

FEB 4 2005
JUDICIARY

HOUSE FILE 207
BY JACOBS

(COMPANION TO LSB 1575SS
BY WARD)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disposal of personal property after entry
2 of a judgment for forcible entry and detainer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 207

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1 Section 1. Section 648.22, Code 2005, is amended to read
2 as follows:

3 648.22 JUDGMENT -- EXECUTION -- COSTS -- DISPOSAL OF
4 PROPERTY.

5 1. If the defendant is found guilty, judgment shall be
6 entered that the defendant be removed from the premises, and
7 that the plaintiff be put in possession of the premises, and
8 an execution for the defendant's removal within three days
9 from the judgment shall issue accordingly, to which shall be
10 added a clause commanding the officer to collect the costs as
11 in ordinary cases.

12 2. Except as otherwise provided in this chapter, after the
13 defendant has been removed from the premises, or has left the
14 premises voluntarily before the three days from the judgment
15 have elapsed, the plaintiff may dispose of all personal
16 property remaining on the premises by placing the property in
17 or near the usual waste disposal receptacle, as allowed by
18 law.

19 EXPLANATION

20 This bill relates to the disposal of personal property left
21 in or on property after a tenant has been evicted from the
22 property. The bill allows a property owner who has obtained a
23 judgment for forcible entry and detainer against the person in
24 possession of the property to remove any personal property
25 left on the premises. The owner may remove the personal
26 property after possession has been returned to the owner by
27 execution of the judgment or by voluntary removal by the
28 person in possession within the three days after the judgment
29 is issued. The owner may place the removed property in or
30 near a waste disposal receptacle, as allowed by law.

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