

## A BILL

FOR AN ACT TO PROVIDE SECURITY TO THE PUBLIC AGAINST ERRORS, OMISSIONS AND DEFECTS IN ABSTRACTS OF TITLE TO REAL ESTATE, AND THE USE OF ABSTRACTS IN EVIDENCE.

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

Section 1. It shall be unlawful for any person to engage in the business of compiling  
2 abstracts of title to real estate, in the state of Iowa, and demand and receive pay for the  
3 same, without first filing in the office of the county auditor of the county in which such busi-  
4 ness is conducted, a bond to the state of Iowa in the penal sum of ten thousand dollars  
5 (\$10,000), to be approved by the county auditor, conditioned for the payment by such  
6 abstracters of any and all damages that may accrue to any party or parties by reason of any  
7 error, deficiency, or any mistake any abstract or certificate of title made and issued by  
8 such person or persons.

Sec. 2. When any abstracter shall have duly filed his bond as provided, he shall be  
2 entitled to receive a certificate from such county auditor, that said bond has been by  
3 him duly approved and filed for record, which certificate shall be valid so long as such  
4 abstracter shall maintain his surety upon the bond as herein provided for, unimpaired, and  
6 the possession of such valid certificate, at the date of issuance of any abstract, shall entitle  
7 such abstract of title to real estate, certified to and issued by such abstracter, to be received  
8 in all courts as *prima facie* evidence of the existence of the record of deeds, mort-  
9 gages and other instruments, conveyances or liens affecting the real estate mentioned in  
10 such abstract, and that such record is as described in said abstract of title.

Sec. 3. Before any such certificate is delivered to any abstracter he shall, (1). Procure  
2 a seal on which shall be engraved his name and the word "Abstracter", also the name of the  
3 county in which such business is conducted and the word "Iowa". (2). Write on said bond  
4 or a paper attached thereto, his signature, and place thereon a distinct impression of his official  
5 seal. (3). Pay to such county auditor the fee required by law. When the county auditor  
6 is satisfied that the foregoing particulars have been fully complied with he shall deliver the  
7 certificate to the persons so named.

Sec. 4. Any party to a civil action, who may desire to use in evidence, at the trial  
2 thereof, any abstract of title to real estate, as herein provided, shall furnish to the oppos-

3 ing party, or his attorney, a copy of such abstract at least three days before the trial of  
4 such action, and in case such real estate be not in the county where such trial is to take  
5 place, then such copy shall be so furnished to the opposing party or his attorney, so as to  
6 allow a sufficient number of days, for such opposing party to proceed by the usual route of  
7 travel to the county seat of the county where such real estate may be situated, and return  
8 to the place of trial, in addition to the three days for preparation above provided for.

Sec. 5. The bond herein provided for may run during the continuance of said person or  
2 persons in said abstract business, not to exceed five years, and the county auditor of the  
3 county where the bond herein provided for may be filed, may at any time, upon complaint of  
4 any owner of real estate in his county, require such abstracter upon ten days' notice to  
5 give additional security upon said bond, and show cause why the same should not be  
6 declared invalid and the certificate thereof recalled and annulled; and if within such time  
7 the additional security to be approved by said county auditor be not furnished and no  
8 sufficient reason be shown to the county auditor why the same should not be required, then  
9 said bond shall be declared invalid, and the certificate thereof recalled and annulled.

Sec. 6. The abstracter or complainant may have an appeal to the district court from  
2 such decision of the county auditor, by preserving the evidence taken at the hearing, which  
3 shall be certified up by such county auditor, and such appeal shall be summarily decided by  
4 the court upon such evidence, and the cost of such appeal, including the furnishing of such  
6 evidence, shall be adjudged against the defeated party.