

FILED JAN 24 '01

SENATE FILE 68
BY LAMBERTI

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

A BILL FOR

1 An Act relating to forcible entry and detainer actions in small
2 claims court following a default on a contract for deed and
3 when a defendant continues in possession after foreclosure.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 68
JUDICIARY

1 Section 1. Section 631.1, subsection 2, Code 2001, is
2 amended to read as follows:

3 2. The district court sitting in small claims shall have
4 concurrent jurisdiction of an action for forcible entry and
5 detainer which is based on those grounds set forth in section
6 648.1, subsections 1, 2, 3, and 4, 5, and 7. When commenced
7 under this chapter, the action shall be a small claim for the
8 purposes of this chapter.

9 Sec. 2. Section 648.1, Code 2001, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 7. When the vendee forfeits or defaults
12 under the terms of a contract for deed.

13 EXPLANATION

14 This bill amends Code section 648.1 to allow a seller of
15 real property seeking to recover possession of the real
16 property to use an action for forcible entry and detainer when
17 the buyer of the real property defaults or forfeits on the
18 contract for deed governing the sale.

19 The bill also amends Code section 631.1 to allow such
20 actions on a contract for deed and actions in which the
21 defendant continues in possession after foreclosure to be
22 pursued as small claims actions in small claims court.

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