

**458A.22 Duty to have forfeited lease released affidavit of noncompliance notice to landowner remedies.**

When any oil, gas, or metallic mineral lease given on land situated in Iowa and recorded, becomes forfeited by failure of the lessee to comply with its provisions or the Iowa law, the lessee shall, within sixty days after date of forfeiture of the lease, have the lease surrendered in writing, duly acknowledged and placed on record in the county where the leased land is situated, or the lease may be released by a marginal release on margin of the record without cost to the owner of land described in the lease. If the lessee fails to execute and record a release of the recorded lease within the time provided for, the owner of the land may execute and file with the recorder of the counties in which the forfeited lease has been recorded an affidavit of noncompliance in substantially the following form: {Caffidavit of noncompliance State of Iowa ) County of ..... ) ss.

..... being first duly sworn, upon oath deposes and says that the deponent is ..... as referred to in an (oil and gas) (metallic mineral) mining lease dated the ..... day of ..... (month), ..... (year), which lease is recorded in Volume ....., Page ....., of the County Records of ..... County, ....., and which lease covers the following described lands: .....

And further, deponent says that on the ..... day of ..... (month), ..... (year), under the terms of said lease, there should have been paid to the deponent or deposited to the deponent's credit in the ..... Bank of ..... the sum of ..... Dollars (\$.....), the payment of which was necessary in order to keep the above described lease in force and effect. Deponent hereby swears the above payment has never been made to the deponent or the deponent's representatives, in money or otherwise, nor has same been deposited to the deponent's credit in the above bank.

And further, deponent says that there has been no drilling or development of any nature or kind whatsoever done on the land covered by the lease referred to herein, as called for under the terms of said lease.

.....

Subscribed and sworn to before me, a Notary Public for the State of Iowa, this ..... day of ..... (month), ..... (year) ..... Notary Public My commission expires ..... {Caffidavit of the banker State of ..... ) County of ..... ) ss.

I, ....., (Cashier) (President) of the ..... Bank of ....., being first duly sworn, upon my oath declare that there has not been deposited to the credit of ..... in the ..... Bank of ....., by ..... or any other party, any sum of money whatsoever, in payment of rental under the terms of the (oil and gas) (metallic mineral) mining lease referred to in this affidavit.

Witness my hand this ..... day of ..... (month), ..... (year) .....

(Cashier) (President) of ..... Bank

Subscribed and sworn to before me, a Notary Public for the State of Iowa on the ..... day of ..... (month), ..... (year) ..... Notary Public My commission expires .....

If the lessee shall, within thirty days after the filing of such affidavit, give notice in writing to the county recorder of the county where said land is located that said lease has not been forfeited and that said lessee still claims that said lease is in full force and effect, then the said affidavit shall not be recorded but the county recorder shall notify the owner of the land of the action of the lessee, and the owner of the land shall be entitled to the remedies provided by this chapter for the cancellation of such disputed lease. If the lessee shall not notify the county recorder as above provided, then the county recorder shall record said affidavit, and thereafter the record of the said lease shall not be notice to the public of the existence of said lease or of any interest therein or rights thereunder, and said record shall not be received in evidence in any court of the state on behalf of the lessee against the lessor, and said lease shall stand forfeited.

[C39, § **1360.06**; C46, 50, 54, 58, 62, § 84.6; C66, 71, 73, 75, 77, 79, 81, § 84.22; 81 Acts, ch 41, § 6, 7]

C93, § 458A.22

2000 Acts, ch 1058, §56