

CHAPTER 1130
FORCIBLE ENTRY OR DETAINER
S.F. 508

AN ACT relating to the forcible entry or detention of real property.

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

Section 1. Section 648.5, Code 1985, is amended to read as follows:
648.5 JURISDICTION.

The court within the county shall have jurisdiction of actions for the forcible entry or detention of real property. It shall be tried as an equitable action. Unless commenced as a small claim, a petition shall be presented to a district court judge. The court shall make an order fixing the time and place for hearing upon said petition and shall prescribe that notice of the hearing be personally served upon the defendant or defendants, which service shall be at least five days prior to the date set for hearing. Upon receipt of the petition, the court shall order a hearing which shall not be later than fourteen days from the date of the order. Personal service shall be made upon the defendant not less than five days prior to the hearing. In the event that personal service cannot be completed in time to give the defendant the minimum notice required by this section, the court may set a new hearing date. A default cannot be made upon a defendant unless the five days' notice has been given.

Sec. 2. Section 648.10, Code 1985, is amended by striking the section and inserting the following:

648.10 SERVICE BY PUBLICATION.

Notwithstanding the requirements of section 648.5, service may be made by publishing such notice for one week in a newspaper of general circulation published in the county where the petition is filed, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by the sheriff was unsuccessful because the defendant is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the defendant at the defendant's last known address or that the defendant's last known address is not known to the petitioner. Service under this section is complete seven days after publication. The court shall set a new hearing date if necessary to allow the defendant the five day minimum notice required under section 648.5.

Sec. 3. Section 648.19, Code 1985, is amended to read as follows:
648.19 NO JOINDER OR COUNTERCLAIM.

An action of this kind ~~cannot~~ shall not be brought in connection with any other action, with the exception of a claim for rent or recovery as provided in sections 562A.24, 562A.32, 562B.22, or 562B.25, nor can shall it be made the subject of counterclaim.

Sec. 4. Section 648.22, Code 1985, is amended to read as follows:
648.22 JUDGMENT.

If the defendant is found guilty, judgment shall be entered that the defendant be removed from the premises, and that the plaintiff be put in possession ~~thereof of the~~ premises, and an execution for the defendant's removal within ten days from the judgment shall issue accordingly, to which shall be added a clause commanding the officer to collect the costs as in ordinary cases.

Approved April 28, 1986