

February 1, 1951.
Passed on File.

Senate File 247
By JUDICIARY NO. 2.

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

A BILL FOR

An Act to legalize and validate orders, judgments and decrees entered prior to July 4, 1951, where acceptance of service of notice, delivery of copy thereof or posting or proof of posting was done by an attorney or his agent.

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

1 Section 1. In all actions or in proceedings in
2 probate where an order, judgment or decree was entered
3 prior to July 4, 1951, upon any notice provided by the
4 Iowa Rules of Civil Procedure or any other statute
5 authorizing notice and in effect prior thereto or upon
6 service of notice by publication or posting pursuant to
7 any order, judgment or decree of any court of competent
8 jurisdiction in the State of Iowa, and the acceptance of
9 service of any such notice or the delivery of copy thereof
10 or the posting or proof of posting of any such notice was
11 taken or made by an attorney or his agent, the service of
12 such notice, delivery of copy thereof and the posting and
13 proof of posting are hereby declared valid and of the same
14 force and effect as if such acts were done by any person

15 competent to perform such acts under the rules of procedure
16 and the laws and statutes of the State of Iowa at the time
17 thereof, and no action shall be maintained in any court
18 to question such notice or the validity thereof by reason
19 of such acceptance, delivery, posting or proof of service
20 unless the claimant, his agent or attorney, or if he be
21 a minor or under legal disability, his guardian, trustee or
22 either parent, shall within one (1) year from July 4, 1951
23 file in the office of the Clerk of the District Court where
24 such decree or order was entered a statement in writing,
25 duly acknowledged, claiming a good defense to the action
26 or proceeding in which such order, judgment or decree was
27 entered, and stating the facts upon which such claim is based.
28 Such claim shall be entered by the Clerk in the docket record
29 of the action in which the order, judgment or decree was
30 entered or in the probate docket, if such order, judgment or
31 decree shall be in any proceeding in probate, and indexed so
32 as to refer to such order, judgment or decree.

1 Sec. 2. This Act shall not affect pending litigation
2 and shall not operate to revive rights or claims previously
3 barred, or permit any action to be brought or maintained
4 upon any claim or cause of action which was barred by rule,
5 law or statute in force prior to July 4, 1951.