

CHAPTER 1207  
RULES OF CIVIL PROCEDURE

[SEE SECTION 684.19 OF THE CODE]

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

---

TO THE 1978 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 existing Rules of Civil Procedure as follows:

Rule 49(a).

That rule 49(a) be amended to read as follows:

"(a) Written directions for the service of the original notice and copy of petition shall be delivered to the clerk with the petition. There shall also be delivered to the clerk with the petition the original notice to be served and sufficient copies of both. The original notice shall contain the name of the court and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which these rules require the defendant to appear-and defend serve, and within a reasonable time thereafter file, a written special appearance, motion or answer, and shall notify

defendant that in case of defendant's failure to do so judgment by default will be rendered against the defendant for the relief demanded in the petition."

Rule 50.

That rule 50 be amended to read as follows:

"50. SERVING COPIES OF ORIGINAL NOTICE AND PETITION.

The original notice and copy of petition shall be served together except when service is by publication. If service is by publication the original notice alone shall be published and shall also contain a general statement of the ~~cause-or-causes-of-action~~ claim or claims and the relief demanded, and, if for money, the amount thereof."

Rule 53.

That rule 53 be amended to read as follows:

"53. TIME FOR SPECIAL APPEARANCE, MOTION OR ANSWER. A defendant served as provided in these rules by publication or by publication and mailing must ~~appear~~ serve, and within a reasonable time thereafter file, a written special appearance, motion or answer on or before the date fixed in the notice as published, which date shall not be less than twenty days after the date of last publication.

A defendant served in a manner prescribed by a statute or order of court shall ~~appear~~ serve, and within a reasonable time thereafter file, a written special appearance, motion or answer on or before the date fixed as provided by said statute or order of court.

In the event service of process is made by mail under rule 56.2 the ~~appearance~~ date for such action shall be on the date fixed in the original notice which shall not be less than sixty days following the date of mailing.

In all other cases the defendant shall ~~appear~~ serve, and within a reasonable time thereafter file, a written special appearance, motion or answer within twenty days after the service of the original notice and petition upon such defendant."

Rule 54(a).

That rule 54(a) be amended to read as follows:

"54. SPECIAL CASES - APPEARANCE RESPONSE OF GARNISHEE.

(a) Any statute of Iowa which specially requires ~~appearance~~ response by a particular defendant, or in a particular action, within a specified time, shall govern the time for ~~appearance~~ responding, and within a reasonable time thereafter filing, a written special appearance, motion or answer in such cases, rather than rule 53."

Rule 58.

That rule 58 be amended to read as follows:

"58. MEMBER OF GENERAL ASSEMBLY. No member of the general assembly shall be held to specially appear, move or answer in any civil action in any court in this state while such general assembly is in session."

Rule 60(i).

That rule 60(i) be amended to read as follows:

"(i) For ~~divorce~~ dissolution of marriage or separate maintenance or to modify a decree in such action, or to annul an illegal marriage, against a defendant who is a nonresident of Iowa or whose residence is unknown;"

Rule 60.1(b).

That rule 60.1(b) be amended to read as follows:

"(b) Such copy of notice shall be mailed by the party, his agent or attorney not less than twenty days before the date set for written special appearance, motion or answer."

## Rule 65.

That rule 65 be amended to read as follows:

"65. APPEARANCES. An attorney making an appearance shall, either by filing written appearance or by signature to the first pleading or motion filed by the attorney, clearly indicate the attorney or attorneys in charge of the case and shall not sign in the name of the firm only. Such appearance shall entitle the attorney to service as provided in rule 82."

## Rule 68.

That rule 68 be amended to read as follows:

"68. ALLOWABLE PLEADINGS. There shall be a petition and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a ~~third-party-petition~~ cross-petition, if a person who was not an original party is summoned under the provisions of rule 34; and a ~~third-party-answer~~ an answer to cross-petition, if a ~~third party-petition~~ cross-petition is served."

## Rule 69(a).

That rule 69(a) be amended to read as follows:

"(a) CLAIMS FOR RELIEF. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim or ~~third-party-claim~~ cross-petition, shall contain (1) a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a demand for judgment for the relief to which he deems himself entitled. Relief in the alternative or of several different types may be demanded."

## Rule 73.

That rule 73 be amended to read as follows:

"73. REPLY. The court may order a reply to an answer or to a ~~third-party-answer~~ an answer to a cross-petition."

Rule 82(a).

That rule 82(a) be amended to read as follows:

"(a) WHEN SERVICE REQUIRED. Everything required by these rules to be filed, every order required by its terms to be served, every pleading subsequent to the original petition unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties. No service need be made on ~~parties-in~~ any party against whom a default for-failure-to-appear has been entered except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of original notice in rule 56.1.

In an action begun by seizure of property, in which no person need be or is named as defendant, any service required to be made prior to the filing of an answer, claim, or appearance shall be made upon the person having custody or possession of the property at the time of its seizure."

Rule 82(f).

That rule 82(f) be amended to read as follows:

"(f) NOTICE OF ORDERS OR JUDGMENTS. Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by mail in the manner provided for in rule 82 upon each party ~~who-is-not-in~~ except a party against whom a default for-failure-to-appear, has been entered and shall make a note in the docket of the mailing.

In the event a case involves an appeal or review relating to an administrative agency, officer, commissioner, board, administrator, or judge, the clerk shall mail without cost to

the applicable administrative agency, officer, commissioner, board, administrator, or judge a copy of any remand order, final judgment or decision in the case and a copy of any procedendo from the supreme court. Such mailing is sufficient notice for all purposes for which notice of the entry of an order is required by these rules; but any party may in addition serve a notice of such entry in the manner provided in rule 82 for the service of papers. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, ~~except as permitted in rule 335(a).~~"

Rule 85(b).

That rule 85(b) be amended to read as follows:

"(b) PLEADING. Answer to a petition must be served on or before the ~~appearance~~ date prescribed in accordance with rule 53. A party served with a pleading stating a cross-claim against the party shall serve an answer thereto within twenty days after the service of the pleading upon the party. The plaintiff shall serve a reply to a counterclaim in the answer within twenty days after service of the answer, or if a reply is ordered by the court, within twenty days after service of the order, unless the order otherwise directs."

Rule 85(c).

That rule 85(c) be amended to read as follows:

"(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 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;~~

If the motion or special appearance is so disposed of as to require further pleading, such pleading shall be served within ten days after notice of the court's action.

~~(2)-If-the-court-grants-a-motion-for-a-more-specific statement,-the-responsive-pleading-shall-be-served-within-ten days-after-the-service-of-the-more-specific-statement;-pre-  
vided,-however,-unless-the-parties-stipulate-in-writing-otherwise,-the-filing-of-a-motion-for-additional-time-shall-delay the-responsive-pleading-for-a-period-of-ten-days-after-the service-of-the-motion-unless-within-such-time-the-court-orders otherwise."~~

Rule 85(e).

That rule 85(e) be amended to read as follows:

"(e) SHORTENING TIME. The court may order any motion or pleading to be filed within a shorter time than specified above, ~~but-cannot-require-a-defendant-to-answer-sooner-than-seven-days after-the-appearance-date."~~

Rule 87.

That rule 87 be amended to read as follows:

"87. APPEARANCE ALONE. An appearance without motion or pleading shall have the effect only of submitting to the jurisdiction. The court shall have no power to treat such appearance as sufficient to delay or prevent a default or any other order which would be made in absence thereof, or of timely pleading. Notice and opportunity to respond to any motion for judgment under rule 232(b) shall be given to any party who has appeared."

Rule 140(a).

That rule 140(a) be amended to read as follows:

"(a) WHEN DEPOSITIONS MAY BE TAKEN. After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon oral examination. Leave of court, granted with or without notice, must be obtained only if

the plaintiff seeks to take a deposition prior to the expiration of ten days after the ~~appearance~~ date for special appearance, motion or answer for any defendant, except that leave is not required:

(1) If a defendant has served a notice of taking deposition or otherwise sought discovery, or

(2) If special notice is given as provided in subdivision "b"(2) of this rule. The attendance of witnesses may be compelled by subpoena as provided in rule 155. The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes."

Rule 147(b).

That rule 147(b) be amended to read as follows:

"(b) The party taking an oral deposition must first serve reasonable notice on all other parties ~~not-in~~ except a party against whom a default for-want-of-appearance has been entered, stating the time and place thereof and the name and address of the deponent, or if that is unknown, a description identifying him or the class or group to which he belongs. The court, on motion of any party so served, may for good cause enlarge or shorten the time."

Rule 181(3).

That rule 181(3) be amended to read as follows:

"3. The adverse party has had reasonable time to obtain inspections, examinations and reports under rules ~~131~~ 129 to 133;"

Rule 226.

That rule 226 be amended to read as follows:

"226. BY AGREEMENT. Except in actions for ~~divorce~~ dissolution of marriage, separate maintenance and annulment of marriage, the clerk shall forthwith enter any judgment upon



which all parties agree in open court, or by writing filed with the clerk; and execution may issue forthwith unless otherwise agreed."

Rule 230.

That rule 230 be amended to read as follows:

"230. DEFAULT DEFINED. A party shall be in default whenever he (a) fails to ~~appear~~ serve, and within a reasonable time thereafter file, a written special appearance, motion or answer as required in rule 53 or 54, or, has appeared, without thereafter ~~filing~~ serving any motion or pleading as stated in rule 87; or (b) fails to move or plead further as required in rule 86, unless judgment has already resulted under rule 87; or (c) withdraws his pleading without permission to replead, or withdraws his appearance or fails to present himself for trial; or (d) fails to comply with any order of court or do any act which permits entry of default against him, under any rule or statute."

Rule 232(b).

That rule 232 (b) be amended to read as follows:

"(b) In all cases the court on ~~request~~ motion of the prevailing party, shall order the judgment to which he is entitled, and the clerk shall enter the judgment so ordered. If no judge is holding court in the county, such order may be made by a judge anywhere in the judicial district as provided in rule 120. The court may, and on demand of any party not in default shall, either hear any evidence or accounting required to warrant the judgment or refer it to a master; or submit it to a jury if proper demand has been made therefor under rule 177."

Rule 251(a).

That rule 251(a) be amended to read as follows:

"(a) RETRIAL. Except in actions for ~~divorce~~ dissolution of marriage and annulment of marriage, if judgment is entered

against a defendant who did not appear and was served only by publication or by publication and mailing, as provided in rule 60.1, he or any person legally representing him may apply for retrial within six months after entry of judgment, and on giving security for costs is then entitled to his defense and trial as though there were no judgment."

Rule 309.

That rule 309 be amended to read as follows:

"309. THE WRIT. The writ may be granted only by the district court acting through a district judge unless it is directed to that court, a district judge, a district associate judge, or a municipal or superior court a full-time magistrate appointed pursuant to § 602.51 or § 602.59, The Code; and then by the supreme court or a justice thereof. Only the district court acting through a district judge may grant the writ directed at a part-time judicial magistrate appointed pursuant to § 602.50 or § 602.58, The Code. The writ ~~it~~ shall be issued by the clerk of the court where the petition is filed, under its seal. It shall command the defendant to certify to that court, at a specified time and place, a transcript of so much of defendant's records and proceedings as are complained of in the petition or as may be pertinent thereto, together with the facts of the case, describing or referring to them or any of them with convenient certainty; and also to have then and there the writ."

Rule 327.

That rule 327 be amended to read as follows:

"327. BOND. The order directing a temporary injunction must require that before the writ issues, a bond be filed, with a penalty to be specified in the order, which shall be one hundred twenty-five percent of the probable liability to be incurred. Such bond with sureties to be approved by the clerk, shall be conditioned to pay all damages which may be adjudged

against the petitioner by reason of the injunction. But in actions for ~~divorce~~ dissolution of marriage, separate maintenance or annulment of marriage, the court in its discretion may waive any bond, or fix its penalty in any amount deemed just and reasonable."

Rule 371.

That rule 371 be stricken.

Rule 380.

That rule 380 be amended to read as follows:

"380. JUDICIAL COUNCIL. There is hereby created a judicial council composed of all chief judges of the judicial districts, and chief judge of the court of appeals, and the chief justice of the supreme court, or his designee, who shall be the chairman. The council shall convene not less than twice each year at such times and places as the chairman shall order. The council shall consider all court administrative rules, directives and regulations for the achievement of the purposes stated in rule 373 and may propose to the supreme court such rules as deemed appropriate!"

Rule 381.

That rule 381 be amended to read as follows:

"381. FORMS. The forms contained in the Appendix of Forms following this rule are for use and are sufficient under the Iowa Rules of Civil Procedure, ~~excluding the rules appearing in division XVI.~~ ~~The supreme court shall have the power to prescribe forms for use under the rules appearing in division XVI.~~"

## APPENDIX OF FORMS.

## Form 1.

That form 1 be amended to read as follows:

## "1. FORM OF ORIGINAL NOTICE FOR PERSONAL SERVICE.

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

Plaintiff(s), \_\_\_\_\_ No. \_\_\_\_\_  
 vs. (INSERT "LAW"  
 OR "EQUITY".)

Defendant(s). ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is \_\_\_\_\_, whose address is \_\_\_\_\_, Iowa \_\_\_\_\_.

You are further notified that unless, within 20 days after service of this original notice upon you, you appear thereto and defend serve, and within a reasonable time thereafter file, a written special appearance, motion or answer, in the Iowa District Court for \_\_\_\_\_ County, at the county courthouse in \_\_\_\_\_, Iowa, within 20 days after the service of this original notice upon you, judgment by default will be rendered against you for the relief demanded in the petition.

(SEAL)

\_\_\_\_\_  
 CLERK OF THE ABOVE COURT  
 \_\_\_\_\_ COUNTY COURTHOUSE  
 \_\_\_\_\_, Iowa \_\_\_\_\_

## Note:

~~Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for represent the defendant should be promptly advised by defendant of the service of this notice.~~

Form 2.

That form 2 be amended to read as follows:

"2. FORM OF ORIGINAL NOTICE AGAINST A NONRESIDENT MOTOR VEHICLE OWNER OR OPERATOR UNDER § 321.500, THE CODE.

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

Plaintiff(s),

No. \_\_\_\_\_

vs.

(INSERT "LAW" OR "EQUITY".)

Defendant(s).

ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S).

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is \_\_\_\_\_, whose address is \_\_\_\_\_, Iowa \_\_\_\_\_.

You are further notified that unless, before noon of the sixtieth day following the filing of this notice with the director of transportation of this state, you appear thereto-and-defend serve, and within a reasonable time thereafter file, a written special appearance, motion or answer, in the Iowa District Court for \_\_\_\_\_ County, at the courthouse in \_\_\_\_\_, Iowa, ~~before-noon-of-the-sixtieth-day-following-the-filing-of this-notice-with-the-director-of-transportation-of-this state;~~ default will be entered and judgment rendered against you by the court.

(SEAL)

\_\_\_\_\_  
CLERK OF THE ABOVE COURT

\_\_\_\_\_  
County Courthouse  
\_\_\_\_\_, Iowa \_\_\_\_\_

NOTE:

~~Persons-named-as-defendants-are-told-to-"appear-thereto-and defend;"--These-words-are-not-always-understood;--The-required appearance-may-be-made-either-by-the-defendant-or-by-defendant's attorney;--IT-IS-NECESSARY-TO-SERVE-AND-FILE-A-SPECIAL APPEARANCE,-MOTION-OR-PLEADING-TO-PREVENT-A-DEFAULT-(RULE-87)-. The attorney who is expected to appear-for represent the defendant should be promptly advised by defendant of the service of this notice."~~

Form 3.

That form 3 be amended to read as follows:

"3. FORM OF ORIGINAL NOTICE AGAINST FOREIGN CORPORATION OR NONRESIDENT UNDER § 617.3, THE CODE.

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

Plaintiff(s), \_\_\_\_\_ No. \_\_\_\_\_

vs.

(INSERT "LAW"  
OR "EQUITY".)

Defendant(s). ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is \_\_\_\_\_, whose address is \_\_\_\_\_, Iowa \_\_\_\_\_.

You are further notified that unless, within 60 days following the filing of this notice with the secretary of state of the State of Iowa, you appear thereto and defend serve, and within a reasonable time thereafter file, a written special appearance, motion or answer, in the Iowa District Court for \_\_\_\_\_ County, at the courthouse in \_\_\_\_\_, Iowa, within 60 days following the filing of this notice with the secretary of state of the state of Iowa; default will be entered and judgment rendered against you by the court.

(SEAL)

\_\_\_\_\_  
CLERK OF THE ABOVE COURT

\_\_\_\_\_  
County Courthouse

\_\_\_\_\_  
, Iowa \_\_\_\_\_

NOTE:

~~Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE-87). The attorney who is expected to appear for represent the defendant should be promptly advised by defendant of the service of this notice.~~

Form 4.

That form 4 be amended to read as follows:

"4. FORM OF ORIGINAL NOTICE FOR PUBLICATION.

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

Plaintiff(s),

No. \_\_\_\_\_

vs.

(INSERT "LAW"  
OR "EQUITY".)

Defendant(s).

ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, which petition prays (1) \_\_\_\_\_ . The plaintiff's attorney is \_\_\_\_\_ whose address is \_\_\_\_\_, Iowa \_\_\_\_\_.

You are further notified that unless, on or before the (2) \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, you ~~appear thereto and defend~~ serve, and within a reasonable time thereafter file, a written special appearance, motion or answer, in the Iowa District Court for \_\_\_\_\_ County, at the courthouse in \_\_\_\_\_, Iowa, ~~on or before the~~ (2) \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, judgment by default will be rendered against you for the relief demanded in the petition.

\_\_\_\_\_  
CLERK OF THE ABOVE COURT

(SEAL)

\_\_\_\_\_  
County Courthouse  
\_\_\_\_\_, Iowa \_\_\_\_\_

NOTE:

~~Persens-named-as-defendants-are-told-to-"appear-thereto-and defend."--These-words-are-not-always-understood.--The-required appearance-may-be-made-either-by-the-defendant-or-by defendant's-attorney.--IT-IS-NECESSARY-TO-SERVE-AND-FILE-A SPECIAL-APPEARANCE,-MOTION-OR-PLEADING-TO-PREVENT-A-DEFAULT (RULE-87):~~ The attorney who is expected to appear for represent the defendant should be promptly advised by defendant of the service of this notice.

[(1) Here make a general statement of the cause or causes of action and the relief demanded, and, if for money, the amount thereof (Rule 50).

(2) Date inserted here must not be less than 20 days after the day of the last publication of the original notice (Rule 53).]"

Respectfully submitted,  
THE SUPREME COURT OF IOWA

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

Des Moines, Iowa  
January 17, 1978

ACKNOWLEDGMENT

I, Steven C. Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the seventeenth day of January, 1978 of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Civil Procedure.

/s/ Steven C. Cross  
Secretary of the Senate, 1978  
Regular Session of the Sixty-  
seventh General Assembly of the  
State of Iowa.

ACKNOWLEDGMENT

I, David L. Wray, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on this seventeenth day of January, 1978 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, 1978 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 1978 Regular Session of the Sixty-seventh General Assembly of the State of Iowa; and I, Kevin P. Light, do hereby certify that I am the Acting Secretary of the Senate of the 1978 Regular Session of the Sixty-seventh General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Acting Secretary that on the seventeenth day of January, 1978, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Civil Procedure;

THAT the date of making said report to the 1978 Regular Session of the Sixty-seventh General Assembly was within the twenty days subsequent to the convening of the 1978 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 1978 Regular Session of said Sixty-seventh General Assembly.

Signed this 16 day of July, 1978, being the last legislative day of the 1978 Regular Session of the Sixty-seventh General Assembly. [See Code §684.19]

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

/s/ Kevin P. Light  
Kevin P. Light  
Acting Secretary of the Senate  
1978 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 1978 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 1978 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 seventeenth day of January, 1978, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Civil Procedure;

THAT the date of making said report to the 1978 Regular Session of the Sixty-seventh General Assembly was within the twenty days subsequent to the convening of the 1978 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 1978 Regular Session of said Sixty-seventh General Assembly.

Signed this 16<sup>th</sup> day of July, 1978, being the last legislative day of the 1978 Regular Session of the Sixty-seventh General Assembly. [See Code §684.19]

/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, 1978 Regular  
Session of the Sixty-seventh General  
Assembly of the State of Iowa