

# House Study Bill 768

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to issuance of a treasurer's deed after  
2 expiration of the period of redemption and providing an  
3 effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6570HC 82  
6 sc/nh/5

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1 1 Section 1. Section 448.3, Code 2007, is amended by adding  
1 2 the following new unnumbered paragraph:  
1 3 NEW UNNUMBERED PARAGRAPH. In the event that an owner of  
1 4 record or a person in whose name the parcel is taxed  
1 5 establishes that such person was not served with notice of  
1 6 expiration of right of redemption in accordance with section  
1 7 447.9, then the county treasurer's deed is void, subject to  
1 8 the provisions of sections 448.15 and 448.16. If a person  
1 9 entitled to service of notice under section 447.9; other than  
1 10 an owner of record or a person in whose name the parcel is  
1 11 taxed, establishes that such person was not served with notice  
1 12 in accordance with section 447.9, the deed is not thereby  
1 13 rendered invalid. However, the deed is subject to all of the  
1 14 right and interest of such person not served with notice, as  
1 15 provided in sections 448.15 and 448.16.

1 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 17 immediate importance, takes effect upon enactment and applies  
1 18 to treasurer's deeds issued on or after that date.

1 19 EXPLANATION

1 20 This bill provides that a treasurer's deed issued after  
1 21 expiration of the period of redemption is void if it is  
1 22 established that notice of expiration of right of redemption  
1 23 was not served on the owner of record or the person in whose  
1 24 name the parcel is taxed if other than the owner of record.  
1 25 The bill further provides that the deed is not invalid solely  
1 26 because notice was not provided to a person with an interest  
1 27 in the parcel conveyed by tax deed or a person who is in  
1 28 possession of the parcel and such persons were entitled to  
1 29 notice of expiration of right of redemption. However, the  
1 30 deed remains subject to challenge under other statutory

1 31 provisions.  
1 32 LSB 6570HC 82  
1 33 sc/nh/5