/s/ T. G. Garfield

398

CHIEF JUSTICE

399 Des Moines, Iowa

400 January 31st, 1969

\*See certificates attached.

401

## ACKNOWLEDGMENT

402 I, Carroll A. Lane, Secretary of the Senate of the State of Iowa, hereby  
 403 acknowledge delivery to me on the 31st day of January, 1969 of the fore-  
 404 going report of the Supreme Court of Iowa pertaining to Rules of Civil  
 405 Procedure and Rules for Court Administration.

406

/s/ CARROLL A. LANE

407

Secretary of the Senate

408

Sixty-Third General Assembly

409

of the State of Iowa

410

## ACKNOWLEDGMENT

411 I, William R. Kendirck\*, Chief Clerk of the House of Representatives  
 412 of the State of Iowa, hereby acknowledge delivery to me on the 31st day  
 413 of January, 1969 of the foregoing report of the Supreme Court of Iowa per-  
 414 taining to Rules of Civil Procedure and Rules for Court Administration.

415

/s/ WM. R. KENDRICK

416

Chief Clerk, House of Representatives

417

Sixty-Third General Assembly

418

of the State of Iowa

\*According to enrolled Rules.

419

## CERTIFICATE

420 I, Roger W. Jepsen, do hereby certify that I am the President of the  
 421 Senate of the Sixty-third General Assembly of the State of Iowa; and I,  
 422 Carroll A. Lane, do hereby certify that I am the Secretary of the Senate  
 423 of the Sixty-third General Assembly of the State of Iowa, and we do here-  
 424 by jointly certify that as such President and Secretary that on the 31st  
 425 day of January, 1969, the Supreme Court of the State of Iowa reported to  
 426 said Senate, and filed with it, the attached and foregoing modifications,  
 427 amendments, revisions and additions to the Rules of Civil Procedure, here-  
 428 tofore reported by said Supreme Court to the Fiftieth General Assembly of  
 429 the State of Iowa;

430

431 THAT the date of making said report to the Sixty-third General As-  
 432 sembly was within the twenty days subsequent to the convening of the  
 regular session of the Sixty-third General Assembly;

433

434 THAT no other report pertaining to the Rules of Civil Procedure was  
 made or filed by said Supreme Court with said Senate;

435

436 THAT an Act known as Senate File 565, pertaining to a unified trial  
 437 court system, containing amendments to the attached and foregoing modi-  
 438 fications, amendments, revisions and additions to the Rules of Civil Pro-  
 439 cedure is pending on adjournment of the First Regular Session of the Sixty-  
 third General Assembly.

## LAWS OF THE SIXTY-THIRD G.A., FIRST SESSION

440 THAT no other or different changes, modifications, amendments, revi-  
441 sions or additions to the Rules of Civil Procedure were made or enacted  
442 at the First Regular Session of said Sixty-third General Assembly.

443 Signed this 23rd day of May, 1969, being the last legislative day of the  
444 First Regular Session of the Sixty-third General Assembly.

445 /s/ ROGER W. JEPSEN  
446 President of the Senate

447 /s/ CARROLL A. LANE  
448 Secretary of the Senate

449 SENATE  
450 Sixty-third General Assembly  
451 of the State of Iowa

452 CERTIFICATE

453 I, William H. Harbor, do hereby certify that I am the Speaker of the  
454 House of Representatives of the Sixty-third General Assembly of the State  
455 of Iowa; and I, William R. Kendrick, do hereby certify that I am the Chief  
456 Clerk of the House of Representatives of the Sixty-third General Assembly  
457 of the State of Iowa, and we do hereby jointly certify that as such Speaker  
458 and Chief Clerk that on the 31st day of January, 1969, the Supreme Court  
459 of the State of Iowa reported to said House of Representatives, and filed  
460 with it, the attached and foregoing modifications, amendments, revisions  
461 and additions to the Rules of Civil Procedure, heretofore reported by said  
462 Supreme Court to the Fiftieth General Assembly of the State of Iowa;

463 THAT the date of making said report to the Sixty-third General  
464 Assembly was within the twenty days subsequent to the convening of the  
465 regular session of the Sixty-third General Assembly;

466 THAT no other report pertaining to the Rules of Civil Procedure was  
467 made or filed by said Supreme Court with said House of Representatives;

468 THAT an Act known as Senate File 565, pertaining to a unified trial  
469 court system, containing amendments to the attached and foregoing modi-  
470 fications, amendments, revisions and additions to the Rules of Civil Pro-  
471 cedure is pending on adjournment of the First Regular Session of the Sixty-  
472 third General Assembly.

473 THAT no other or different changes, modifications, amendments, revi-  
474 sions or additions to the Rules of Civil Procedure were made or enacted  
475 at the First Regular Session of said Sixty-third General Assembly.

476 Signed this 23rd day of May, 1969, being the last legislative day of the  
477 First Regular Session of the Sixty-third General Assembly.

478 /s/ WILLIAM H. HARBOR  
479 Speaker of the House

480 /s/ WM. R. KENDRICK  
481 Chief Clerk of the House

482 HOUSE OF REPRESENTATIVES  
483 Sixty-third General Assembly  
484 of the State of Iowa