

CHAPTER 280

UNSOLICITED GOODS, WARES AND MERCHANDISE

S. F. 74

AN ACT relating to unsolicited goods, wares, and merchandise.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Unless otherwise agreed, where unsolicited goods are
 2 mailed to a person, he has a right to accept delivery of such goods as a gift
 3 only, and is not bound to return such goods to the sender. If such unsolicit-
 4 ed goods are either addressed to or intended for the recipient, he may use
 5 them or dispose of them in any manner without any obligation to the send-
 6 er, and in any action for goods sold and delivered, or in any action for the
 7 return of the goods, it shall be a complete defense that the goods were
 8 mailed voluntarily and that the defendant did not actually order or re-
 9 quest such goods, either orally or in writing.

Approved February 20, 1969.

CHAPTER 281

LAND TITLE TRANSACTIONS

S. F. 271

AN ACT relating to the conveyance of an interest in land, and defining marketable record title.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. As used in this Act:
 2 1. "Marketable record title" means a title of record, as indicated in sec-
 3 tion three (3) of this Act, which operates to extinguish such interests and
 4 claims, existing prior to the effective date of the root of title, as are stated
 5 in section five (5) of this Act.
 6 2. "Records" includes probate and other official public records, as well
 7 as records in the office of the county recorder.
 8 3. "Recording", when applied to the official public records of a probate
 9 or other court, includes filing.
 10 4. "Person dealing with the land" includes a purchaser of any estate or
 11 interest therein, a mortgagee, a levying or attaching creditor, a land con-
 12 tract vendee, or any other person, corporation, or entity seeking to acquire
 13 an estate or interest therein, or impose a lien thereon.
 14 5. "Root of title" means that conveyance or other title transaction or
 15 other link in the chain of title of a person, purporting to create the interest
 16 claimed by such person, upon which he relies as a basis for the marketabil-
 17 ity of his title, and which was the most recent to be recorded or estab-
 18 lished as of a date forty years prior to the time when marketability is being
 19 determined. The effective date of the "root of title" is the date on which it is
 20 recorded.
 21 6. "Title transaction" means any transaction affecting title to any inter-
 22 est in land, including title by will or descent, title by tax deed, or deed by
 23 trustee, referee, guardian, executor, administrator, master in chancery, sher-

24 iff, or any other form of deed, or decree of any court, as well as warranty
25 deed, quit claim deed, mortgage, or transfer or conveyance of any kind.

1 SEC. 2. This Act shall be liberally construed to effect the legislative
2 purpose of simplifying and facilitating land title transactions by allowing
3 persons to rely on a record chain of title as described in section three (3)
4 of this Act, subject only to such limitations as appear in section four (4)
5 of this Act.

1 SEC. 3. Any person who has an unbroken chain of title of record to
2 any interest in land for forty years or more, shall be deemed to have a
3 marketable record title to such interest as defined in section one (1) of
4 this Act, subject only to the matters stated in section four (4) of this Act.
5 A person shall be deemed to have such an unbroken chain of title when
6 the official public records disclose a conveyance or other title transaction,
7 of record not less than forty years at the time the marketability is to be
8 determined, which said conveyance or other title transaction purports to
9 create such interest, either in:

10 1. The person claiming such interest, or

11 2. Some other person from whom, by one or more conveyances or other
12 title transactions of record, such purported interest has become vested in
13 the person claiming such interest; with nothing appearing of record, in
14 either case, purporting to divest such claimant of such purported interest.

1 SEC. 4. Such marketable record title shall be subject to:

2 1. All interests and defects which are inherent in the muniments of
3 which such chain of record title is formed; provided however, that a general
4 reference in such muniments, or any of them, to easements, use restrictions
5 or other interests created prior to the root of title shall not be sufficient to
6 preserve them, unless specific identification be made therein of a recorded
7 title transaction which creates such easement, use restriction, or other
8 interest.

9 2. All interest preserved by the filing of proper notice or by possession
10 by the same owner continuously for a period of forty years or more, in
11 accordance with section six (6) of this Act.

12 3. The rights of any person arising from a period of adverse possession
13 or user, which was in whole or in part subsequent to the effective date
14 of the root of title.

15 4. Any interest arising out of a title transaction which has been re-
16 corded subsequent to the effective date of the root of title from which the
17 unbroken chain of title of record is started; provided such recording shall
18 not revive or give validity to any interest which has been extinguished prior
19 to the time of the recording by the operation of section five (5) of this Act.

20 5. The exceptions as stated and set forth in section eight (8) of this Act.

1 SEC. 5. Subject to the matters stated in section four (4) of this Act,
2 such marketable record title shall be held by its owner and shall be taken
3 by any person dealing with the land free and clear of all interests, claims
4 or charges whatsoever, the existence of which depends upon any act, trans-
5 action, event or omission that occurred prior to the effective date of the
6 root of title. All such interests, claims or charges, however denominated,
7 whether legal or equitable, present or future, whether such interest, claims
8 or charges are asserted by a person able to assert a claim on his own behalf

9 or under a disability, whether such person is within or without the state,
10 whether such person is natural or corporate, or is private or governmental,
11 are hereby declared to be null and void.

1 SEC. 6.

2 1. Any person claiming an interest in land may preserve and keep effec-
3 tive such interest by filing for record during the forty-year period imme-
4 diately following the effective date of the root of title of the person whose
5 record title would otherwise be marketable, a notice in writing duly verified
6 by oath or affirmation setting forth the nature of the claim. No disability or
7 lack of knowledge of any kind on the part of anyone shall suspend the run-
8 ning of said forty-year period. Such notice may be filed for record by the
9 claimant or by any other person acting on behalf of any claimant who is:

10 a. Under a disability,

11 b. Unable to assert a claim on his own behalf, or

12 c. One of a class, but whose identity cannot be established or is uncer-
13 tain at the time of filing such notice of claim for record.

14 2. If the same record owner of any possessory interest in land has been
15 in possession of such land continuously for a period of forty years or more,
16 during which period no title transaction with respect to such interest ap-
17 pears of record in his chain of title, and no notice has been filed by him or
18 on his behalf as provided in subsection one (1), and such possession contin-
19 ues to the time when marketability is being determined, such period of
20 possession shall be deemed equivalent to the filing of the notice immediately
21 preceding the termination of the forty-year period described in subsection
22 one (1).

1 SEC. 7. To be effective and to be entitled to record the notice above
2 referred to shall contain an accurate and full description of all land affect-
3 ed by such notice which description shall be set forth in particular terms
4 and not by general inclusions; but if said claim is founded upon a recorded
5 instrument, then the description in such notice may be the same as that
6 contained in such recorded instrument. Such notice shall be filed for record
7 in the office of the county recorder of the county or counties where the
8 land described therein is situated. The recorder of each county shall accept
9 all such notices presented to him which describe land located in the coun-
10 ty in which he serves and shall enter and record full copies thereof in the
11 same way that deeds and other instruments are recorded, and each re-
12 corder shall be entitled to charge the same fees for the recording thereof
13 as are charged for recording deeds. In indexing such notices in his office
14 each recorder shall enter such notices under the grantee indexes of deeds
15 in the names of the claimants appearing in such notices. Such notices
16 shall also be indexed under the description of the real estate involved in a
17 book set apart for that purpose to be known as the "claimant's book."

1 SEC. 8. This Act shall not be applied to bar any lessor or his successor
2 as a reversioner of his right to possession on the expiration of any lease;
3 or to bar or extinguish any easement or interest in the nature of an ease-
4 ment, the existence of which is apparent from or can be proved by physi-
5 cal evidence of its use; or to bar any right, title or interest of the United
6 States, by reason of failure to file the notice herein required.

1 SEC. 9. Nothing contained in this Act shall be construed to extend
2 the period for the bringing of an action or for the doing of any other re-

3 quired act under any statutes of limitations, nor, except as herein specifi-
 4 cally provided, to effect the operation of any statutes governing the effect
 5 of the recording or the failure to record any instrument affecting land. It
 6 is intended that nothing contained in this Act be interpreted to revive
 7 or extend the period of filing a claim or bringing an action that may be
 8 limited or barred by any other statute.

1 SEC. 10. If the forty-year period specified in this Act shall have expired
 2 prior to one year after July 1, 1969, such period shall be extended one year
 3 after July 1, 1969.

Approved May 14, 1969.

CHAPTER 282

MERGED AREA SCHOOLS LEGALIZED

S. F. 573

AN ACT to legalize and validate proceedings for the establishment, organization, formation,
 and changes in the boundaries of merged area school systems.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. All proceedings taken prior to January 1, 1969, purporting
 2 to provide for the establishment, organization, formation, and changes in
 3 the boundaries of merged areas under the provisions of chapter two hundred
 4 eighty A (280A), Code 1966, and not heretofore declared invalid by any
 5 court, are hereby legalized, validated, and confirmed.

1 SEC. 2. The foregoing shall not be construed to affect any litigation
 2 that may be pending at the time this Act becomes effective involving the
 3 establishment, organization, formation, or changes in the boundaries of any
 4 such merged area.

Approved May 22, 1969.

CHAPTER 283

SCHOOL DISTRICTS LEGALIZED

S. F. 675

AN ACT to legalize and validate proceedings providing for the organization of, reorganization of,
 attachment of territory to, enlargement of, or changes in boundaries of school corporations.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. All proceedings taken prior to January 1, 1969, purporting
 2 to provide for the organization of, reorganization of, attachment of terri-
 3 tory to, enlargement of, or change in boundaries of any school corporation
 4 in this state and not heretofore declared invalid by any court are hereby
 5 legalized, validated and confirmed.