

RULES OF CIVIL PROCEDURE*

CHAPTER 1254
RULES OF CIVIL PROCEDURE

IN THE SUPREME COURT OF IOWA

**IN THE MATTER OF CHANGES
IN THE IOWA RULES OF CIVIL
PROCEDURE**



**REPORT OF THE
SUPREME COURT**

**TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF
THE STATE OF IOWA:**

Pursuant to Iowa Code sections 602.4201 (1985) and 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council the attached exhibits reflecting the amendments to the corresponding Iowa Rules of Civil Procedure, which are issued this date:

- | | |
|-------------|------------|
| Exhibit "A" | Rule 49(a) |
| Exhibit "B" | Rule 50 |
| Exhibit "C" | Rule 69(a) |
| Exhibit "D" | Form 4 |

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985), these changes are to take effect July 1, 1986.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
April 3, 1986

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council hereby acknowledge delivery to me on the third day of April, 1986, the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ Donovan Peeters
Secretary of the Legislative Council

*See also Ch1043: Ch1108:§55

EXHIBIT "A"

49. Original notice - issuance and form.

(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 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. Except in small claims and cases involving only liquidated damages, the original notice shall not state the amount of any money damages claimed.

EXHIBIT "B"

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 claim or claims and, subject to the limitation in R.C.P. 69(a), the relief demanded, and, if for money, the amount thereof.

EXHIBIT "C"

69. General rules of pleading.

(a) Claims for relief. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or 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 type of relief to which he one deems himself one's self entitled. Relief in the alternative or of several different types may be demanded. Except in small claims and cases involving only liquidated damages, a pleading shall not state the specific amount of money damages sought but shall state whether the amount of damages is more or less than the jurisdictional amount. The specific amount and elements of monetary damages sought may be discovered by the use of interrogatories.

EXHIBIT "D"

4. FORM OF ORIGINAL NOTICE FOR PUBLICATION.
IN THE IOWA DISTRICT COURT FOR COUNTY

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

vs.

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 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, 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:

The attorney who is expected to represent the defendant ~~should~~ shall be promptly advised by defendant of the service of this notice. [(1) Here make a general statement of the claim or claims and, subject to the limitation in R.C.P. 69(a), the relief demanded, and if for money, the amount thereof (R.C.P. 50). (2) Date inserted here must not be less than 20 days after the day of the last publication of the original notice (R.C.P. 53).]