

MAR 4 2005
Place On Calendar

HOUSE FILE 584
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 207)

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:

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HF 584

HOUSE FILE 584

H-1081

1 Amend House File 584 as follows:
2 1. Page 1, line 12, by inserting after the figure
3 "2." the following: "a."
4 2. Page 1, line 18, by striking the figure and
5 words "3. This section" and inserting the following:
6 "b. This subsection".
7 3. Page 1, by inserting after line 19 the
8 following:
9 "c. The duties of the sheriff executing the
10 judgment shall not be satisfied until all of the
11 defendant's personal property has been removed from
12 the premises pursuant to this subsection."

By KAUFMANN of Cedar

H-1081 FILED MARCH 15, 2005

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 by execution or
14 writ of removal, or has vacated or abandoned the premises
15 after judgment for possession is awarded to the plaintiff, the
16 plaintiff may dispose of all the defendant's personal property
17 remaining on the premises.

18 3. This section shall not apply to the redispotion of a
19 mobile, manufactured, or modular home.

20 EXPLANATION

21 This bill relates to the disposal of personal property left
22 in or on property after a tenant has been evicted from the
23 property. The bill amends Code section 648.22, relating to
24 judgments for forcible entry and detainer and execution of
25 such judgments, to allow a property owner who has obtained a
26 judgment for forcible entry and detainer against the person in
27 possession of the property to remove any personal property
28 left on the premises. The owner may remove the personal
29 property after possession has been returned to the owner by
30 execution of the judgment or by voluntary removal by the
31 person in possession after the judgment is issued. The bill
32 provides that the Code section does not apply to the
33 redispotion of a mobile, manufactured, or modular home.

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HOUSE FILE 584
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 207)

(As Amended and Passed by the House March 16, 2005)

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:

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House Amendments _____

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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. a. Except as otherwise provided in this chapter, after
13 the defendant has been removed from the premises by execution
14 or writ of removal, or has vacated or abandoned the premises
15 after judgment for possession is awarded to the plaintiff, the
16 plaintiff may dispose of all the defendant's personal property
17 remaining on the premises.

18 b. This subsection shall not apply to the redistribution of
19 a mobile, manufactured, or modular home.

20 c. The duties of the sheriff executing the judgment shall
21 not be satisfied until all of the defendant's personal
22 property has been removed from the premises pursuant to this
23 subsection.

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