

648.5 Venue — service of original notice — hearing.

1. *a.* An action for forcible entry and detainer shall be brought in a county where all or part of the premises is located. Such an action shall be tried as an equitable action. Upon receipt of the petition, the court shall set a date, time, and place for hearing. The court shall set the date of hearing no later than eight days from the filing date, except that the court shall set a later hearing date no later than fifteen days from the date of filing if the plaintiff requests or consents to the later date of hearing.

b. The requirement regarding the setting of the initial hearing in paragraph “*a*” is not a jurisdictional requirement and does not affect the court’s subject matter jurisdiction to hear the action for forcible entry and detainer.

2. Original notice shall be served upon a defendant by one or more of the following methods:

a. Delivery evidenced by an acknowledgment of service that is signed and dated by a resident of the premises who is at least eighteen years of age. Delivery under this paragraph shall be deemed to provide notice to all tenants or residents of the premises. Service of original notice under this paragraph is invalid if the acknowledgment of service is signed and dated less than three days prior to the hearing.

b. Personal service pursuant to [rule of civil procedure 1.305, Iowa court rules](#), for the personal service of original notice. Service of original notice under this paragraph shall not occur less than three days prior to the hearing.

c. If service cannot be made following two attempts using a method specified under paragraph “*a*” or “*b*”, by posting on the primary entrance door of the premises and mailing by both regular mail and certified mail, as defined in [section 618.15](#), to the address of the premises or to the defendant’s last known address, if different from the address of the premises. An original notice posted according to this paragraph shall be posted not less than three days prior to the hearing and shall include the date the original notice was posted. Service of original notice by mailing shall occur not less than three days prior to the hearing.

3. Service of original notice by mail is deemed completed four days after the notice is deposited in the mail and postmarked for delivery, whether or not the recipient signs a receipt for the original notice. In computing the time for completion of service, the first day shall be excluded and the final day shall be included regardless of whether the fourth day is a Saturday, Sunday, or federal holiday.

4. If service of original notice is made by posting and mailing under [subsection 2, paragraph “c”](#), the plaintiff shall, at or before the time of the hearing, file one or more affidavits describing the time and manner in which the notice was posted and mailed. The plaintiff shall attach copies of the documents that were mailed and posted to the affidavits.

5. The notice requirements of [this section](#) shall be deemed to have been satisfied if the defendant or the defendant’s attorney appears at the hearing. If the hearing will be held fewer than three days after service of the original notice or if notice is deemed satisfied pursuant to [this subsection](#), the court shall inform the defendant that the defendant has the right to a continuance and shall grant a continuance at the defendant’s request to allow the defendant to prepare for the hearing or to retain an attorney.

6. A default judgment shall not be entered against a defendant if original notice has not been served on the defendant as required in [this section](#). If the original notice cannot be served within the time periods required in [this section](#), the court may set a new hearing date and time.

7. At the hearing, except for actions commenced as a small claim action under [chapter 631](#), the court shall determine whether a genuine issue of material fact exists in the action. If the court determines that a genuine issue of material fact exists, an evidentiary hearing on

the petition shall be held and the court shall continue the hearing to a future date and issue all appropriate orders relating to discovery and trial preparation.

[C51, §2367; R60, §3957; C73, §3616; C97, §4211; C24, 27, 31, 35, 39, §12267; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §648.5]

86 Acts, ch 1130, §1; 95 Acts, ch 125, §14; 2004 Acts, ch 1101, §88; 2010 Acts, ch 1017, §9, 11; 2017 Acts, ch 95, §1; 2022 Acts, ch 1070, §19

Referred to in §648.19

Subsections 1 and 3 amended