

RULES OF CIVIL PROCEDURE

CHAPTER 1311

RULES OF CIVIL PROCEDURE

IN THE MATTER OF
THE
RULES OF CIVIL PROCEDURE

REPORT OF
SUPREME COURT

To the Second Regular Session of the Sixty-third General Assembly of the State of Iowa:

I

1 Pursuant to Section 684.18, Code 1966, and Section 684.19, as
2 amended by the Acts of the Sixty-second General Assembly, Chap-
3 ter 83, and the Acts of the First Regular Session of the Sixty-third
4 General Assembly, Chapter 297, the Supreme Court of Iowa has pre-
5 scribed and hereby reports to the General Assembly the following
6 amendments to existing rules of civil procedure:
7

8 **Rule 123. Objections—time to answer.**

9 Rule 123, Code 1966, is amended in line six (6) by striking the
10 word “seven” and inserting the word “fourteen” in lieu thereof.

11 **Rule 178.1 Reporter’s fee—small cases.**

12 Rule 178.1, Code 1966, is amended in lines four (4) and five (5)
13 by striking the words “three hundred dollars or less” and inserting
14 the words “less than one thousand dollars” in lieu thereof.

15 **Rule 196. Instructions.**

16 Rule 196, Code 1966, is amended in line nine (9) by striking the
17 words “three hundred dollars or less” and inserting the words “less
18 than one thousand dollars” in lieu thereof.

19 **Rule 335. Time for appeal.**

20 Rule 335 (a), Acts of the First Regular Session of the Sixty-
21 third General Assembly, Chapter 335, is amended in numbered line
22 twenty-two (22) by inserting after the word and figures “Rule 247”
23 the words “or a motion as provided in Rule 179 (b)”.

24 **Rule 342. Filing and docketing.**

25 Rule 342, Code 1966, is amended by adding thereto a new para-
26 graph as follows:

27 “(e) After an appeal is taken and perfected under Rule 336 and
28 prior to filing and docketing in the Supreme Court, the filing with
29 the clerk of the trial court of a stipulation in which all parties agree
30 to a dismissal of an appeal shall restore jurisdiction to the trial court
31 for the entry of an order of dismissal of the appeal, which will be a
32 final adjudication.”

33 Respectfully submitted,

34 SUPREME COURT OF IOWA.

35 s/ C. EDWIN MOORE, CHIEF JUSTICE

36 Des Moines, Iowa

37 January 26, 1970

38

ACKNOWLEDGMENT

39 I, Carroll A. Lane, Secretary of the Senate of the State of Iowa,
40 hereby acknowledge delivery to me on the 26th day of January, 1970

41 of the foregoing report of the Supreme Court of Iowa pertaining to
42 Rules of Civil Procedure.

43 s/ CARROLL A. LANE
44 Secretary of the Senate
45 Second Regular Session
46 Sixty-third General Assembly
47 of the State of Iowa

48 ACKNOWLEDGMENT

49 I, William R. Kendrick, Chief Clerk of the House of Representa-
50 tives of the State of Iowa, hereby acknowledge delivery to me on
51 the 26th day of January, 1970 of the foregoing report of the Supreme
52 Court of Iowa pertaining to Rules of Civil Procedure.

53 s/ WILLIAM R. KENDRICK
54 Chief Clerk, House of Representatives
55 Second Regular Session
56 Sixty-third General Assembly
57 of the State of Iowa

58 CERTIFICATE

59 I, Roger W. Jepsen, do hereby certify that I am the President of
60 the Senate of the Second Regular Session of the Sixty-third General
61 Assembly of the State of Iowa; and I, Carroll A. Lane, do hereby
62 certify that I am the Secretary of the Senate of the Second Regular
63 Session of the Sixty-third General Assembly of the State of Iowa,
64 and we do hereby jointly certify that as such President and Secre-
65 tary that on the 26th day of January, 1970, the Supreme Court of
66 the State of Iowa reported to said Senate, and filed with it, the
67 attached and foregoing modifications, amendments, revisions and
68 additions to the Rules of Civil Procedure, heretofore reported by said
69 Supreme Court to the Fiftieth General Assembly of the State of
70 Iowa;

71 THAT the date of making said report to the Second Regular Ses-
72 sion of the Sixty-third General Assembly was within the twenty days
73 subsequent to the convening of the Second Regular Session of the
74 Sixty-third General Assembly;

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

77 THAT an Act known as Senate File 565, pertaining to a unified
78 trial court system, was not enacted upon adjournment of the Second
79 Regular Session of the Sixty-third General Assembly and that Rules
80 and amendments, proposed under Part III of the Report of the
81 Supreme Court to the First Regular Session of the Sixty-third Gen-
82 eral Assembly on Rules of Civil Procedure are void and of no effect.*

83 THAT no other or different changes, modifications, amendments,
84 revisions or additions to the Rules of Civil Procedure were made or
85 enacted at the Second Regular Session of said Sixty-third General
86 Assembly.

*Chapter 335, Acts 63G.A., First Session.

87 Signed this 16th day of April, 1970, being the last legislative day
 88 of the Second Regular Session of the Sixty-third General Assembly.
 89 s/ ROGER W. JEPSEN
 90 President of the Senate
 91 s/ CARROLL A. LANE
 92 Secretary of the Senate
 93 SENATE
 94 Second Regular Session of the
 95 Sixty-third General Assembly of
 96 the State of Iowa

CERTIFICATE

98 I, William H. Harbor, do hereby certify that I am the Speaker of
 99 the House of Representatives of the Second Regular Session of the
 100 Sixty-third General Assembly of the State of Iowa; and I, William
 101 R. Kendrick, do hereby certify that I am the Chief Clerk of the
 102 House of Representatives of the Second Regular Session of the
 103 Sixty-third General Assembly of the State of Iowa, and we do hereby
 104 jointly certify that as such Speaker and Chief Clerk that on the 26th
 105 day of January, 1970, the Supreme Court of the State of Iowa re-
 106 ported to said House of Representatives, and filed with it, the
 107 attached and foregoing modifications, amendments, revisions and
 108 additions to the Rules of Civil Procedure, heretofore reported by said
 109 Supreme Court to the Fiftieth General Assembly of the State of
 110 Iowa;

111 THAT the date of making said report to the Second Regular Ses-
 112 sion of the Sixty-third General Assembly was within the twenty days
 113 subsequent to the convening of the Second Regular Session of the
 114 Sixty-third General Assembly;

115 THAT no other report pertaining to the Rules of Civil Procedure
 116 was made or filed by said Supreme Court with said House of Repre-
 117 sentatives;

118 THAT an Act known as Senate File 565, pertaining to a unified
 119 trial court system, was not enacted upon adjournment of the Second
 120 Regular Session of the Sixty-third General Assembly and that Rules
 121 and amendments, proposed under Part III of the Report of the
 122 Supreme Court to the First Regular Session of the Sixty-third Gen-
 123 eral Assembly on Rules of Civil Procedure are void and of no effect.*

124 THAT no other or different changes, modifications, amendments,
 125 revisions or additions to the Rules of Civil Procedure were made or
 126 enacted at the Second Regular Session of said Sixty-third General
 127 Assembly.

128 Signed this 16th day of April, 1970, being the last legislative day
 129 of the Second Regular Session of the Sixty-third General Assembly.

130 s/ WILLIAM H. HARBOR
 131 Speaker of the House
 132 s/ WM. R. KENDRICK
 133 Chief Clerk of the House
 134 HOUSE OF REPRESENTATIVES
 135 Second Regular Session of the
 136 Sixty-third General Assembly of
 137 the State of Iowa

*Chapter 335, Acts 63G.A., First Session.