

622.94 Proof of serving or posting notices.

The posting up or service of any notice or other paper required by law may be proved by the affidavit of any competent witness attached to a copy of said notice or paper, and made within six months of the time of such posting up.

[C51, §2428; R60, §4043; C73, §3698; C97, §4681; C24, 27, 31, 35, 39, §11350; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.94]

622.95 Other facts.

Any other fact which is required to be shown by affidavit, and which may be required for future use in any action or other proceeding, may be proved by pursuing the course above indicated, as nearly as the circumstances of the case will admit.

[C51, §2429; R60, §4044; C73, §3699; C97, §4682; C24, 27, 31, 35, 39, §11351; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.95]

622.96 How perpetuated — presumption of fact.

Proof so made may be perpetuated and preserved for future use by filing the papers above mentioned in the office of the clerk of the district court of the county where the act is done. The original affidavit appended to the notice or paper, if there is one, and, if not, the affidavit by itself is presumptive evidence of the facts stated therein, but does not preclude other modes of proof now held sufficient.

[C51, §2430; R60, §4045; C73, §3700; C97, §4683; C24, 27, 31, 35, 39, §11352; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.96]

SUBCHAPTER II**REPORTER'S NOTES AS EVIDENCE****622.97 Authorized use.**

The original shorthand notes of the evidence or any part thereof heretofore or hereafter taken upon the trial of any cause or proceeding, in any court of record of this state, by the shorthand reporter of such court, or any transcript thereof, duly certified by such reporter, when material and competent, shall be admissible in evidence on any retrial of the case or proceeding in which the same were taken, and for purposes of impeachment in any case, and shall have the same force and effect as a deposition, subject to the same objections so far as applicable.

[S13, §245-a; C24, 27, 31, 35, 39, §11353; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.97]

622.98 Transcript must be complete.

No portion of the transcript of the shorthand notes of the evidence of any witness shall be admissible as such deposition, unless it shall appear from the certificate or verification thereof that the whole of the shorthand notes of the evidence of such witness, upon the trial or hearing in which the same was given, is contained in such transcript, but the party offering the same shall not be compelled to offer the whole of such transcript.

[S13, §245-a; C24, 27, 31, 35, 39, §11354; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.98]

622.99 Certification.

It shall be the duty of any such reporter, upon demand by any party to any cause or proceeding, or by the attorney of such party, when such shorthand notes are offered in evidence, to read the same before the court, judge, referee, or jury, or to furnish to any person when demanded a certified transcript of the shorthand notes of the evidence of any one or more witnesses, upon payment of the reporter's fees therefor.

[S13, §245-a; C24, 27, 31, 35, 39, §11355; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.99]

622.100 Sworn verification.

When the reporter taking such notes in any case or proceeding in court has ceased to be the reporter of such court, any transcript by the reporter made therefrom and sworn to by the reporter before any person authorized to administer an oath as a full, true, and complete transcript of the notes of the testimony of the witness, a transcript of whose testimony is demanded, shall have the same force and effect as though duly certified by the reporter of said court.

[S13, §245-a; C24, 27, 31, 35, 39, §11356; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.100]

622.101 Identification of exhibits.

When any exhibit, record, or document is referred to in such shorthand notes or transcript thereof, the identity of such exhibit, record, or document, as the one referred to by the witness, may be proven either by the reporter or any other person who heard the evidence of the witness given on the stand.

[S13, §245-a; C24, 27, 31, 35, 39, §11357; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.101]

SUBCHAPTER III

DEPOSITIONS

622.102 Refusal to appear or testify.

Any witness who refuses to obey such subpoena or after appearance refuses to testify shall be reported by the officer or commissioner to the district court of the county where the subpoena was issued.

[C24, 27, 31, 35, 39, §11367; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.102]
Similar provision, §622.84

622.103 Reserved.**622.104 Witness fees.**

A witness appearing before an officer directed to take the witness' deposition is entitled to the same fees and mileage as a witness in the court in which the deposition is to be used. If subpoenaed, such a witness is entitled to fees and mileage in advance, as in other cases.

[C97, §4716; C24, 27, 31, 35, 39, §11398; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §622.104]

Fees and mileage, §622.69 – 622.75

SUBCHAPTER IV

DOCUMENTS FILED WITH STATE OR DIVISIONS

622.105 Evidence of date mailed.

1. Any report, claim, tax return, statement, or any payment required or authorized to be filed or made to the state, or any political subdivision which is transmitted through the United States mail or mailed but not received by the state or political subdivision or received and the cancellation mark is illegible, erroneous or omitted, shall be deemed filed or made and received on the date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement, or payment was deposited in the United States mail on or before the date for filing or paying. In the event of nonreceipt of any such report, tax return, statement, or payment, the sender shall file a duplicate within thirty days of receiving written notification of nonreceipt of such report, tax return, statement, or payment. Filing of a duplicate within thirty days of receiving written notification shall be considered to be a filing made on the date of the original filing.

2. For the purposes of [this section](#) “*competent evidence*” means evidence, in addition to