

**THE IOWA DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT**

**Cedar, Clinton, Jackson,  
Muscatine and Scott Counties**

**Rules of Practice  
And  
Administration**



Adopted by authority of  
Rule of Civil Procedure 372  
Rule of Criminal Procedure 29  
Rule of Probate Procedure 3

Revised 2001

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**RULES OF PRACTICE AND ADMINISTRATION OF THE 7TH JUDICIAL DISTRICT**

RULE 1.1 FILING AND PUBLICATION OF RULES

Rules of practice and administration adopted by authority of Rule of Civil Procedure 372, and Rule of Criminal Procedure 29 and Rule of Probate Procedure 3 shall be filed with the Clerk of the Iowa Supreme Court and with the Clerk of the Iowa District Court in each county of the Seventh Judicial District of Iowa. The District Court Administrator shall cause same to be printed and distributed to the bar and public.

RULE 2.1 COURT SESSIONS

In each county in the district there shall be a court session each Monday commencing at 8:30 A.M. If Monday is a court holiday the court session shall be on the following day.

RULE 2.2 EX PARTE ORDERS & SUBMISSION OF ORDER TO COURT

(A) Applications for ex parte orders may be presented to the judge designated for that purpose each day that court is in session:

In Scott County from 8:30 A.M. to 9:00 A.M. and from 1:30 P.M. to 2:00 P.M.

In Muscatine and Clinton Counties from 8:30 A.M. to 9:00 A.M. and from 1:15 P.M. to 1:30 P.M.

In Jackson County and Cedar County from 8:30 A.M. to 9:00 A.M. and from 1:00 P.M. to 1:15 P.M.

(B) Except for orders setting time, all orders shall be submitted to the court by party or counsel in person. This rule may be waived by the court in its discretion, but only after oral communication with the party or counsel.

(C) Application for orders setting hearings may be submitted to a court administrator's office for processing.

RULE 2.3 MOTION DAYS AND MOTIONS

(A) Pursuant to Rule of Civil Procedure 117, each Monday is designated as motion day in each county. If Monday is a court holiday, the motion day shall be the following day.

(B) Upon written application presented prior to the applicable motion day, or upon the court's own motion, the court shall set a motion for argument at a time certain. The

application shall state an estimate of time for argument. If a motion is not thus set for argument, the motion shall be deemed submitted without oral argument.

(C) No motion shall be submitted to the court unless proof of service is made in compliance with the Rules of Civil Procedure.

(D) Orders setting time certain for argument shall be prepared by counsel.

(E) Applications and motions under Rule 104 a, Iowa Rules of Evidence, shall be filed not less than thirty days before trial, and shall be heard only upon affidavit and argument of counsel, unless the court in the interest of justice rules otherwise.

#### RULE 2.4 MOTION FOR SUMMARY JUDGMENT

(A) Motions for summary judgment, which are not specially set for hearing, shall be submitted without oral argument on the first regular motion day following the motion day on which motions are submitted under R.C. P. 117 (a).

(B) If the moving party fails to comply with R.C.P. 237 (h), or District Court Rule 2.5, the court may order that the motion remain unsubmitted until compliance is effected.

#### RULE 2.5 CONTENTS OF MOTIONS

(A) Every motion and every resistance to a motion predicated upon a provision of the United States Constitution, or Iowa Constitution, or a statute or a rule, shall cite same. There shall be appended to or included in every motion a concise written statement of the reasons in support of or in opposition to the motion, and citation of authorities relied upon.

(B) If the moving party fails to comply with this rule, the court may order that the motion remain unsubmitted until compliance is effected.

#### RULE 2.6 IDENTIFICATION OF COUNSEL ON PLEADINGS

All pleadings and motions shall have clearly endorsed thereon the name, address, zip code and telephone number of counsel. When counsel is a law firm, the member of the firm having responsibility for the matter shall be identified.

#### RULE 2.7 ORDERS BY SEPARATE INSTRUMENT, AND FILING

All orders shall be made by separate instrument, and shall not be a part of pleadings, motions or applications. An excep-

tion shall be made for certain forms designated by the Supreme Court or some special agency. All orders, judgments and decrees signed by a judge shall be filed with the Clerk forthwith and shall not be retained by counsel except on order of Court for cause.

RULE 2.8 PETITIONS FOR REVIEW OF ADMINISTRATIVE ACTION

Promptly after twenty days from the filing of a petition for judicial review under Chapter 17A, Iowa Code, the petitioner shall apply to the court for an order setting the same for oral argument and for a briefing schedule. The parties may waive oral argument in writing.

RULE 2.9 MOTIONS FOR RELIEF FROM R.C.P. 215.1 (STRIKE LIST)

Motions for relief from the operation of Rule of Civil Procedure 215.1 must be filed no later than the fifteenth day of September following the clerk's notice. This provision shall not apply if a trial certificate is filed. The motion for relief shall state facts as to why a trial certificate cannot be filed, or show other grounds for relief. At the time the motion is filed the movant must file an order setting the motion for oral argument.

RULE 3.1 COURT FILES

The Clerk of Court in each county, except as otherwise ordered by the Court, is authorized to permit court files to be checked out by attorneys of this judicial district for a period not to exceed 24 hours, upon filing receipt therefor. If the time the file is to be returned falls on a weekend or holiday, the file shall be timely returned on the next regular business day. Court files checked out by attorneys under this rule are subject to immediate recall by the Clerk of Court or any judge of this judicial district. In no event shall files be checked out less than 48 hours prior to the commencement of any hearing or trial in the case. The Clerks of Court shall be responsible for enforcing the rule.

Transcripts may be removed from the Clerk's office only by order of a judge.

RULE 3.2 COUNSEL AND WITNESSES

Counsel shall examine witnesses from the counsel table except when examining a witness with respect to an exhibit.

RULE 3.3 COURTROOM RULES

(A) Every person entering the courtroom while court is in session shall immediately be seated and conduct himself or herself in a quiet and orderly manner. Unless seating is available, no person shall be admitted into the courtroom without permission of the judge. All persons attending a court session shall remain in the spectator area behind the bar, except participants in the court proceedings.

(B) No person shall bring into the courtroom while court is in session any sign, placard, firearm or other weapon, except with express permission of the judge.

(C) Smoking shall not be allowed in any of the courtrooms at any time whether court is in session or not.

(D) No person shall approach the judge's bench while court is in session, or while the judge is seated upon the bench, except by permission of the judge.

(E) All approaches to courtrooms, court offices, law libraries and other rooms within the courthouse used by judges, court personnel, counsel, litigants, witnesses or jurors, shall be kept clear at all times during courthouse business hours, for the purpose of free access thereto.

(F) Except as provided by Canon 3 (A) (7), Iowa Code of Judicial Conduct, no person shall bring into the courtroom while court is in session any photographic equipment, television equipment, broadcasting equipment, or sound recording equipment, except with express permission of the judge.

(G) During any civil or criminal trial, hearing or related court proceeding, and during any recess thereof, and for a period of fifteen minutes prior to the commencement or daily resumption thereof and for a period of fifteen minutes after the conclusion or daily adjournment thereof, no person shall take photographs (still or in motion), televise (live or videotape), make live broadcast of, or make sound recordings, in the following places, or in the vestibule areas adjacent to said places: the courtroom used for the trial, hearing or proceedings; the presiding judge's chambers; the court reporter's office; the courthouse rooms used by counsel, litigants, witnesses or jurors; except as provided by Canon 3 (A) (7), Iowa Code of Judicial Conduct.

(H) During any civil or criminal jury trial, and during any recess or adjournment thereof, no person shall take photographs (still or in motion) of, televise (live or videotape), make a live broadcast, or make sound recordings of, the jury or any member or prospective member thereof at

any place, on or off the courthouse premises, - except as provided by Canon 3 (A) (7), Iowa Code of Judicial Conduct.

RULE 3.4 TERMINATION OF EMPLOYMENT BY COUNSEL

Counsel employed in any civil or criminal case pending in the courts of this district must obtain permission from the court to terminate employment. This rule shall not be applicable if the client consents in writing to such withdrawal and counsel otherwise complies with Rule DR-110, Iowa Code of Professional Responsibility for Lawyers. If the client does not consent to termination of counsel's employment, termination shall be granted only upon a hearing after notice of same given to the client by ordinary mail directed to the client's last known address, mailed at least ten days prior the hearing. Proof of service shall be filed at or before the time of hearing. Permission will be granted for termination of employment only upon showing that counsel has complied with said Rule DR.110.

RULE 4.1 TEMPORARY SUPPORT HEARING

Except when otherwise ordered by the court, hearing on application for temporary support under 598.11, Iowa Code, shall consist of the financial statements required by 598.13, Iowa Code, and affidavits and arguments of counsel.

RULE 4.2 TEMPORARY CUSTODY HEARING

Except when otherwise ordered by the court, hearing on application for temporary custody of minor children under 598.11, Iowa Code, shall consist of testimony of the parties, and affidavits and arguments of counsel.

RULE 4.3 CONTESTED CHAPTER 598 CASES

In the trial of cases under Chapter 598, Iowa Code, including modification of decree cases, in which division of assets and liabilities, or support of parties, or support of minor children is an issue and contested, the following rules shall apply.

(A) Prior to pre-trial conference the parties shall file amended financial statements as required by 598.13, Iowa Code, or file a statement that such financial statement is accurate and not in need of amendment.

(B) Prior to trial the parties shall file a written stipulation setting forth all of the assets and liabilities of the parties, together with the values and amounts thereof, in form prescribed by the court. The stipulation should include the legal description of real estate in issue. If agreement cannot be reached in regard to assets or liabilities such fact



should be indicated.

(C) The court's order setting trial shall include but not be limited to the following:

IT IS HEREBY ORDERED BY THE COURT that trial on the merits is set for \_\_\_\_\_, 19 \_\_\_\_ at \_\_\_\_M. at the \_\_\_\_\_ County Courthouse \_\_\_\_\_, Iowa. Estimated trial time is \_\_\_\_\_.

IT IS ORDERED BY THE COURT that the parties and counsel, including counsel for the children, shall attend a pretrial conference AT THE COURTHOUSE on \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_ .M. At the pretrial conference the parties SHALL:

1. Conduct good faith settlement negotiations.
2. Identify and stipulate both the disputed and undisputed issues and file a written statement thereof prior to trial.
3. Prepare and file the stipulation therein ordered in regard to the assets and liabilities.
4. Consider other matters which may aid, expedite or simplify the trial.

At the conclusion of the pretrial conference, counsel shall immediately inform the Court, through the Court Administrator's office, regarding the results of the pretrial conference.

Where division of assets and liabilities or support of parties or children are at issue and contested, IT IS ORDERED that prior to the trial the parties shall file amended financial statements as required by 598.13, Iowa Code, or file a statement that said financial statements are correct and not needful of amendment; and prior to trial the parties shall file a written stipulation setting forth all of the assets and liabilities of the parties, together with the values and amounts thereof. The stipulation shall include the legal description of real estate in issue. If agreement cannot be reached in regard to assets or liabilities, such fact should be indicated. All assets and liabilities are to be listed separately. If the parties or counsel fail to comply with Rule 4.3, the Court may make such orders in regard to the failure as are just, including but not by way of limitation, an order causing the case to be stricken from the trial docket, or an order contemplated by Iowa Rules of Civil Procedure 134(b)(2).

#### RULE 4.4 RECORD IN UNCONTESTED CHAPTER 598 CASES

Uncontested cases under Chapter 598, Iowa Code, where jurisdiction is based on published notice, shall be reported, unless the requirements of Iowa Code 598.8(2) have been met.

February 1998

Amendment

RULE 4.5 DECREEES IN CHAPTER 598 CASES

In uncontested dissolution of marriage cases involving support payments to either party, child support, or child medical support, and counsel prepares the decree, the decree shall include findings of fact concerning the following:

- A. The occupation of the parties and their gross incomes;
- B. The net monthly incomes of the parties, as shown on the child support guidelines worksheets;
- C. the birth dates of children affected by the decree;
- D. the percentage of each parent's share of "uncovered medical expenses," should such expenses exceeded the initial annual obligation of the custodial parent.

APRIL 2001

Amendment

RULE 4.6 TEMPORARY INJUNCTIONS IN CHAPTER 598 CASES

In cases under Chapter 598, Iowa Code, injunctions may be granted to protect the physical safety of a party or minor children. Such injunctions may be issued for good cause upon written application setting forth the specific acts and facts relied on to establish the need therefor. Temporary injunctions shall remain in force and effect for only thirty days after service on the party enjoined. The order and writ of injunction shall indicate this limit. A subsequent injunction may issue, but not ex parte. All other temporary injunctions in cases under Chapter 598, including injunctions prohibiting the disposal of marital property, shall remain in force and effect only until entry of the final decree of dissolution.

RULE 4.7 APPLICATIONS TO MODIFY CHAPTER 598 ORDERS AND DECREEES

Notice of modification of dissolution decrees shall be by service of original notice and a copy of the application to modify. No date for hearing shall be set at the time the application for modification is filed. The following paragraph shall be included in each application for modification.

An order granting the relief prayed for shall be entered twenty days after service of original notice upon you unless you enter written appearance and resistance to said application to

modify within said twenty days. If you do enter your written appearance and resistance to said application to modify, a hearing date and time shall be thereafter set and you will be notified thereof.

RULE 4.8 MODIFICATION OF CHAPTER 598 CASES

Hearings on applications to modify Chapter 598 decrees shall be set only on the form prescribed in Rule 4.3(C).

RULE 5.1 PLEA AGREEMENTS

To facilitate the administration of Rule 9, Rules of Criminal Procedure, all plea agreements made pursuant to said rule shall be reduced to writing on forms provided by the Court, and signed by the defendant, counsel for the defendant and the prosecutor, which shall be disclosed in open court and placed on record.

RULE 5.2 DISMISSAL OF CRIMINAL CASES

Applications made by the County Attorney for dismissal of pending criminal prosecutions (including deferred judgments) pursuant to Rule of Criminal Procedure 27, shall be in writing stating the reasons therefor.

RULE 5.3 WAIVER OF SPEEDY TRIAL

Waiver of speedy trial in criminal cases shall be filed in writing and signed by the defendant and counsel.

RULE 5.4 PRISONERS IN COURT

Prisoners shall not be brought into open court in handcuffs or other physical restraints, except by permission of the judge. Those having custody of a defendant during his trial shall take reasonable measures as may be necessary to avoid exposing the defendant to the view of jurors while he or she is in handcuffs or other physical restraints. Prisoners brought into court shall be properly attired.

RULE 5.5 REVOCATION OF PROBATION

The revocation of probation is governed by Chapter 908, Iowa Code.

The County Attorney shall assist the probation officer in revocation proceedings and shall when appropriate prosecute same.

If an alleged probation violator is taken into custody the probation officer and the County Attorney shall without unnecessary delay file a written complaint showing that there is probable cause to believe that the alleged probation violator has violated the terms of his or her probation, and setting out the inculpatory evidence relied upon, and upon so filing, the alleged probation violator shall be promptly brought before a magistrate, preferably a magistrate who would have had jurisdiction to try the original offense, for initial appearance as provided by 908.2, Iowa Code. In addition, if the magistrate is a magistrate who would have had jurisdiction to try the original offense, the magistrate shall determine whether or not the initial appearance, probable cause hearing and probation revocation hearing, or any of them, should be merged into a single hearing, and shall enter an order setting the time and place for such hearing.

RULE 5.6 STATEMENTS OF COURT PERSONNEL REGARDING CRIMINAL CASES

The judges, court reporters, court attendants, clerks of court, employees of clerks of court, district court administrator and staff, law clerks, and all other judicial employees and personnel shall not disclose to any unauthorized person information relating to a pending criminal case that is not a part of the public records of the court and that may tend to interfere with the right of the State or the defendant to a fair trial.

RULE 5.7 COURT APPOINTED COUNSEL

Indigent defendants, and other parties, being unable or unwilling to contract on their own terms with an attorney to represent them, are entitled to the benefit of statutes requiring the Court to assume the responsibility of appointing competent counsel for their representation, which assumption necessarily implies that the attorney be accountable to the Court for the proper expeditious processing and fixing of reasonable compensation and reimbursement for expenses properly incurred.

The following standards and guidelines shall be utilized in determining appointment of and compensation for all court appointed attorneys, in both criminal and civil

cases, to insure informed appointment and to secure reasonable, adequate and uniform compensation for said attorneys' services rendered on behalf of their client and to be paid from public funds.

(A) Availability of the attorney for appointment and willingness to serve in that capacity will be important considerations for the Court in making appointment. The appointed attorney's experience and reputation in matters assigned, both as to competence in that field and diligence, within the knowledge of the court, shall be considered. The physical location of the appointed attorney and the represented parties and the attorney's locations effect on the anticipated cost of fees, travel and other expenses to be allowed and paid from public funds. The applicant's preference and that attorney's current case load shall also be considered.

(B) Among the factors to be considered by the court in fixing a fee would be the skill and standing of the attorney involved, the novelty, difficulty or complexity of the case, the time required and importance of the subject matter, the degree of responsibility assumed, the benefits resulting to the client, certainty of payment, and the usual and customary charges for like services rendered in the community.

(C) An attorney shall be separately reimbursed for expenses actually incurred for long distance telephone calls, serving subpoenas, obtaining copies of documents from official sources, and mileage at the rate allowed by the State for the use of his or her automobile outside the county in the preparation and trial of the case. Any other items of expense is subject to disapproval unless prior approval for that expenditure is first obtained from the court.

(D) Hourly and daily compensation for preparation, investigation, hearings, trials and appeals:

1. For actual time spent in the preparation for and attendance of court hearings including juvenile, mental, arraignments, motions, probation revocation, post-conviction relief matters, attending and taking depositions, bond review hearings, and all other out of court work including such reasonable legal research as the case merits. shall be compensated at the rate of \$55.00 per hour from October 1, 1989, which amount should be adjusted where appropriate after taking into consideration the factors listed in paragraph B above.

2. Actual trial in district court for class A, B, C,

and D felonies and aggravated misdemeanors, \$300.00 per day; for all other actual trials including misdemeanors, not to exceed \$150.00 per day.

3. The following compensation is deemed to be the maximum fee to be allowed by the court for the respective criminal offenses charged or duties assigned without first obtaining from the court authority to exceed said amounts.

- (a) Class A felony, \$2,500.00
- (b) Class B felony, \$1,500.00
- (c) Class C and D felonies and aggravated misdemeanors, \$1,000.00
- (d) Serious misdemeanors, \$500.00
- (e) Misdemeanors, \$150.00
- (f) Appeals to the Iowa Supreme Court, \$1,600.00
- (g) Representation of children in dissolution matters, \$300.00
- (h) Representation of patient at mental commitment hearing, \$150.00
- (i) Representation of party at juvenile case adjudication and disposition, \$500.00  
-Representation of party at each additional review hearing to be determined by the court
- (j) Contempt hearings, \$150.00
- (k) Representation of indigent wards, \$150.00
- (l) Probable cause portion of probation revocation hearings, \$200.00
- (m) Post conviction relieve proceedings, one-half of the present guideline for the offense in the original action.

(E) Attorneys are required to separately list all services performed and show to the court the amount of time expended for each individual service for which compensation is requested. Research time shall be documented as well by explaining what legal issues were researched. The claim shall also state the total time for which compensation is sought, which shall be summarized by allocation into the following categories: (1) legal research, (2) travel time, (3) conferences and interviews, (4) other out of court time, (5) pretrial in-court time, (6) trial time, and the total fee the attorney requests for compensation. Out of pocket expenses shall be separately itemized and totaled. A claim for printing expenses shall itemize the number of pages and cost per page. "Reasonable printing or duplicating costs shall not exceed four dollars per page unless otherwise ordered by the appropriate appellate court." [Iowa App.P. 16(c)]

(F) Notice of all claims filed and their amounts shall

be given to the County Attorney. A hearing on allowance of said claim will be held upon the State or claimant's written request to the court administrator. If hearing is not requested within fifteen days after filing of the claim, it shall be considered and allowed by the court without hearing.

(G) All claims filed requesting compensation in excess of \$1,500.00 may be submitted by the trial judge to two other district court judges for consideration of an appropriate allowance of fees. In all cases, the fee allowed shall be the sole responsibility and judgment of the trial judge.

Attorneys who are interested in court appointments shall subscribe to an availability list to be kept by the court administrator, and shall by such subscription be deemed to be aware of and agree to implementation of the above standards and guidelines which accepting any court appointment and making application for any court allowed fee subsequent to the original date of this rule.

(H) All claims for payment of fees shall be filed at time of sentencing. However, upon good cause shown, claims may be submitted not later than thirty (30) days after sentencing, consideration to be limited to the lesser of the claim filed or amount ordered as restitution for attorney fees at sentencing. Failure to comply with this time limitation shall be deemed a waiver of the payment of any attorney fees.

RULE 5.8 ORDER FOR HEARING ON CRIMINAL MOTIONS

Counsel filing motions in criminal cases shall be responsible for effecting an order for hearing.

RULE 5.9 DISPOSAL OF SIMPLE MISDEMEANORS BY BOND FORFEITURE

On all simple misdemeanors not charged on a uniform citation and complaint, except violations of chapter 236, 665, 708, 709A, 714 and 910A of the Code of Iowa, the Court may accept a forfeiture of collateral security in lieu of appearance as a disposition of the case.

All undertakings of collateral security of such simple misdemeanors shall include the following statement or a statement of like effect:

"The defendant hereby requests and authorizes in the event of defendant's failure to appear in connection with this case that the court forfeit this security in satisfaction and disposition of this case."

RULE 6.1 ATTORNEY'S REPORT ON CLOSING ESTATE

When requesting approval of an estate final report, the attorney for the fiduciary or a duly appointed Referee

shall make a report to the court in substantially the following form:

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY  
IN THE MATTER OF THE \_\_\_\_\_ )  
ESTATE OF \_\_\_\_\_ ) REPORT OF ATTORNEY  
\_\_\_\_\_, )  
Deceased. ) Probate No. \_\_\_\_\_

Comes now \_\_\_\_\_, Attorney for the Fiduciary, and reports to the Court as follows: The \_\_\_\_\_ Report has been filed in this Estate. The attorney for the Fiduciary has examined the report and reports to the Court as follows: (All questions must be answered. If "yes" or "no" is not appropriate check "N/A".)

1. Notice of appointment published: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_
2. Affidavit of mailing notice required by Iowa Code sections 633.230 and 633.304: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_
3. Fiduciaries fees ordered or waived and affidavit of compensation filed: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_
4. Attorney fees ordered and affidavit of compensation filed: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_
  - (A) Itemization was requested and provided: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_
  - (B) Extraordinary Attorneys fees ordered: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_
  - (C) If answer to 4(B) is yes has Probate Rule 2(c) been complied with: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_
  - (D) Has statement required by Iowa Code section 633.477(11) been included: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_
5. Income tax acquittance filed: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_
6. Inheritance tax clearance filed: YES\_\_\_\_\_



NO\_\_\_\_\_ N/A\_\_\_\_\_

7. A list of distributees is shown: YES\_\_\_\_\_

NO\_\_\_\_\_ N/A\_\_\_\_\_

8. A description of real estate is shown: YES\_\_\_\_\_ NO\_\_\_\_\_

N/A\_\_\_\_\_

9. Certificates of change of title to real YES\_\_\_\_\_ NO\_\_\_\_\_

N/A\_\_\_\_\_

estate, as required, to be issued by  
the Clerk of Court:

10. All claims filed have been paid or released: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_

11. Notice of hearing on this Report waived: YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_

(A) If not waived, proper proof of service YES\_\_\_\_\_ NO\_\_\_\_\_ N/A\_\_\_\_\_  
of notice is on file:

12. Accounting is waived: YES\_\_\_\_\_ NO\_\_\_\_\_

N/A\_\_\_\_\_

13. Court costs have been paid: YES\_\_\_\_\_ NO\_\_\_\_\_

N/A\_\_\_\_\_

14. If estate is testate and spouse is not YES\_\_\_\_\_ NO\_\_\_\_\_

N/A\_\_\_\_\_

personal representative, spouse has filed  
an election to take under or against the  
will:

WHICH\_\_\_\_\_

15. Receipts for all specific bequests: YES\_\_\_\_\_

NO\_\_\_\_\_ N/A\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Attorney for the Fiduciary

IN THE IOWA DISTRICT COURT FOR \_\_\_\_\_ COUNTY

IN THE MATTER OF THE )

)

ESTATE OF

)

REPORT OF REFEREE

\_\_\_\_\_, )  
Deceased. ) Probate No. \_\_\_\_\_

COMES NOW the duly appointed Referee and reports to the Court as follows: The \_\_\_\_\_ Report has been filed in this Estate. The Referee has examined said Report and reports to the Court as follows: (All questions must be answered. If "yes" or "no" is not appropriate, check "N/A".)

1. Notice of appointment published: YES\_\_\_\_\_  
NO\_\_\_\_\_ N/A\_\_\_\_\_
2. Affidavit of mailing notice required by Iowa YES\_\_\_\_\_  
N/A\_\_\_\_\_ NO\_\_\_\_\_  
Code sections 633.230 and 633.304:
3. Fiduciaries fees ordered or waived and affi- YES\_\_\_\_\_  
N/A\_\_\_\_\_ NO\_\_\_\_\_  
davit of compensation filed:
4. Attorney fees ordered and affidavit of YES\_\_\_\_\_  
N/A\_\_\_\_\_ NO\_\_\_\_\_  
compensation filed:  
(A) Itemization was requested and provided: YES\_\_\_\_\_  
NO\_\_\_\_\_ N/A\_\_\_\_\_  
(B) If not, statement required by Iowa YES\_\_\_\_\_  
N/A\_\_\_\_\_ NO\_\_\_\_\_  
Code section 633.477(11) was made:
5. Income tax acquittance filed: YES\_\_\_\_\_  
N/A\_\_\_\_\_ NO\_\_\_\_\_  
6. Inheritance tax clearance filed: YES\_\_\_\_\_  
NO\_\_\_\_\_ N/A\_\_\_\_\_
7. A list of distributees is shown: YES\_\_\_\_\_  
NO\_\_\_\_\_ N/A\_\_\_\_\_
8. A description of real estate is shown: YES\_\_\_\_\_  
N/A\_\_\_\_\_ NO\_\_\_\_\_  
9. Certificates of change of title to real YES\_\_\_\_\_  
N/A\_\_\_\_\_ NO\_\_\_\_\_  
estate, as required, to be issued by  
the Clerk of Court:
10. All claims filed have been paid or released: YES\_\_\_\_\_  
N/A\_\_\_\_\_ NO\_\_\_\_\_  
11. Notice of hearing on this Report waived: YES\_\_\_\_\_  
NO\_\_\_\_\_ N/A\_\_\_\_\_

(A) If not waived, proper proof of service YES\_\_\_\_ NO\_\_\_\_ N/A\_\_\_\_  
of notice is on file:

12. Accounting is waived: YES\_\_\_\_ NO\_\_\_\_  
N/A\_\_\_\_

13. Court costs have been paid: YES\_\_\_\_ NO\_\_\_\_  
N/A\_\_\_\_

14. If estate is testate and spouse is not YES\_\_\_\_ NO\_\_\_\_  
N/A\_\_\_\_  
personal representative, spouse has filed  
an election to take under or against the  
Will:

WHICH\_\_\_\_\_

15. Receipts for all specific bequests: YES\_\_\_\_  
NO\_\_\_\_ N/A\_\_\_\_

16. Federal estate tax closing letter and proof YES\_\_\_\_ NO\_\_\_\_ N/A\_\_\_\_  
payment is on file (not required for  
closing):

17.  
Remarks:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Referee in Probate

June 2000

Amendment

RULE 6.2 PROBATE ORDERS

When requesting an order in probate, other than an order  
setting hearing, counsel shall make the probate file available to  
the judge.

RULE 6.3 FIDUCIARY REPORTS AND FEES

Reports required by Iowa Code section 633.477 (personal  
representative's final report), section 633.670(1)(b)  
(conservator's report), and section 633.700 (trustee's report)  
shall include by way of summary the accounting required but shall



Meetings with Beneficiaries  
Extraordinary Services

C. Services not provided by Trustee/Conservator: (examples: tax return preparation, property management, investment services, mutual fund fees for fund(s) managed by Trustee/Conservator or affiliated organization)

Dated: \_\_\_\_\_

Respectfully submitted,

By: \_\_\_\_\_

June 2000

Amendment

RULE 6.4 UNIFORM INHERITANCE TAX APPRAISAL FEES

In accordance with Iowa Code 633.21, in ordinary cases where their services are requested, inheritance tax appraisers shall be paid actual mileage at the State rate and the following fees:

<u>FEE</u>	<u>PROPERTY VALUE</u>	<u>APPRAISER'S</u>
\$100.00	Under \$100,000	
	Between 100,000 and 500,000	200.00
	Between 500,000 and 1,000,000	300.00
400.00	Over 1,000,000	

In cases requiring extraordinary time or service, the appraisers may make application for court approval of reasonable compensation.

February 1998

Amendment

RULE 7.1 SETTLEMENT CONFERENCE

Upon request of counsel, or on the court's own motion, settlement conferences shall be held. The settlement conference judge shall not be assigned as trial judge.

Attorneys in cases set for settlement conference shall comply with the following:

- (A) The attorneys shall confer in advance of settlement

conference for the following purposes:

1. To explore the prospects of settlement.
2. To enter into a written statement of all uncontested facts.
3. To examine all exhibits which any of them expect to offer (except rebuttal exhibits), agree on the authenticity and admissibility of such exhibits so far as possible, and note in writing the grounds for objections to any not so agreed upon.

(B) At such settlement conference, counsel shall submit to the court in writing the following:

1. A stipulation or statement of uncontested facts, signed on behalf of all parties.
2. A statement of the contested issues of fact, facts to be proved, specific legal issues, and the theories of recovery or defense on behalf of each party, including a synopsis of the party's position or assertion concerning each applicable item referred to on the settlement conference check list, A through E.
3. A schedule of all exhibits each party intends to offer in evidence at the trial, together with an indication of those agreed to be admissible and the stated grounds for objections to any exhibits not agreed to be admissible. Plaintiff's exhibits shall be marked by number and defendant's exhibits shall be marked by letter.
4. Any pretrial briefs.
5. In jury cases, each party shall deliver to the settlement conference judge a written copy of proposed jury instructions, and a copy by e-mail or computer disk if available to counsel. The jury instructions shall include all of the following:
  - (a) a statement of the case;
  - (b) a list of all Iowa Civil Jury Instructions (\*ICJI11), by number, to be requested without modification or addition thereto;
  - (c) any special issue instructions or any modified ICJI instructions;
  - (d) marshalling instructions containing all necessary elements of all claims or defenses;
  - (e) verdict forms addressing all issues, including special interrogatories, if any, to be submitted to the jury.

(C) All parties to the action shall attend the settlement conference, unless specifically excused by the settlement conference judge.

1. If a party is an entity other than an individual, a representative shall be present who has authority to make decisions respecting that party's claim, settlement.

2. Attorneys shall be prepared to disclose the settlement offer and demand, and the extent of their authority.

3. Where that authority is limited, the person having the authority to authorize payment in the amount necessary to effect settlement shall be present.

#### SETTLEMENT CONFERENCE CHECK LIST A THROUGH E

##### A. NEGLIGENCE ACTIONS

1. All special damages, such as medical, hospital, nursing, drugs, and other expenses, with the amount and to whom paid or owed. If claim is made for the reasonable value of such services actually paid or provided by a third party, such reasonable value shall be considered, or stipulation of total amount, if possible.

2. A detailed statement of loss of earnings claimed or stipulation of total amount, if possible.

3. A detailed list of any property damage or stipulation of total amount, if possible.

4. The acts of contributory negligence claimed and any other defenses to be interposed.

5. Agreement as to use of medical reports of physicians, hospital records, etc.

6. Will a plat or survey of the scene of the accident be submitted in evidence? If so, will the parties agree upon same without the formality of calling an engineer?

7. Will photographs demonstrating the scene of the accident, or the extent of the injuries, or objects or vehicles, be submitted in evidence? If so, will the parties agree upon same without the formality of proof?

##### B. DEATH ACTIONS

1. Comply with the provisions respecting negligence actions where applicable.

2. Is the death conceded to be the result of the accident? Will a death certificate be required?

3. State the age, employment, rate of earning, marital status and life expectancy of deceased. State the names, ages and relationship of dependents, if any, together with the amount of contributions made to them by deceased for a three-year period prior to death.

#### C. MOTOR VEHICLE ACTIONS

1. Comply with negligence or death actions above, if applicable.

2. Name of owner, type and make of vehicles, name and address of driver and his agency.

3. Place and time of accident, whether daylight or dark.

4. Condition of weather.

5. Character and width of street, road or highway; shoulders and nature of terrain as to level, uphill or downhill.

6. Traffic controls, if any, location of signs and significant landmarks.

7. Any claimed obstructions to view and presence of other vehicles, where significant.

8. Traffic regulations, traffic charges and disposition, with extenuating explanation, if any.

9. If property damages claimed, the cost of repairs and name of person making them, or if incapable of repair, the purchase price, age, mileage and value immediately before and immediately after the accident, or stipulation of total amount, if possible.

#### D. CONTRACT ACTIONS

1. Whether the contract relied upon was oral or in writing.

2. The date thereof and the parties thereto.

3. The terms of the contract which are relied upon by the party.

4. Any collateral oral agreement, if claimed, and the terms thereof.

5. Any specific breach of contract claimed.

6. Any misrepresentation of fact claimed.



7. Does the party rely on a contract implied by law?

8. Is any party claiming as a third-party beneficiary of a contract?

9. Whether modification of the contract or waiver of covenant is claimed, and if so, what modification or waiver and how accomplished.

10. An itemized statement of damages claimed to have resulted from any alleged breach; the source of such information, how computed, and any books and records available to sustain such damage claim, or stipulation of total amount if possible.

11. If the case does not fall within the foregoing enumerated categories, the attorneys shall set forth their positions with as much detail as possible.

#### E. CONDEMNATION CASE

In so far as practical:

1. List those tracts to which any title disputes exist.

2. List those tracts to which the amount of just compensation is disputed, together with the defendant or defendants' interests in each tract being condemned.

3. List the respective dates of taking for each tract where compensation is disputed.

4. Set forth the parties' contentions as to method of establishing valuation.