

## CHAPTER 291.

## RESTORATION OF LOST OR DESTROYED RECORDS.

H. F. 575.

AN ACT to provide for the restoration of lost or destroyed public records. [Additional to chapter four (4) of title twenty-one (XXI) of the code relating to quieting title to real estate.]

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Action in rem.** Whenever the public records in the office of any county official in this state have been or shall hereafter be lost or destroyed in any material part, the said county on relation of said public officer or the owner of any real estate affected thereby, may bring an action in rem in equity in the district court of the state in and for the county in which said real estate is situated against all known and unknown persons, firms or corporations that might have any interest in said real estate affected by said record, to have said lost or destroyed records restored in whole or in part. Any number of parcels of land may be included in the same suit; and whenever said action is brought by the owner, the public official in whose office said lost or destroyed public records are required by law to be kept shall be made a defendant therein.

SEC. 2. **Petition—notice—decree—form.** The petition, notice and decree in said action to restore any lost or destroyed records, and all proceedings in said suit, so far as the same relate to unknown defendants, shall conform to the statutes of this state applicable to actions against unknown defendants and unknown claimants; and all known defendants shall be served with notice in the time and manner now provided by law; and whenever said action is brought by the owner of said real estate, all clouds upon said title and defects therein and all adverse claims thereto may be adjudicated in the same suit and title quieted therein. The provisions of section three thousand seven hundred ninety-six (3796) of the code shall be applicable to defendants served with original notice in such action by publication.

SEC. 3. **Proof required.** No judgment or decree restoring any lost or destroyed record in such action shall be entered by default, but the court must require proof of the facts alleged in reference thereto and the court shall make such finding of facts and decree as may be sustained by the evidence and may order such lost or destroyed record to be prepared by said public official as completely as the circumstances and proof will permit, and said record when so prepared shall be approved by the court and its approval endorsed thereon by the clerk.

SEC. 4. **Restored records—how filed.** All public records restored as provided by this act shall be filed, bound and indexed the same as original records are required to be, and shall have the same force and effect as the original records before their loss or destruction.

Approved April 2 A. D. 1913.