

A BILL

FOR AN ACT RELATING TO THE ASSIGNMENT AND RELEASE OF JUDGMENTS,
MORTGAGES AND DEEDS OF TRUST BY ADMINISTRATORS, EXECUTORS, GUAR-
DIANS APPOINTED IN OTHER STATES AND COUNTRIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. Any administrator, executor or guardian appointed in any other state or
2 country is hereby authorized to assign and transfer, and also to release and fully discharge of
3 record in any manner and by any instrument authorized by law, and to the same extent as
4 any administrator, executor or guardian appointed under the laws of this state could do, any
5 judgment rendered by any court of this state or any mortgage or deed of trust of property in
6 in this state, and also in the same manner and to the same extent release and discharge any
7 property in this state from the lien thereon of any such judgment, mortgage or deed of trust,
8 provided such judgment, mortgage or deed of trust so assigned or released shall be at the date
9 of such assignment or release the property of the estate or ward represented by such adminis-
10 trator, executor or guardian as shown at the date of such assignment or release by the records
11 of the court where such judgment may be entered, or of the county where such mortgage or
12 deed of trust may be recorded; and provided further that attached to and as a part of
13 such assignment or release shall be the certificate of the judge or clerk of the proper court,
14 under the seal of such court or clerk, that the person making such assignment or release
15 (giving proper name) was, upon a certain date, duly appointed by a certain court (showing
16 its title) administrator, executor or guardian—as the case may be—and showing the estate,
17 will or person to which such appointment relates, and that due qualification was made by such
18 person on a certain date and letters duly issued, and further showing that on the date of such
19 assignment or release such appointment was in full force and the person therein named still
20 acting in such capacity under authority of such appointment. That either the certificate
21 aforesaid or the record thereof in the recorder's office of any county in this state shall be pre-
22 sumptive evidence in all cases of the appointment and qualification of the executor, adminis-
23 trator or guardian as therein stated, and of the further fact that such appointment is still in
24 full force and the person therein named fully authorized to act in the capacity stated at the
25 date stated in such certificate.

SEC. 2. All releases and assignments of judgments, mortgages or deeds of trust in
2 this state, made either on the record where such instrument is recorded, or by an instru-
3 ment in writing filed with the clerk of the court where any judgment shall be originally
4 entered in case of a judgment, or in case of a mortgage or deed of trust duly recorded in
5 recorder's office of the county where such mortgage or deed of trust is recorded, purport-
6 ing to be made by any executor, administrator or guardian in any other state or country, are
7 hereby declared valid and effectual in law to the same extent as if made by such executor,
8 administrator or guardian duly appointed by the proper court in this state, and duly quali-
9 fied to act in such capacity at the date of such assignment and release, and the fact that
10 any assignment or release has been made as above set forth by any person assuming to be
11 such executor, administrator or guardian, shall be presumptive evidence of the appoint-
12 ment of such executor, administrator or guardian by some competent court in some other
13 state or country, and of his due qualification and authority to act in such capacity at the
14 date of such assignment or release.

SEC. 3 All laws and parts of laws inconsistent with the provisions of this act are
2 hereby repealed.