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NOTES AND LEGISLATION

NECESSITY OF AFFIDAVITS SUPPORTING MOTION FOR NEW TRIAL IN IOWA

In the division of the Iowa Rules of Civil Procedure entitled "Pleadings and Motions," under the heading "Verifications Abolished; Affidavits," Iowa Rule of Civil Procedure 80(b) requires that:

Any motion asserting facts as the basis of the order it seeks, and any pleading seeking interlocutory relief, *shall* contain affidavit of the person or persons knowing the facts requisite to such relief. . . . (Emphasis supplied.)

In the same division of the Rules, Rule 116, headed "Proof of Facts in Motions," states that:

Evidence to sustain or resist a motion *may* be by affidavit or in any other form to which the parties agree or the Court directs. The Court may require any affiant to appear for cross-examination. (Emphasis supplied.)