

SUPREME COURT OF IOWA

Gary N. Porter and Lori Porter v. Richard L. Harden and Janice Harden

Porter v. Harden · No. No. 15-0683 · Decided March 10, 2017

SUMMARY

The Iowa Supreme Court held that a tenant’s keeping of a single horse at a residence did not establish a farm tenancy under Iowa Code chapter 562. Because the farm-tenancy notice requirements did not apply, the Porters properly terminated the Hardens’ tenancy and were entitled to possession. The court vacated the court of appeals decision and affirmed the district court judgment; Justice Wiggins dissented.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Mansfield, Justice
JURISDICTION	Iowa
DECIDED	March 10, 2017
DOCKET	No. 15-0683
DISPOSITION	vacated
PROCEDURAL POSTURE	The property owners brought a forcible entry and detainer action after serving notices terminating the occupants' tenancy. The Iowa District Court for Wayne County granted the owners possession. The Iowa Court of Appeals reversed, concluding that grazing one horse established a farm tenancy protected by Iowa Code chapter 562. The Supreme Court of Iowa granted further review.
STANDARD OF REVIEW	Forcible entry and detainer actions are equitable actions reviewed de novo, with weight given to the district court's factual findings but without being bound by them. Statutory-interpretation issues are reviewed for correction of errors at law.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Richard L. Harden, Janice Harden v. Gary N. Porter, Lori Porter

TOPICS

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QUESTIONS PRESENTED

1. Whether keeping a single horse on residential property established a farm tenancy under Iowa Code section 562.1A and triggered the special termination-notice requirements of sections 562.5 through 562.7.
2. Whether Iowa Code chapter 560 barred the FED action because the Hardens separately sought relief for alleged valuable improvements to the property.
3. Whether the owners of an adjoining three-acre parcel were necessary parties to the FED action.

HOLDINGS

1. A farm tenancy requires that the land be primarily devoted to producing crops or providing for the care and feeding of livestock. Merely keeping one horse at a residence, where the property is not primarily used for agricultural purposes, does not establish a farm tenancy or trigger chapter 562's special termination protections.
2. Chapter 560 did not prohibit the Porters from bringing an FED action to determine the right to possession. It restricted issuance of execution to remove the occupant until the chapter's requirements were satisfied.
3. The owners of the adjoining three-acre parcel were not necessary parties because the Hardens conceded that the parcel was separately owned and was not owned by the Porters.

KEY QUOTATIONS

“Reading the statute as a whole, we conclude that land which is not devoted primarily to the production of crops or the care and feeding of livestock cannot be the foundation for a chapter 562 farm tenancy.” (at 2)

“For all these reasons, we conclude that merely keeping a single horse at a residence does not establish a farm tenancy for purposes of Iowa Code chapter 562.” (at 12)

“Reading section 562.1A’s definition of farm tenancy as a whole we find it to be ambiguous, and applying the various construction tools described above we find a primary purpose test to be appropriate.” (at 13)

FACTUAL BACKGROUND

The Hardens lived for twenty-four years in a home on a six-acre property owned by the Porters. There was no actual rental agreement, and the parties stipulated that the Hardens resided on the premises and kept one thirty-eight-year-old horse there. The Porters served notices terminating the tenancy and initiated an FED action; the Hardens asserted that their occupancy was a farm tenancy requiring the advance notice protections of Iowa Code chapter 562.

PROCEDURAL HISTORY

The Hardens previously unsuccessfully claimed an oral agreement to purchase the property. The Porters then served a thirty-day notice terminating the tenancy, followed by a three-day notice to quit and an FED action. The district court ruled that the tenancy was a tenancy at will rather than a farm tenancy and granted possession, while staying execution pending resolution of the Hardens' improvements claim. The court of appeals reversed, and the supreme court vacated that decision and affirmed the district court.

DISPOSITION

vacated

REMAND INSTRUCTIONS

No remand was required. The court vacated the court of appeals decision and affirmed the district court judgment.

CASES CITED

- Harden v. Porter, No. 12-2293, 2014 WL 969970 (Iowa Ct. App. Mar. 12, 2014)
- Horizon Homes of Davenport v. Nunn, 684 N.W.2d 221, 224 (Iowa 2004)
- Schaefer v. Schaefer, 795 N.W.2d 494, 497 (Iowa 2011)
- Benschoter v. Hakes, 232 Iowa 1354, 1363-64, 8 N.W.2d 481, 487 (1943)
- Morling v. Schmidt, 299 N.W.2d 480, 481 (Iowa 1980)
- U.S. Bank National Ass'n v. Lamb, 874 N.W.2d 112, 116 (Iowa 2016)
- Iowa Insurance Institute v. Core Group of Iowa Association for Justice, 867 N.W.2d 58, 72 (Iowa 2015)
- Des Moines Flying Service, Inc. v. Aerial Services Inc., 880 N.W.2d 212, 221 (Iowa 2016)
- State v. Velez, 829 N.W.2d 572, 587 (Iowa 2013)
- Johnson v. Johnson, 564 N.W.2d 414, 417-18 (Iowa 1997)
- Roth v. Evangelical Lutheran Good Samaritan Society, 886 N.W.2d 601, 610 (Iowa 2016)
- United Suppliers, Inc. v. Hanson, 876 N.W.2d 765, 778 (Iowa 2016)
- In re J.C., 857 N.W.2d 495, 500 (Iowa 2014)
- Charlestown Township v. Fuguet, 366 A.2d 1386, 1387 (Pa. Commw. Ct. 1976)
- Capital Fund 85 Ltd. Partnership v. Priority Systems, LLC, 670 N.W.2d 154, 159 (Iowa 2003)
- In re Estate of Waterman, 847 N.W.2d 560, 568 (Iowa 2014)
- Zimmer v. Vander Waal, 780 N.W.2d 730, 733 (Iowa 2010)
- Auen v. Alcoholic Beverages Division, 679 N.W.2d 586, 590 (Iowa 2004)
- State v. Dohlman, 725 N.W.2d 428, 431 (Iowa 2006)
- State v. Wells, 629 N.W.2d 346, 354, 357 (Iowa 2001)
- Hutchison v. Shull, 878 N.W.2d 221, 237 (Iowa 2016)

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