

services performed, that person shall be considered to be receiving no compensation. The operation of a motor vehicle in compliance with section 321.231 by a volunteer fire fighter, volunteer operator, or attendant of an ambulance or rescue squad service, a volunteer paramedic, or volunteer emergency medical technician shall be considered rendering emergency care or assistance for purposes of this section.

Approved May 17, 1991

CHAPTER 183

MARKETABLE TITLE OF REAL ESTATE AND LAPSE OF CERTAIN MINERAL INTERESTS

H.F. 618

AN ACT relating to real estate, by providing for the marketable title of real estate and the lapse of stale mineral interests in coal.

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

Section 1. Section 331.602, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 35A. Record a statement of claim provided in chapter 557C relating to mineral interests in coal.

Sec. 2. **NEW SECTION. 557C.1 LAPSE OF MINERAL INTERESTS IN COAL — PREVENTION.**

A mineral interest in coal shall be extinguished twenty years after its creation, transfer, or preservation, unless a statement of claim is filed in accordance with section 557C.3, and the ownership shall revert to the person who was then the owner of the interest from which the mineral interest in coal was created, transferred, or preserved. Upon the filing of a statement of claim within the specified period, the mineral interest shall be deemed to have been preserved for an additional period of twenty years, or a shorter period as may be specified in the instrument creating the interest.

Sec. 3. **NEW SECTION. 557C.2 MINERAL INTEREST — DEFINITION.**

A mineral interest in coal means an interest created by an instrument which creates or transfers either by grant, assignment, reservation, or otherwise, an interest of any kind in coal, as described in chapter 83, without limitation on the manner of mining the coal.

Sec. 4. **NEW SECTION. 557C.3 STATEMENT OF CLAIM — FILING — REQUIREMENTS.**

The statement of claim provided in section 557C.1 shall be filed by the owner of the mineral interest in coal prior to the end of the twenty-year period set forth in section 557C.1 or by July 1, 1994, whichever is later. The statement of claim shall contain the name and address of the owner of the mineral interest in coal, and a description of the real estate on, or under, which the mineral interest in coal is located. The statement of claim shall be filed in the office of the recorder in the county in which the real estate is located.

Sec. 5. **NEW SECTION. 557C.4 STATEMENT OF CLAIM — FILING — RECORDER'S DUTY.**

Upon the filing of the statement of claim provided for in section 557C.3 in the recorder's office for the county where the real estate on, or under, which the mineral interest in coal exists, is located, the recorder shall record the statement of claim and index it in the claimant's book.

Sec. 6. NEW SECTION. 557C.5 RESERVATION IN OTHER CONVEYANCE.

A reservation of a mineral interest in coal or an exception of a mineral interest in coal, contained in a conveyance of the interest out of which it is carved, by a nonowner of the mineral interest in coal shall not be deemed to satisfy the requirements of this chapter or as a revival of a mineral interest in coal otherwise extinguished under this chapter.

Sec. 7. NEW SECTION. 557C.6 EXEMPTION.

The filing of the statement of claim required under section 557C.3 to preserve the mineral interest in coal shall not be required of an owner if the mineral interest was separately taxed for real estate tax purposes at any time after July 1, 1971.

Sec. 8. Section 558.5, Code 1991, is amended to read as follows:

558.5 CONTRACT FOR DEED — PRESUMPTION OF ABANDONMENT.

When the record shows that a contract or bond for a deed has been given prior to January 1, 1970 executed more than ten years earlier, and the record discloses no performance of the same and that more than ten years have elapsed since the contract by its terms was to be performed, the contract shall be deemed abandoned and of no effect and the land shall be freed from any lien or defect on account of the contract.

On and after July 1, 1992, this section shall apply to a contract or bond described in this section, if the contract or bond is not filed of record but referred to in another instrument which is filed of record. The contract or bond shall be deemed abandoned ten years from the date that the contract or bond is to be performed according to the recorded instrument. However, if the recorded instrument does not refer to a performance date for the contract or bond, the contract or bond shall be deemed abandoned ten years after the date that the instrument containing the reference is recorded.

Sec. 9. Section 558.14, Code 1991, is amended to read as follows:

558.14 GRANTOR DESCRIBED AS "SPOUSE" OR "HEIR" — PRESUMPTION.

All conveyances or the record title thereof of real estate executed prior to January 1, 1950 more than ten years earlier, wherein the grantor or grantors described themselves as the surviving spouse, heir at law, heirs at law, surviving spouse and heir at law, or surviving spouse and heirs at law, of some person deceased in whom the record title or ownership of said real estate previously vested, shall be conclusive evidence of the facts so recited as far as they relate to the right of the grantor or grantors to convey, as fully as if the record title of said grantor or grantors had been established by due probate proceedings in the county wherein the real estate is situated.

Sec. 10. Section 587.10, Code 1991, is amended to read as follows:

587.10 AFFIDAVIT OF PUBLICATION OF NOTICE BY ASSISTANT PUBLISHER.

All affidavits of proof of publication of any notice or original notice made by the assistant publisher of any newspaper of general circulation, which were executed and filed prior to January 1, 1970 more than ten years earlier, are hereby legalized, declared valid, binding, and of full force and effect.

Sec. 11. Section 589.1, Code 1991, is amended to read as follows:

589.1 ACKNOWLEDGMENTS — SEAL NOT AFFIXED.

All deeds, mortgages, or other instruments in writing for the conveyance of lands which have been made and executed before July 1, 1970 more than ten years earlier, and the officer taking the acknowledgment has not affixed the officer's seal to the acknowledgment; the acknowledgment is, nevertheless, good and valid in law and equity, anything in any law passed before July 1, 1970, any other provision of law to the contrary notwithstanding.

Sec. 12. Section 589.2, Code 1991, is amended to read as follows:

589.2 CONVEYANCES BY COUNTY.

All deeds executed before July 1, 1970 more than ten years earlier, by a court or the chairperson of the board of supervisors of a county, and to which the officer executing the deed

has failed or omitted to affix the county seal, and all deeds where the clerk has failed or omitted to countersign when required so to do, are legalized and valid as though the law had in all respects been fully complied with.

Sec. 13. Section 589.3, Code 1991, is amended to read as follows:

589.3 ABSENCE OF OR DEFECTIVE ACKNOWLEDGMENTS.

Any instrument in writing affecting the title to real estate within the state of Iowa, to which is attached no certificate of acknowledgment, or to which is attached a defective certificate of acknowledgment, which was, prior to January 1, 1970 more than ten years earlier, recorded or spread upon the records in the office of the recorder of the county in which the real estate described in the instrument is located, is, together with the recording and the record of the recording, valid, legal, and binding as if the instrument had been properly acknowledged and legally recorded.

Sec. 14. Section 589.4, Code 1991, is amended to read as follows:

589.4 ACKNOWLEDGMENTS BY CORPORATION OFFICERS.

The acknowledgments of all deeds, mortgages, or other instruments in writing taken or certified before July 1, 1970 more than ten years earlier, which instruments have been recorded in the recorder's office of any county of this state, including acknowledgments of instruments made by a corporation, or to which the corporation was a party, or under which the corporation was a beneficiary, and which have been acknowledged before or certified by a notary public who was at the time of the acknowledgment or certifying a stockholder or officer in the corporation, are legal and valid official acts of the notaries public, and entitle the instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding. This section does not affect pending litigation.

Sec. 15. Section 589.5, Code 1991, is amended to read as follows:

589.5 ACKNOWLEDGMENTS BY STOCKHOLDERS.

All deeds and conveyances of lands within this state executed before July 1, 1970 more than ten years earlier, but which have been acknowledged or proved according to and in compliance with the laws of this state before a notary public or other official authorized by law to take acknowledgments who was, at the time of the acknowledgment, an officer or stockholder of a corporation interested in the deed or conveyance, or otherwise interested in the deeds or conveyances, are, if otherwise valid, valid in law as though acknowledged or proved before an officer not interested in the deeds or conveyances; and if recorded before July 1, 1970 more than ten years earlier, in the respective counties in which the lands are, the records are valid in law as though the deeds and conveyances, so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved before an officer having no interest in the deeds or conveyances.

Sec. 16. Section 589.6, Code 1991, is amended to read as follows:

589.6 INSTRUMENTS AFFECTING REAL ESTATE.

All instruments in writing executed by a corporation prior to July 1, 1970 more than ten years earlier, conveying, encumbering, or affecting real estate, including releases, satisfactions of mortgages, judgments, or any other liens by entry of the release or satisfaction upon the page where the lien appears recorded or entered, where the corporate seal of the corporation has not been affixed or attached, and which are otherwise legally and properly executed, are legal, valid, and binding as though the corporate seal had been attached or affixed.

Sec. 17. Section 589.8, Code 1991, is amended to read as follows:

589.8 MORTGAGES, TRUST DEEDS AND REALTY LIENS — RELEASES BEFORE JULY 1, 1970 EXECUTED, FILED, AND RECORDED FOR MORE THAN TEN YEARS.

A release or satisfaction of a mortgage or trust deed, or of an instrument in writing creating a lien upon real estate where the release or satisfaction has been recorded in the recorder's office of the county in this state, or upon the margin of the record, where the original instrument was recorded and which release or satisfaction was made by an individual, association,

copartnership, assignee, corporation, attorney in fact, or by a resident or foreign executor, administrator, referee, receiver, trustee, guardian, or commissioner, and which release or satisfaction was executed, filed, and recorded ~~prior to July 1, 1970~~ more than ten years earlier, is valid, legal and binding, any defects in the execution, acknowledgment, recording, filing, or otherwise of the releases or satisfactions to the contrary notwithstanding.

Sec. 18. Section 589.9, Code 1991, is amended to read as follows:

589.9 MARGINAL RELEASES OF SCHOOL-FUND MORTGAGES.

The release or satisfaction of a school-fund mortgage entered on the margin of the record of the mortgage by the auditor of the county ~~prior to July 1, 1970~~ more than ten years earlier, is legalized as though the auditor had, at the time of entering the release or satisfaction, the same power thereafter conferred upon the auditor by chapter 53 of the Acts of the Twenty-fifth General Assembly.

Sec. 19. Section 589.10, Code 1991, is amended to read as follows:

589.10 MARGINAL ASSIGNMENT OF MORTGAGE OR LIEN.

If an assignment of a mortgage or other recorded lien on real estate has been ~~made before July 1, 1970~~ executed more than ten years earlier, by written assignment on the margin of the record where the mortgage or other lien is recorded or entered, the assignment passed all the right, title, and interest in the real estate, which the assignor at the time had, with like force and effect as if the assignment had been made by separate instrument duly acknowledged and recorded; and an assignment or a duly authenticated copy of an assignment when accompanied by a duly authenticated copy of the record of the instrument or lien it purports to assign, is admissible in evidence as provided by law for the admission of the records of deeds and mortgages.

Sec. 20. Section 589.11, Code 1991, is amended to read as follows:

589.11 CONVEYANCES BY FIDUCIARIES.

If, ~~prior to the year 1970~~, an executor, administrator, trustee, guardian, assignee, receiver, referee, or commissioner, acting in that capacity in this or any state, has conveyed in the trust capacity real estate lying in this state and the conveyance has been of record ~~since prior to January 1, 1970~~ for more than ten years, in the county where the real estate so conveyed is located and which conveyance purports to sustain the title in the present record owner, the conveyance is not void or insufficient because due and legal notice of all proceedings with reference to the making of the conveyance was not served upon all interested or necessary parties, or that the executor, administrator, trustee, guardian, assignee, receiver, referee, or commissioner is not shown to have been duly authorized by an order of court to make and execute the conveyance, that a bond was not given, or that a report of the sale was not made; or the sale or deed of conveyance was not approved by order of court, or a foreign executor, administrator, trustee, guardian, assignee, receiver, referee, or commissioner was not appointed or qualified in the state of Iowa prior to the making of the conveyance, or the record fails to disclose compliance with any law, and all such conveyances are valid, legal, and binding. Allotments by referees in partition are conveyances within the meaning of this section.

Sec. 21. Section 589.12, Code 1991, is amended to read as follows:

589.12 SHERIFFS' DEEDS.

A foreclosure proceeding or sale of real estate on execution ~~prior to January 1, 1970~~, if a sheriff's deed was executed more than ten years earlier which purports to sustain the record title is not ineffectual on account of the failure of the record to show that any of the steps in obtaining the judgment or in the sale of the property were complied with. The proceedings are legalized as if the record showed that the law has been complied with.

Sec. 22. Section 589.13, Code 1991, is amended to read as follows:

589.13 SHERIFF'S DEED EXECUTED BY DEPUTY.

All conveyances of land in this state, executed in this state by a deputy sheriff, and properly recorded in the office of the county recorder of the county where the land is located, ~~prior~~

to January 1, 1970 more than ten years earlier, have the same force and effect as though the conveyance had been executed by the sheriff.

Sec. 23. Section 589.14, Code 1991, is amended to read as follows:

589.14 DEFECTIVE TAX DEEDS.

A sale of real property for taxes made prior to January 1, 1970, in which the tax deed was executed and the deed more than ten years earlier which purports to sustain the record title, is not ineffectual because of the failure of the record to show that any of the steps in the sale and deeding of the property were complied with and these proceedings are legalized and valid as if the record showed that the law had been complied with.

Sec. 24. Section 589.17, Code 1991, is amended to read as follows:

589.17 CONVEYANCES BY SPOUSE UNDER POWER.

A conveyance of real estate made before July 1, 1970 executed more than ten years earlier, in which the husband or wife conveyed or contracted to convey the inchoate right of dower through the other spouse, acting as the attorney in fact, by virtue of a power of attorney executed by the spouse, the power of attorney not having been executed as a part of a contract of separation, are not invalid as contravening section 3154 of the Code of 1897, or section 10447 of subsequent Codes to and including the Code of 1939, but all such conveyances are legalized and effective.

Sec. 25. Section 589.18, Code 1991, is amended to read as follows:

589.18 CONVEYANCES BY FOREIGN EXECUTORS.

All conveyances of real property made prior to January 1, 1970 executed more than ten years earlier, by executors or trustees under foreign wills and prior to the date upon which the will was admitted to probate in Iowa or prior to the expiration of three months after the recording of a duly authenticated copy of the will, original record of appointment, qualification, and bond as required by section 3295 of the Code of 1897 or sections 11878 to 11881, inclusive, of subsequent Codes to and including the Code of 1939, and in which the will was, subsequent to the conveyance, probated in Iowa, and in which a duly authenticated copy of the will, original record of appointment, qualification, and bond as required by those sections was, subsequent to the conveyance, made a matter of record as provided in those sections, are legalized and valid in law and in equity as though the will had been probated in Iowa prior to the conveyance and as though the sections had been strictly complied with. However, this section does not affect pending litigation.

Sec. 26. Section 589.19, Code 1991, is amended to read as follows:

589.19 CONVEYANCES UNDER SCHOOL-FUND FORECLOSURES.

If the title to real estate has been conveyed prior to January 1, 1970 more than ten years earlier, by the sheriff of a county pursuant to sheriff's sale under the foreclosure of permanent school-fund mortgages to the state, or to the state for the use of the school fund, or to the county for the school fund; and the land has been sold under authority of the board of supervisors of the county and conveyed under its authority, prior to January 1, 1970 more than ten years earlier, and the full purchase price paid and credited to, and used by, the county for the permanent school fund of the county, all right, title, or interest of the state in and to the real estate is relinquished and quitclaimed to the purchaser or the purchaser's grantees forever, and the title confirmed in the purchaser, or the purchaser's grantees insofar as the erroneous conveyance is concerned.

Sec. 27. Section 589.21, Code 1991, is amended to read as follows:

589.21 RELEASES AND DISCHARGES.

All releases and discharges of judgments, mortgages, or deeds of trust affecting property in this state made prior to January 1, 1970 executed more than ten years earlier, by administrators, executors, or guardians appointed by the court of any other state or country without complying with section 3308 of the Code of 1897 and sections 11897 to 11899, inclusive, of subsequent Codes to and including the Code of 1931 are legalized, valid and effective in law and

in equity as though the sections had been strictly followed. However, this section does not affect pending litigation.

Sec. 28. Section 589.23, Code 1991, is amended to read as follows:
589.23 DESCRIPTIONS REFERRING TO DEFECTIVE PLATS.

The description of land in all instruments, conveyances, and encumbrances describing lots in or referring to plats of survey or to plats made by the a county auditors of Iowa auditor, or by the a county surveyor for the owner, and placed of record by the a county recorders of Iowa prior to January 1, 1970 recorder more than ten years earlier, are legalized, valid and binding as though the plats had been signed and acknowledged and filed and recorded in strict compliance with law.

Sec. 29. Section 589.24, Code 1991, is amended to read as follows:
589.24 DEFECTIVE INSTRUMENTS.

A deed of conveyance, or other instrument purporting to convey real estate within the state, where the deed or instrument has been recorded in the office of the recorder of any county in which the real estate is situated, and the deed or instrument was executed by a county treasurer under a tax sale, a sheriff under execution sale, or by a resident or foreign executor, administrator, referee, receiver, trustee, guardian, commissioner, individual, copartnership, association, or corporation, and was executed and recorded prior to January 1, 1970 more than ten years earlier, and if the grantee named in the deed or conveyance, or other instrument, or the grantee's heirs or devisees, by direct line of title or conveyance have been in the actual, open, adverse possession of the premises since that date, is legalized, valid, and binding, notwithstanding defects in the execution of the deed or instrument.

Sec. 30. Section 589.25, Code 1991, is amended to read as follows:
589.25 SALES OF REAL ESTATE BY SCHOOL DISTRICT.

All deeds and conveyances of land made executed by or purporting to be made executed by a school district or by the board of directors of a school district prior to July 1, 1970, and placed of record prior to July 1, 1970 more than ten years earlier, which deeds or conveyances purport to sustain the record title, are legalized and valid, even though the record fails to show that all necessary steps in the sale and deeding of the property were complied with. The deeds and conveyances are legalized and valid as if the record showed that the law had been complied with, and that the sales had been duly authorized by the electors of the school district.

Sec. 31. Section 589.26, Code 1991, is amended to read as follows:

589.26 SOCIAL WELFARE DEPARTMENT LAND TRANSFERS BY THE DEPARTMENT OF HUMAN SERVICES LEGALIZED.

Every deed, release or other instrument in writing purporting to transfer any interest in land held or claimed by either the state department of social welfare or the state board of social welfare of the state of Iowa human services or a predecessor agency, which is signed for either or both said bodies by the secretary of either a departmental official, and which are now was filed or of record as of February 1, 1961 more than ten years earlier, in the office of the auditor or recorder or clerk of the district court of any county in Iowa, and any writing thus signed, filed or recorded which purports to release any old-age assistance lien on any real estate in Iowa is hereby legalized and shall be good and valid in law and in equity as fully as if the record expressly showed that same it in all respects complied with and was fully authorized as provided in any statute pertaining to such instrument, anything in the laws of Iowa any other provision of law to the contrary notwithstanding.

Sec. 32. Section 592.3, Code 1991, is amended to read as follows:
592.3 CITY AND TOWN PLATS.

1. In all cases where, prior to January 1, 1970 1980, any person has laid out any parcel of land into town or city lots and the plat of the lots has been recorded and the plat appears to be insufficient because of failure to show certificates of the county clerk of the district court, county treasurer, or county recorder, or the affidavit and bond, if any, and the certificate of

approval of the local governing body or because the certificates are defective, or because of a failure to fully comply with all of the provisions of chapter ~~409~~ 409A of the Code of 1966 as amended to December 31, 1969 in effect at the time of the recording of the plat, or corresponding statutes of earlier Codes, or because the plat failed to show signatures or acknowledgment of proprietors as provided by law, or because the acknowledgment was defective, and subsequent to the platting, lots or subdivisions of the lots have been sold and conveyed, all such said plats which have not been vacated, are legalized as of the date of the recording of the plat, the same as though all certificates have been attached and all the other necessary steps taken as provided by law, and the record of the plat shall be conclusive evidence that the person was the proprietor of the tract of land and the owner of the tract at the time of the platting, and that the tract of land was free and clear of all encumbrances unless an affidavit to the contrary was filed at the time of recording the plat.

PARAGRAPH DIVIDED. After July 1, 1981 1992, no action shall be brought on any cause arising after December 31, 1949, and before January 1, 1970 more than ten years earlier or which has been in existence for more than ten years, to establish, enforce, or recover any right, title, interest, lien, or condition existing at the time of the platting after December 31, 1949, and before January 1, 1970, and adverse to a clear and unqualified title in fee simple in the owner unless on or before July 1, 1981 1992, there is filed in the office of county recorder of the county where the real estate involved is located a written statement, acknowledged by the claimant, definitely describing the real estate involved, stating the nature and extent of the right or interest claimed, and stating the facts upon which the claim is based.

2. After July 1, 1992, in all cases where more than ten years earlier, a plat of lots from a parcel of land which has been laid into town or city lots has been recorded and the plat appears to be insufficient, the plat is legalized as of the date of the recording of the plat to the same extent as if the plat did not appear insufficient, if subsequent to the platting, the lots or a subdivision of the lots have been sold and conveyed, and the plats have not been vacated. A plat shall appear insufficient because of one of the following:

a. A failure to show or a deficiency in a certificate of the county clerk of the district court, county treasurer, or county recorder, or an affidavit and bond, or a certificate of approval of a local governing body.

b. A failure to fully comply with Code provisions in effect at the time of the recording of the plat.

c. A failure to show or a deficiency in a signature or acknowledgment of a proprietor as provided by law.

The record of the plat shall be conclusive evidence that the person was the proprietor of the tract of land and the owner of the tract at the time of the platting, and that the tract of land was free and clear of all encumbrances unless an affidavit to the contrary was filed at the time of recording the plat.

Sec. 33. Section 614.14, Code 1991, is amended to read as follows:

614.14 RECOVERY BY BENEFICIARY OF TRUST.

1. In all cases where a deed of trust or declaration of trust has been executed and the real estate affected by the deed or declaration has been conveyed by the trustee or the surviving spouse or heirs of the trustee and the conveyance was recorded in the proper county prior to ~~January~~ March 1, 1970 1982, and the interest of the beneficiary of the trust in the real estate has not been conveyed or established by proper proceedings in court, by the beneficiary, an action, suit or proceeding shall not be commenced or maintained to foreclose the same, or to establish or recover the interest of the beneficiary in the real estate, or of the surviving spouse or heirs of the beneficiary, unless the action, suit, or proceeding is commenced by filing petition and service of notice not later than March 1, 1981 1992.

2. In all cases where a deed of trust or declaration of trust has been executed, no legal action shall be commenced or maintained to foreclose real estate or establish or recover the interest of a beneficiary or of the surviving spouse or an heir of the beneficiary in the real estate, if all the following conditions are satisfied:

a. The real estate affected by the deed or declaration of trust has been conveyed by the trustee or the surviving spouse or heir of the trustee.

b. The conveyance was recorded in the proper county for more than ten years.

c. The interest of the beneficiary of the trust and the real estate has not been conveyed or established by the proper proceedings in court.

However, this section shall not apply if the legal action is commenced by filing a petition of service of notice within ten years of the recording of the conveyance.

Sec. 34. Section 614.15, Code 1991, is amended to read as follows:

614.15 SPOUSE FAILING TO JOIN IN CONVEYANCE.

1. In all cases where the holder of the legal or equitable title or estate to real estate situated within this state, prior to ~~January July 1, 1970~~ 1981, conveyed the real estate or any interest in the real estate by deed, mortgage, or other instrument, and the spouse failed to join in the conveyance, the spouse or the heirs at law, personal representatives, devisees, grantees, or assignees of the spouse are barred from recovery unless suit is brought for recovery within one year after July 1, ~~1980~~ 1991. But in case the right to the distributive share has not accrued by the death of the spouse ~~making~~ executing the instrument, then the one not joining is authorized to file in the recorder's office of the county where the land is situated, a notice with affidavit setting forth affiant's claim, together with the facts upon which the claim rests, and the residence of the claimants. If the notice is not filed within two years from July 1, ~~1980~~ 1991, the claim is barred forever. Any action contemplated in this section may include land situated in different counties, by giving notice as provided by section 617.13.

2. In all cases where the holder of the legal or equitable title or estate to real estate situated within this state, after July 1, 1991, conveyed the real estate or any interest in the real estate by deed, mortgage, or other instrument, and spouse failed to join in the conveyance, the spouse or the heirs at law, personal representative, devisees, grantees, or assignees of the spouse are barred from recovery unless suit is brought for recovery within ten years from the date of the conveyance. However, in the case where the right to the distributive share has not accrued by the death of the spouse executing the instrument, then the party not joining is authorized to file in the recorder's office in the county where the land is situated, a notice with affidavit setting forth the affiant's claim, together with the facts upon which the claim is based, and the residence of the claimants. If the notice is not filed within ten years from the date of the execution of the instrument the claim is barred forever. Any action contemplated in this section may include land situated in different counties by giving notice as provided in section 617.13. The effect of filing the notice with affidavit shall extend for a further period of ten years the time within which the action may be brought. Successive notices may be filed extending this period.

Sec. 35. Section 614.16, Code 1991, is amended to read as follows:

614.16 INTERPRETATIVE CLAUSE.

Sections 614.14 and 614.15 do not affect litigation pending on July 1, ~~1980~~ 1991, nor do they operate to revive rights or claims barred previous to that date, nor permit an action to be brought or maintained upon any claim or cause of action which is barred by a statute in force prior to July 1, ~~1980~~ 1991.

Sec. 36. Section 614.17, Code 1991, is amended to read as follows:

614.17 CLAIMS TO REAL ESTATE ANTEDATING ~~1970~~ 1980.

An action based upon a claim arising or existing prior to January 1, ~~1970~~ 1980, shall not be maintained, either at law or in equity, in any court to recover real estate in this state or to recover or establish any interest in or claim to real estate, legal or equitable, against the holder of the record title to the real estate in possession, when the holder of the record title and the holder's immediate or remote grantors are shown by the record to have held chain of title to the real estate, since January 1, ~~1970~~ 1980, unless the claimant in person, or by the claimant's attorney or agent, or if the claimant is a minor or under legal disability, by the claimant's guardian, trustee, or either parent, within one year from and after July 1, ~~1980~~ 1991, files in the office of the recorder of deeds of the county in which the real estate is situated,

a statement in writing, which is duly acknowledged, definitely describing the real estate involved, the nature and extent of the right or interest claimed, and stating the facts upon which the claim is based.

For the purposes of this section, section 614.17A, and sections 614.18 to 614.20, a person who holds title to real estate by will or descent from a person who held the title of record to the real estate at the date of that person's death or who holds title by decree or order of a court, or under a tax deed, trustee's, referee's, guardian's, executor's, administrator's, receiver's, assignee's, master's in chancery, or sheriff's deed, holds chain of title the same as though holding by direct conveyance.

For the purposes of this section and section 614.17A, such possession of real estate may be shown of record by affidavits showing the possession, and when the affidavits have been filed and recorded, it is the duty of the recorder to enter upon the margin of the record, a certificate to the effect that the affidavits were filed by the owner in possession, as named in the affidavits, or by the owner's attorney in fact, as shown by the records and in like manner, the affidavits may be filed and recorded where any action was barred on any claim by this section as in force prior to July 1, ~~1980~~ 1991.

Sec. 37. **NEW SECTION. 614.17A CLAIMS TO REAL ESTATE AFTER 1992.**

1. After July 1, 1992, an action shall not be maintained in a court, either at law or in equity, in order to recover or establish an interest in or claim to real estate if all the following conditions are satisfied:

- a. The action is based upon a claim arising more than ten years earlier or existing for more than ten years.
- b. The action is against the holder of the record title to the real estate in possession.
- c. The holder of the record title to the real estate in possession and the holder's immediate or remote grantors are shown by the record to have held chain of title to the real estate for more than ten years.

2. The claimant within ten years of the date on which the claim arose or first existed must file with the county recorder in the county where the real estate is located a written statement which is duly acknowledged and definitely describes the real estate involved, the nature and extent of the right of interest claimed, and the facts upon which the claim is based. The claimant must file the statement in person or by the claimant's attorney or agent. If the claimant is a minor or under a legal disability, the statement must be filed by the claimant's guardian, trustee, or by either parent.

The filing of a claim shall extend for a further period of ten years the time within which such action may be brought by any person entitled to bring the claim. The person may file extensions for successive claims.

3. Nothing in this section shall be construed to revive any cause of action barred by section 614.17.

Sec. 38. Section 614.20, Code 1991, is amended to read as follows:

614.20 LIMITATION ON ACT.

Sections 614.17 to 614.19 do not limit or extend the time within which actions by a spouse to recover dower or distributive share in real estate within this state may be brought or maintained under the provisions of section 614.15, nor do they limit or extend the time within which actions may be brought or maintained to foreclose or enforce any real estate mortgage, bond for deed, trust deed, or contract for the sale or conveyance of real estate under the provisions of section 614.21, nor do they revive or permit an action to be brought or maintained upon any claim or cause of action which is barred by a statute which is in force prior to July 1, ~~1980~~ 1991; nor do they affect litigation pending on July 1, ~~1980~~ 1991.

Sec. 39. Section 614.22, Code 1991, is amended to read as follows:

614.22 ACTION AFFECTING ANCIENT DEEDS.

1. An action shall not be maintained to set aside, cancel, annul, declare void or invalid, or to redeem from a tax deed, guardian's deed, executor's deed, administrator's deed, receiver's

deed, referee's deed, assignee's deed or sheriff's deed which has been recorded in the office of the recorder of the county or counties in this state in which the land described in the deed is situated prior to January 1, ~~1970~~ 1980, unless the action is commenced prior to January 1, ~~1981~~ 1992, and if an action to set aside, cancel, annul, declare void or invalid, or to redeem from the deed is not commenced prior to January 1, ~~1981~~ 1992, then the deed and all the proceedings upon which the deed is based are valid and unimpeachable and effective to convey title as stated in the deed, without exception for infancy, mental illness, absence from the state, or other disability or cause; provided that this section and section 614.23 do not apply to real property described in a deed which is not on July 1, ~~1980~~ 1991, in the possession of those claiming title under the deed.

2. On and after January 1, 1992, an action shall not be maintained to set aside, cancel, annul, or void a deed, and an action shall not be maintained to redeem from such deed, if the deed has been recorded in the office of the recorder for more than ten years. The deed must be recorded in the office of the recorder of the county or counties in which the land described in the deed is situated. If an action under this subsection is not commenced within ten years of the recording of the deed, then the deed and all proceedings upon which the deed is based are valid and unimpeachable and effective to convey title as stated in the deed, without exception for infancy, mental illness, absence from the state, or other disability or cause. As used in this subsection "deed" means a tax deed, guardian's deed, executor's deed, administrator's deed, receiver's deed, referee's deed, assignee's deed, or sheriff's deed.

However, this subsection and section 614.23 do not apply to real property described in any deed which is for more than ten years in the possession of a person claiming title under the deed.

Sec. 40. Section 589.20, Code 1991, is repealed.

Approved May 17, 1991

CHAPTER 184

DISCRIMINATORY PRACTICES IN HOUSING AND REAL ESTATE

H.F. 656

AN ACT relating to unfair or discriminatory practices in housing and real estate, providing civil remedies, and a criminal penalty.

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

Section 1. Section 601A.2, subsection 8, Code 1991, is amended to read as follows:

8. "Familial status" means one or more individuals under the age of eighteen domiciled with either one of the following:

- a. A parent or another person having legal custody of the individual or individuals.
- b. The designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person.
- c. A person who is pregnant or is in the process of securing legal custody of the individual or individuals.

Sec. 2. Section 601A.5, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 13. To issue subpoenas and order discovery as provided by this section in aid of investigations and hearings of alleged unfair or discriminatory housing or real property practices. The subpoenas and discovery may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in district court.