

Reprinted 2/17

FILED MAR 1 1980

SENATE FILE 2279

By COMMITTEE ON JUDICIARY
(FORMERLY SENATE STUDY BILLS 2010
AND 2015)
Approved 2/27 (7 659)

Passed Senate, Date 2-27-80 Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the dates for limitations of actions
2 on title to real property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 2279

S-5265

- 1 Amend Senate File 2279 as follows:
- 2 1. Page 1, line 13, by striking the words
- 3 "CESTUI QUE", and by inserting in lieu thereof the
- 4 words "CESTUI-QUE BENEFICIARY OF".
- 5 2. Page 1, line 19, by striking the words
- 6 "cestui que", and by inserting in lieu thereof the
- 7 words "cestui-que beneficiary of the".
- 8 3. Page 1, line 21, by striking the word
- 9 "cestui", and by inserting in lieu thereof the word
- 10 "beneficiary".
- 11 4. Page 1, line 22, by striking the words
- 12 "que trust".
- 13 5. Page 1, line 24, by striking the words
- 14 "cestui que trust", and by inserting in lieu
- 15 thereof the words "cestui-que-trust beneficiary".
- 16 6. Page 1, line 26, by striking the words
- 17 "cestui que trust", and by inserting in lieu
- 18 thereof the words "cestui-que-trust beneficiary".

S-5265 FILED
MARCH 5, 1980

BY A. R. KUDART

1 Section 1. Section five hundred fifty-eight point five
2 (558.5), Code 1979, is amended to read as follows:

3 558.5 CONTRACT FOR DEED--PRESUMPTION OF ABANDONMENT.

4 When the record shows that a contract or bond for a deed has
5 been given prior to January 1, ~~1950~~ 1970, and the record
6 discloses no performance of the same and that more than ten
7 years have elapsed since the contract by its terms was to
8 be performed, ~~such~~ the contract shall be deemed abandoned
9 and of no effect and the land shall be freed from any lien
10 or defect on account of ~~such~~ the contract.

11 Sec. 2. Section six hundred fourteen point fourteen
12 (614.14), Code 1979, is amended to read as follows:

13 614.14 RECOVERY BY CESTUI QUE TRUST. In all cases where
14 any a deed of trust or declaration of trust has been executed
15 and the real estate affected ~~thereby~~ by the deed or declaration
16 has been conveyed by the trustee or the surviving spouse or
17 heirs of ~~said~~ the trustee and ~~such~~ the conveyance was duly
18 recorded in the proper county prior to January 1, ~~1960~~ 1970,
19 and the interest of the cestui que trust ~~thereunder~~ in the
20 real estate has not been ~~by-such-cestui-que-trust~~ conveyed,
21 or established by proper proceedings in court by the cestui
22 que trust, ~~no~~ an action, suit or proceeding shall not be
23 commenced or maintained to foreclose the same, or to establish
24 or recover the interest of the cestui que trust ~~therein~~ in
25 the real estate, or of the surviving spouse or heirs of the
26 cestui que trust, unless ~~such~~ the action, suit, or proceeding
27 be is commenced by filing petition and service of notice not
28 later than March 1, ~~1971~~ 1981.

29 Sec. 3. Section six hundred fourteen point fifteen
30 (614.15), Code 1979, is amended to read as follows:

31 614.15 SPOUSE FAILING TO JOIN IN CONVEYANCE. In all cases
32 where the holder of the legal or equitable title or estate
33 to real estate situated within this state, prior to January
34 1, ~~1960~~ 1970, conveyed ~~said~~ the real estate or any interest
35 ~~therein~~ in the real estate by deed, mortgage, or other

1 instrument, and the spouse failed to join ~~therein~~ in the
2 conveyance, ~~such~~ the spouse or the heirs at law, personal
3 representatives, devisees, grantees, or assignees of ~~such~~
4 the spouse ~~shall-be~~ are barred from recovery unless suit is
5 brought ~~therefor~~ for recovery within one year after July 1,
6 ~~1970~~ 1980. But in case the right to ~~such~~ the distributive
7 share has not accrued by the death of the spouse making ~~such~~
8 the instrument, then the one not joining is ~~hereby~~ authorized
9 to file in the recorder's office of the county where the land
10 is situated, a notice with affidavit, setting forth affiant's
11 claim, together with the facts upon which ~~such~~ the claim
12 rests, and the residence of ~~such~~ the claimants, ~~-and-if-such.~~
13 If the notice is not filed within two years from July 1, ~~1970~~
14 1980, ~~such~~ the claim ~~shall-be~~ is barred forever. Any action
15 contemplated in this section may include land situated in
16 different counties, by giving notice ~~thereof~~ as provided by
17 section 617.13.

18 Sec. 4. Section six hundred fourteen point sixteen
19 (614.16), Code 1979, is amended to read as follows:

20 614.16 INTERPRETATIVE CLAUSE. Sections 614.14 and 614.15
21 ~~shall~~ do not affect ~~pending~~ litigation pending on July 1,
22 1980, nor ~~shall~~ do they operate to revive rights or claims
23 ~~previously~~ barred previous to that date, nor permit an action
24 to be brought or maintained upon any claim or cause of action
25 which is barred by any a statute ~~which-is~~ in force prior to
26 July 1, ~~1970~~ 1980.

27 Sec. 5. Section six hundred fourteen point seventeen
28 (614.17), Code 1979, is amended to read as follows:

29 614.17 CLAIMS TO REAL ESTATE ANTEDATING ~~1960~~ 1970. No
30 An action based upon any a claim arising or existing prior
31 to January 1, ~~1960~~ 1970, shall not be maintained, either at
32 law or in equity, in any court to recover any real estate
33 in this state or to recover or establish any interest ~~therein~~
34 in or claim ~~thereto~~ to real estate, legal or equitable, against
35 the holder of the record title to ~~such~~ the real estate in

1 possession, when ~~such~~ the holder of the record title and ~~his~~
2 ~~grantors~~ the holder's immediate or remote grantors are shown
3 by the record to have held chain of title to ~~said~~ the real
4 estate, since January 1, ~~1960~~ 1970, unless ~~such~~ the claimant,
5 by himself or herself, or by ~~his~~ the claimant's attorney or
6 agent, or if ~~he-be~~ the claimant is a minor or under legal
7 disability, by his or her guardian, trustee, or either parent
8 ~~shall~~, within one year from and after July 1, ~~1970~~ 1980, ~~file~~
9 files in the office of the recorder of deeds of the county
10 ~~wherein-such~~ in which the real estate is situated, a statement
11 in writing, which ~~shall-be~~ is duly acknowledged, definitely
12 describing the real estate involved, the nature and extent
13 of the right or interest claimed, and stating the facts upon
14 which the ~~same~~ claim is based.

15 For the purposes of this section and sections 614.18 to
16 614.20 any a person who holds title to real estate by will
17 or descent from any a person who held the title of record
18 to ~~such~~ the real estate at the date of his or her death or
19 who holds title by decree or order of any a court, or under
20 any a tax deed, trustee's, referee's, guardian's, executor's,
21 administrator's, receiver's, assignee's, master's in chancery,
22 or sheriff's deed, ~~shall-be-deemed-to-hold~~ holds chain of
23 title the same as though holding by direct conveyance.

24 For the purposes of this section, such possession of ~~said~~
25 real estate may be shown of record by affidavits showing ~~such~~
26 the possession, and when ~~said~~ the affidavits have been filed
27 and recorded, it ~~shall-be~~ is the duty of the recorder to enter
28 upon the margin of ~~said~~ the record, a certificate to the
29 effect that ~~said~~ the affidavits were filed by the owner in
30 possession, as named in ~~said~~ the affidavits, or by ~~his~~ the
31 owner's attorney in fact, as shown by the records and in like
32 manner, ~~such~~ the affidavits may be filed and recorded where
33 any action was barred on any claim by this section as in force
34 prior to July 1, ~~1970~~ 1980.

35 Sec. 6. Section six hundred fourteen point twenty (614.20),

1 Code 1979, is amended to read as follows:

2 614.20 LIMITATION ON ACT. ~~Provided, however, that nothing~~
 3 ~~contained in sections~~ Sections 614.17 to 614.19 ~~shall be~~
 4 ~~construed as limiting~~ do not limit or ~~extending~~ extend the
 5 time within which actions by a spouse to recover dower or
 6 distributive share in real estate within this state may be
 7 brought or maintained under the provisions of section 614.15,
 8 ~~or as limiting or extending~~ nor do they limit or extend the
 9 time within which actions may be brought or maintained to
 10 foreclose or enforce any real estate mortgage, bond for deed,
 11 trust deed, or contract for the sale or conveyance of real
 12 estate under the provisions of section 614.21, and ~~provided~~
 13 ~~further, that sections 614.17 to 614.19 should in no case~~
 14 nor do they revive or permit an action to be brought or
 15 maintained upon any claim or cause of action which is barred
 16 by any a statute which is in force prior to July 1, ~~1970~~ 1980;
 17 ~~provided that nothing contained in sections 614.17 to 614.19~~
 18 ~~shall~~ nor do they affect ~~pending~~ litigation pending on July
 19 1, 1980.

20 Sec. 7. Section six hundred fourteen point twenty-two
 21 (614.22), Code 1979, is amended to read as follows:

22 614.22 ACTION AFFECTING ANCIENT DEEDS. ~~No~~ An action shall
 23 not be maintained to set aside, cancel, annul, declare void
 24 or invalid, or to redeem from any a tax deed, guardian's deed,
 25 executor's deed, administrator's deed, receiver's deed,
 26 referee's deed, assignee's deed, or sheriff's deed which ~~shall~~
 27 have has been recorded in the office of the recorder of the
 28 county or counties in this state in which the land described
 29 in ~~such~~ the deed is situated prior to January 1, ~~1960~~ 1970,
 30 unless ~~such~~ the action ~~shall be~~ is commenced prior to January
 31 1, ~~1971~~ 1981, and if ~~no~~ an action to set aside, cancel, annul,
 32 declare void or invalid, or to redeem from ~~any such~~ the deed
 33 ~~shall be~~ is not commenced prior to January 1, ~~1971~~ 1981, then
 34 ~~such~~ the deed and all the proceedings upon which the same
 35 deed is based ~~shall be conclusively presumed to have been~~

1 ~~in-all-things~~ are valid and unimpeachable and effective to
2 convey title ~~according-to-the-purport-thereof~~ as stated in
3 the deed, without exception for infancy, mental illness,
4 absence from the state, or other disability or cause; provided
5 that this section and section 614.23 ~~shall~~ do not apply to
6 any real property described in ~~any-such~~ a deed which is not
7 on July 1, 1970 1980, in the possession of those claiming
8 title under ~~such~~ the deed.

9 Sec. 8. This Act takes effect January first following
10 its enactment.

11 EXPLANATION

12 This bill amends the statutes of limitations for filing
13 actions involving real estate within the state by increasing
14 the date relating to abandonment of a contract for deed by
15 twenty years and all other relevant dates by ten years.

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1 Section 1. Section five hundred fifty-eight point five
2 (558.5), Code 1979, is amended to read as follows:

3 558.5 CONTRACT FOR DEED--PRESUMPTION OF ABANDONMENT.

4 When the record shows that a contract or bond for a deed has
5 been given prior to January 1, ~~1959~~ 1970, and the record
6 discloses no performance of the same and that more than ten
7 years have elapsed since the contract by its terms was to
8 be performed, ~~such the~~ contract shall be deemed abandoned
9 and of no effect and the land shall be freed from any lien
10 or defect on account of ~~such the~~ contract.

11 Sec. 2. Section six hundred fourteen point fourteen
12 (614.14), Code 1979, is amended to read as follows:

13 614.14 RECOVERY BY ~~ESTATE~~ ESTATE BENEFICIARY OF TRUST. In
14 all cases where ~~any a~~ deed of trust or declaration of trust
15 has been executed and the real estate affected ~~thereby by~~
16 the deed or declaration has been conveyed by the trustee or
17 the surviving spouse or heirs of ~~said the~~ trustee and ~~such~~
18 the conveyance was duly recorded in the proper county prior
19 to January 1, ~~1969~~ 1970, and the interest of the ~~estate~~ estate
20 beneficiary of the trust thereunder in the real estate has
21 ~~not been by such estate-trust~~ conveyed, or established
22 by proper proceedings in court by the beneficiary, no an
23 action, suit or proceeding shall not be commenced or maintained
24 to foreclose the same, or to establish or recover the interest
25 of the ~~estate-trust beneficiary therein in the real estate,~~
26 or of the surviving spouse or heirs of the ~~estate-trust~~
27 beneficiary, unless ~~such the~~ action, suit, or proceeding be
28 is commenced by filing petition and service of notice not
29 later than March 1, ~~1974~~ 1981.

30 Sec. 3. Section six hundred fourteen point fifteen
31 (614.15), Code 1979, is amended to read as follows:

32 614.15 SPOUSE FAILING TO JOIN IN CONVEYANCE. In all cases
33 where the holder of the legal or equitable title or estate
34 to real estate situated within this state, prior to January
35 1, ~~1969~~ 1970, conveyed ~~said the~~ real estate or any interest

1 ~~therein~~ in the real estate by deed, mortgage, or other
2 instrument, and the spouse failed to join ~~therein~~ in the
3 conveyance, ~~such the~~ spouse or the heirs at law, personal
4 representatives, devisees, grantees, or assignees of ~~such~~
5 the spouse ~~shall-be~~ are barred from recovery unless suit is
6 brought ~~therefor~~ for recovery within one year after July 1,
7 ~~1970~~ 1980. But in case the right to ~~such the~~ distributive
8 share has not accrued by the death of the spouse making ~~such~~
9 the instrument, then the one not joining is ~~hereby~~ authorized
10 to file in the recorder's office of the county where the land
11 is situated, a notice with affidavit, setting forth affiant's
12 claim, together with the facts upon which ~~such the~~ claim
13 rests, and the residence of ~~such the~~ claimants, ~~-and-if-such.~~
14 If the notice is not filed within two years from July 1, 1970
15 1980, such the claim shall-be is barred forever. Any action
16 contemplated in this section may include land situated in
17 different counties, by giving notice ~~thereof~~ as provided by
18 section 617.13.

19 Sec. 4. Section six hundred fourteen point sixteen
20 (614.16), Code 1979, is amended to read as follows:

21 614.16 INTERPRETATIVE CLAUSE. Sections 614.14 and 614.15
22 ~~shall do~~ not affect pending litigation pending on July 1,
23 1980, nor ~~shall do~~ they operate to revive rights or claims
24 previously barred previous to that date, nor permit an action
25 to be brought or maintained upon any claim or cause of action
26 which is barred by any a statute ~~which-is~~ in force prior to
27 July 1, ~~1970~~ 1980.

28 Sec. 5. Section six hundred fourteen point seventeen
29 (614.17), Code 1979, is amended to read as follows:

30 614.17 CLAIMS TO REAL ESTATE ANTEDATING ~~1960~~ 1970. No
31 An action based upon any a claim arising or existing prior
32 to January 1, ~~1960~~ 1970, shall not be maintained, either at
33 law or in equity, in any court to recover any real estate
34 in this state or to recover or establish any interest ~~therein~~
35 in or claim thereto to real estate, legal or equitable, against

1 the holder of the record title to ~~such~~ the real estate in
2 possession, when ~~such~~ the holder of the record title and ~~his~~
3 ~~grantors~~ the holder's immediate or remote grantors are shown
4 by the record to have held chain of title to ~~said~~ the real
5 estate, since January 1, ~~1960~~ 1970, unless ~~such~~ the claimant,
6 by himself or herself, or by ~~his~~ the claimant's attorney or
7 agent, or if ~~he-be~~ the claimant is a minor or under legal
8 disability, by his or her guardian, trustee, or either parent
9 ~~shall~~, within one year from and after July 1, ~~1970~~ 1980, ~~file~~
10 files in the office of the recorder of deeds of the county
11 ~~wherein-such~~ in which the real estate is situated, a statement
12 in writing, which ~~shall-be~~ is duly acknowledged, definitely
13 describing the real estate involved, the nature and extent
14 of the right or interest claimed, and stating the facts upon
15 which the ~~same~~ claim is based.

16 For the purposes of this section and sections 614.18 to
17 614.20 any a person who holds title to real estate by will
18 or descent from any a person who held the title of record
19 to ~~such~~ the real estate at the date of his or her death or
20 who holds title by decree or order of any a court, or under
21 any a tax deed, trustee's, referee's, guardian's, executor's,
22 administrator's, receiver's, assignee's, master's in chancery,
23 or sheriff's deed, ~~shall-be-deemed-to-hold~~ holds chain of
24 title the same as though holding by direct conveyance.

25 For the purposes of this section, such possession of ~~said~~
26 real estate may be shown of record by affidavits showing ~~such~~
27 the possession, and when ~~said~~ the affidavits have been filed
28 and recorded, it ~~shall-be~~ is the duty of the recorder to enter
29 upon the margin of ~~said~~ the record, a certificate to the
30 effect that ~~said~~ the affidavits were filed by the owner in
31 possession, as named in ~~said~~ the affidavits, or by ~~his~~ the
32 owner's attorney in fact, as shown by the records and in like
33 manner, ~~such~~ the affidavits may be filed and recorded where
34 any action was barred on any claim by this section as in force
35 prior to July 1, ~~1970~~ 1980.

1 Sec. 6. Section six hundred fourteen point twenty (614.20),
2 Code 1979, is amended to read as follows:

3 614.20 LIMITATION ON ACT. ~~Provided, however, that nothing~~
4 ~~contained in sections~~ Sections 614.17 to 614.19 ~~shall be~~
5 ~~construed as limiting~~ do not limit or ~~extending~~ extend the
6 time within which actions by a spouse to recover dower or
7 distributive share in real estate within this state may be
8 brought or maintained under the provisions of section 614.15,
9 ~~or as limiting or extending~~ nor do they limit or extend the
10 time within which actions may be brought or maintained to
11 foreclose or enforce any real estate mortgage, bond for deed,
12 trust deed, or contract for the sale or conveyance of real
13 estate under the provisions of section 614.21, and ~~provided~~
14 ~~further, that sections 614.17 to 614.19 should in no case~~
15 nor do they revive or permit an action to be brought or
16 maintained upon any claim or cause of action which is barred
17 by any a statute which is in force prior to July 1, ~~1970~~ 1980;
18 ~~provided that nothing contained in sections 614.17 to 614.19~~
19 ~~shall~~ nor do they affect pending litigation pending on July
20 1, 1980.

21 Sec. 7. Section six hundred fourteen point twenty-two
22 (614.22), Code 1979, is amended to read as follows:

23 614.22 ACTION AFFECTING ANCIENT DEEDS. ~~No~~ An action shall
24 not be maintained to set aside, cancel, annul, declare void
25 or invalid, or to redeem from any a tax deed, guardian's deed,
26 executor's deed, administrator's deed, receiver's deed,
27 referee's deed, assignee's deed, or sheriff's deed which ~~shall~~
28 ~~have~~ has been recorded in the office of the recorder of the
29 county or counties in this state in which the land described
30 in ~~such~~ the deed is situated prior to January 1, ~~1960~~ 1970,
31 unless ~~such~~ the action ~~shall be~~ is commenced prior to January
32 1, ~~1974~~ 1981, and if ~~no~~ an action to set aside, cancel, annul,
33 declare void or invalid, or to redeem from ~~any such~~ the deed
34 ~~shall be~~ is not commenced prior to January 1, ~~1974~~ 1981, then
35 such the deed and all the proceedings upon which the same

1 ~~deed~~ is based ~~shall-be-conclusively-presumed-to-have-been~~
2 ~~in-all-things~~ are valid and unimpeachable and effective to
3 convey title ~~according-to-the-purport-thereof~~ as stated in
4 the deed, without exception for infancy, mental illness,
5 absence from the state, or other disability or cause; provided
6 that this section and section 614.23 ~~shall~~ do not apply to
7 ~~any~~ real property described in ~~any-such~~ a deed which is not
8 on July 1, ~~1970~~ 1980, in the possession of those claiming
9 title under ~~such~~ the deed.

10 Sec. 8. This Act takes effect January first following
11 its enactment.

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SENATE FILE 2279

AN ACT

RELATING TO THE DATES FOR LIMITATIONS OF ACTIONS ON TITLE TO REAL PROPERTY.

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

Section 1. Section five hundred fifty-eight point five (558.5), Code 1979, 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, 1960 1970, 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, such the contract shall be deemed abandoned and of no effect and the land shall be freed from any lien or defect on account of such the contract.

Sec. 2. Section six hundred fourteen point fourteen (614.14), Code 1979, is amended to read as follows:

614.14 RECOVERY BY ~~ESTATE~~-QWR BENEFICIARY OF TRUST. In all cases where any a deed of trust or declaration of trust has been executed and the real estate affected thereby by the deed or declaration has been conveyed by the trustee or the surviving spouse or heirs of said the trustee and such the conveyance was duy recorded in the proper county prior to January 1, 1960 1970, and the interest of the ~~estate~~-que beneficiary of the trust thereunder in the real estate has not been ~~by such estate-que-trust~~ conveyed, or established by proper proceedings in court ~~no~~ 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 ~~estate-que-trust-therein~~ beneficiary in the real estate, or of the surviving spouse or heirs of the ~~estate-que-trust~~ beneficiary, unless such the action, suit, or proceeding be is commenced by filing petition and service of notice not later than March 1, 1971 1981.

Sec. 3. Section six hundred fourteen point fifteen (614.15), Code 1979, is amended to read as follows:

614.15 SPOUSE FAILING TO JOIN IN CONVEYANCE. In all cases where the holder of the legal or equitable title or estate to real estate situated within this state, prior to January 1, 1960 1970, conveyed said the real estate or any interest therein in the real estate by deed, mortgage, or other instrument, and the spouse failed to join therein in the conveyance, such the spouse or the heirs at law, personal representatives, devisees, grantees, or assignees of such the spouse ~~shall be~~ are barred from recovery unless suit is brought therefor for recovery within one year after July 1, 1970 1980. But in case the right to such the distributive share has not accrued by the death of the spouse making such the instrument, then the one not joining is hereby 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 such the claim rests, and the residence of such the claimants, ~~and if such,~~ if the notice is not filed within two years from July 1, 1970 1980, such the claim ~~shall be~~ is barred forever. Any action contemplated in this section may include land situated in different counties, by giving notice thereof as provided by section 617.13.

Sec. 4. Section six hundred fourteen point sixteen (614.16), Code 1979, is amended to read as follows:

614.16 INTERPRETATIVE CLAUSE. Sections 614.14 and 614.15 shall do not affect pending litigation pending on July 1, 1980, nor shall do they operate to revive rights or claims previously barred previously to that date, nor permit an action to be brought or maintained upon any claim or cause of action which is barred by any a statute which is in force prior to July 1, 1970 1980.

Sec. 5. Section six hundred fourteen point seventeen (614.17), Code 1979, is amended to read as follows:

614.17 CLAIMS TO REAL ESTATS ANTECEDATING 1960 1970. No An action based upon any a claim arising or existing prior

to January 1, ~~1960~~ 1970, shall not be maintained, either at law or in equity, in any court to recover any real estate in this state or to recover or establish any interest therein in or claim ~~therein~~ to real estate, legal or equitable, against the holder of the record title to ~~such~~ the real estate in possession, when ~~such~~ the holder of the record title and ~~has~~ granted the holder's immediate or remote grantors are shown by the record to have held chain of title to ~~said~~ the real estate, since January 1, ~~1960~~ 1970, unless ~~such~~ the claimant, by himself or herself, or by ~~his~~ the claimant's attorney or agent, or if ~~he~~ be the claimant is a minor or under legal disability, by his or her guardian, trustee, or either parent ~~shall~~ within one year from and after July 1, 1970 1980, file files in the office of the recorder of deeds of the county ~~wherein~~ such in which the real estate is situated, a statement in writing, which ~~shall~~ be 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 ~~same~~ claim is based.

For the purposes of this section and sections 614.18 to 614.20 any a person who holds title to real estate by will or descent from any a person who held the title of record to ~~such~~ the real estate at the date of his or her death or who holds title by decree or order of any a court, or under any 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, ~~shall~~ be deemed to hold holds chain of title the same as though holding by direct conveyance.

For the purposes of this section, such possession of ~~said~~ real estate may be shown of record by affidavits showing ~~such~~ the possession, and when ~~said~~ the affidavits have been filed and recorded, it ~~shall~~ be is the duty of the recorder to enter upon the margin of ~~said~~ the record, a certificate to the effect that ~~said~~ the affidavits were filed by the owner in possession, as named in ~~said~~ the affidavits, or by ~~his~~ the owner's attorney in fact, as shown by the records and in like manner, ~~such~~ 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, ~~1970~~ 1980.

Sec. 6. Section six hundred fourteen point twenty (614.20), Code 1979, is amended to read as follows:

614.20 LIMITATION ON ACT. ~~Provided, however, that nothing contained in sections Sections~~ Sections 614.17 to 614.19 ~~shall be construed as limiting do not limit or extending 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, ~~or as limiting or extending 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, ~~and provided further, that sections 614.17 to 614.19 should in no case nor do they~~ revive or permit an action to be brought or maintained upon any claim or cause of action which is barred by any a statute which is in force prior to July 1, ~~1970~~ 1980; ~~provided that nothing contained in sections 614.17 to 614.19 shall nor do they~~ affect pending litigation pending on July 1, 1980.

Sec. 7. Section six hundred fourteen point twenty-two (614.22), Code 1979, is amended to read as follows:

614.22 ACTION AFFECTING ANCIENT DEEDS. ~~No An~~ action shall not be maintained to set aside, cancel, annul, declare void or invalid, or to redeem from any 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 ~~shall~~ have has been recorded in the office of the recorder of the county or counties in this state in which the land described in ~~such~~ the deed is situated prior to January 1, ~~1960~~ 1970, unless ~~such~~ the action ~~shall~~ be is commenced prior to January 1, ~~1971~~ 1981, and if ~~no an~~ action to set aside, cancel, annul, declare void or invalid, or to redeem from ~~any such the~~ deed ~~shall~~ be is not commenced prior to January 1, ~~1971~~ 1981, then ~~such the~~ deed and all the proceedings upon which the ~~same~~

~~deed~~ is based ~~shall-be-conclusively-presumed-to-have-been~~
~~in-all-things~~ are valid and unimpeachable and effective to
convey title ~~according-to-the-purpose-thereof~~ 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 ~~shall~~ do not apply to
~~any~~ real property described in ~~any-such~~ a deed which is not
on July 1, ~~1970~~ 1980, in the possession of those claiming
title under ~~such~~ the deed.

Sec. 8. This Act takes effect January first following
its enactment.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2279, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved 4/21, 1980

ROBERT D. RAY
Governor