

CHAPTER 163  
RULES OF CIVIL PROCEDURE

IN THE MATTER OF	)	REPORT OF THE
	)	
THE	)	
	)	SUPREME COURT
RULES OF CIVIL PROCEDURE	)	

TO THE 1977 REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL  
ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 684.18(1) and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in the existing Rules of Civil Procedure as follows:

Rule 85(c). TIME AFTER FILING MOTIONS.

That rule 85(c) and 85(c)(1) be stricken and the following substituted:

"85(c). TIME AFTER FILING MOTIONS OR SPECIAL APPEARANCES.

The service of a motion or special appearance permitted under these rules alters these periods of time as follows, unless a different time is fixed by order of the court:

"(1) If the court denies the motion or postpones its disposition until the trial on the merits, or overrules the special appearance, the responsive pleading shall be served within ten days after notice of the court's action;"

Rule 88. AMENDMENTS.

That rule 88 be stricken and the following substituted:

"88. AMENDMENTS. A party may amend a pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no

responsive pleading is required and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend a pleading only by leave of court or by written consent of the adverse party. Leave to amend, including leave to amend to conform to the proof, shall be freely given when justice so requires."

Rule 181. CERTIFICATE OF READINESS FOR TRIAL.

That the next to the last paragraph of rule 181 be stricken and the following substituted:

"Copies of any certificate of readiness filed shall be served as provided in rule 82."

Rules 331-339. APPELLATE PROCEDURE.

That rules 331-339, inclusive, be stricken.

Respectfully submitted,  
THE SUPREME COURT OF IOWA

/s/ C. Edwin Moore  
C. Edwin Moore, Chief Justice

Des Moines, Iowa  
January 28, 1977

ACKNOWLEDGEMENT

I, Steven C. Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the 28th day of January, 1977 of the foregoing report of the Supreme Court of Iowa pertaining to Rule of Civil Procedure.

/s/ Steven C. Cross  
Secretary of the Senate, 1977  
Regular Session of the Sixty-seventh  
General Assembly of the State of Iowa

ACKNOWLEDGEMENT

I, David L. Wray, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the 28th day of January, 1977 of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Civil Procedure.

/s/ David L. Wray  
Chief Clerk of the House of  
Representatives, 1977 Regular  
Session of the Sixty-seventh  
General Assembly of the State  
of Iowa

## CERTIFICATE

I, Arthur A. Neu, do hereby certify that I am the President of the Senate of the 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa; and I, Steven C. Cross, do hereby certify that I am the Secretary of the Senate of the 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-eighth day of January, 1977, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing modifications, amendments, revisions and additions to the existing Rules of Civil Procedure;

THAT the date of making said report to the 1977 Regular Session of the Sixty-seventh General Assembly was within the twenty days subsequent to the convening of the 1977 Regular Session of the Sixty-seventh General Assembly;

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

THAT no changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such 1977 Regular Session of said Sixty-seventh General Assembly.

Signed this thirteenth day of June, 1977, being the last legislative day of the 1977 Regular Session of the Sixty-seventh General Assembly.

/s/ Arthur A. Neu  
Arthur A. Neu  
President of the Senate

/s/ Steven C. Cross  
Steven C. Cross  
Secretary of the Senate  
1977 Regular Session of the  
Sixty-seventh General Assembly  
of the State of Iowa

## CERTIFICATE

I, Dale M. Cochran, do hereby certify that I am the Speaker of the House of Representatives of the 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa; and I, David L. Wray, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-eighth day of January, 1977, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing modifications, amendments, revisions and additions to the existing Rules of Civil Procedure;

THAT the date of making said report to the 1977 Regular Session of the Sixty-seventh General Assembly was within the twenty days subsequent to the convening of the 1977 Regular Session of the Sixty-seventh General Assembly;

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

THAT no changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such 1977 Regular Session of said Sixty-seventh General Assembly.

Signed this thirteenth day of June, 1977, being the last legislative day of the 1977 Regular Session of the Sixty-seventh General Assembly.

/s/ Dale M. Cochran  
Dale M. Cochran  
Speaker of the House

/s/ David L. Wray  
David L. Wray  
Chief Clerk of the House of  
Representatives, 1977 Regular  
Session of the Sixty-seventh General  
Assembly of the State of Iowa