

applicable provision of section 635.1, the clerk shall terminate the letters issued under section 635.1 without prejudice to the rights of persons who delivered property as permitted under section 635.3. The executor or administrator shall then be required to petition for administration of the estate as provided in chapter 633.

Sec. 9. Section 636.13, Code 2003, is repealed.

Approved April 28, 2004

CHAPTER 1121

APPEALS FROM CONDEMNATION PROCEEDINGS — DAMAGE AWARDS — INTEREST

H.F. 2579

AN ACT relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages.

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

Section 1. Section 6B.23, Code 2003, is amended to read as follows:
6B.23 QUESTION DETERMINED.

On the trial of the appeal, no judgment shall be rendered except for costs and allocation of interest earned pursuant to section 6B.25, but the amount of damages shall be ascertained and entered of record.

Sec. 2. Section 6B.25, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If an award of damages is appealed to district court, the amount deposited with the sheriff, if any, less the amount paid by the sheriff to the claimant, shall be transferred to the clerk of district court where the appeal was filed and the clerk shall deposit the money in an interest-bearing account. The district court in its judgment rendered pursuant to section 6B.23 shall award the interest earned on the account in proportion to the amount of damages ascertained and entered of record.

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