

Judiciary and Law Enforcement: Chapman, Chair; Jay, Kremer, Malsby and Peterson.

SENATE FILE **375**

BY COMMITTEE ON JUDICIARY

Approved 3/16/85 (J. 582)

Emergency Cl. 2257

Substituted for H. 585

FILED MAR 4 1985

Passed Senate, Date 3-2-85 (J. 679) Passed House, Date 4-11-85 (J. 1453)

Vote: Ayes 76 Nays 0 Vote: Ayes 96 Nays 0

Approved April 25, 1985 (J. 1679)

A BILL FOR

1 An Act providing for forms of certain acknowledgments of
2 conveyances of real estate.

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

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SF 375

1 Section 1. Section 558.39, Code 1985, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 4. In the case of partnerships:

4 On this _____ day of _____, 19__, before me, the
5 undersigned, a Notary Public in and for the State of Iowa,
6 personally appeared _____, to me
7 personally known, who being by me duly sworn, did say that the
8 person is one of the partners of _____, a
9 partnership, and that the instrument was signed on behalf of
10 the partnership by authority of the partners and the partner
11 acknowledged the execution of the instrument to be the
12 voluntary act and deed of the partnership by it and by the
13 partner voluntarily executed.

14 NEW SUBSECTION. 5. In the case of an individual
15 fiduciary:

16 On this _____ day of _____, 19__, before me, the
17 undersigned, a Notary Public in and for the State of Iowa,
18 personally appeared _____, to me known
19 to be the identical person named in and who executed the
20 foregoing instrument, and acknowledged that the person, as the
21 fiduciary, executed the instrument as the voluntary act and
22 deed of the person and of the fiduciary.

23 NEW SUBSECTION. 6. In the case of a corporate fiduciary:

24 On this _____ day of _____, 19__, before me, the
25 undersigned, a Notary Public in and for the State of Iowa,
26 personally appeared _____ and _____,
27 to me personally known, who, being by me duly sworn, did say
28 that they are the _____ and _____,
29 respectively, of the corporation executing the foregoing
30 instrument; that (no seal has been procured by) (the seal
31 affixed thereto is the seal of) the corporation; that the
32 instrument was signed (and sealed) on behalf of the
33 corporation by authority of its Board of Directors; that
34 _____ and _____ acknowledged the
35 execution of the instrument to be the voluntary act and deed

1 of the corporation and of the fiduciary, by it, by them and as
2 the fiduciary voluntarily executed.

3 NEW SUBSECTION. 7. In the case of a limited partnership
4 with corporate general partner:

5 On this _____ day of _____, 19____, before me, the
6 undersigned, a Notary Public in and for the State of Iowa,
7 personally appeared _____, to me personally
8 known, who being by me duly sworn did say that the person is
9 the _____ of _____, the
10 General Partner of _____, a _____
11 limited partnership, executing the foregoing instrument, that
12 no seal has been procured by the corporation; that the
13 instrument was signed on behalf of the corporation as General
14 Partner of _____, a
15 _____ limited partnership, by authority of
16 the corporation's Board of Directors; and that _____
17 as that officer acknowledged execution of the instrument to be
18 the voluntary act and deed of the corporation and limited
19 partnership by it and by the officer voluntarily executed.

20 NEW SUBSECTION. 8. In the case of a limited partnership
21 with an individual general partner:

22 On this _____ day of _____, 19____, before
23 me the undersigned, a Notary Public in and for the State of
24 Iowa, personally appeared _____, to me
25 personally known, who, being by me duly sworn, did say that
26 the person is (a) (the) General Partner of
27 _____, an Iowa limited partnership, executing
28 the foregoing instrument, that the instrument was signed on
29 behalf of the limited partnership by authority of the limited
30 partnership; and the general partner acknowledged the
31 execution of the instrument to be the voluntary act and deed
32 of the limited partnership, by it and by the general partner
33 voluntarily executed.

34 NEW SUBSECTION. 9. In the case of joint ventures:

35 On this _____ day of _____, 19____, before me,

1 the undersigned, a Notary Public in and for the State of Iowa,
2 personally appeared _____ and
3 _____, to me personally known, who, being by me
4 duly sworn, did say that they are the _____ and
5 _____, respectively, of
6 _____, an Iowa corporation, a joint
7 venturer of _____, a joint venture,
8 executing the foregoing instrument, that (no seal has been
9 procured by) (the seal affixed thereto is the seal of) the
10 corporation; that the instrument was signed (and sealed) on
11 behalf of the corporation as a joint venturer of
12 _____, a joint venture, by authority of its
13 Board of Directors; and that _____ and
14 _____, as such officers, acknowledged the
15 execution of the instrument to be the voluntary act and deed
16 of the corporation and joint venture, by the corporation and
17 joint venture and by them voluntarily executed.

18 NEW SUBSECTION. 10. In the case of municipalities:
19 On this _____ day of _____, 19____,
20 before me, _____, a Notary Public in and
21 for the State of Iowa, personally appeared
22 _____ and _____, to me
23 personally known, and, who, being by me duly sworn, did say
24 that they are the Mayor and City Clerk, respectively, of the
25 City of _____, Iowa; that the seal affixed to
26 the foregoing instrument is the corporate seal of the
27 corporation, and that the instrument was signed and sealed on
28 behalf of the corporation, by authority of its City Council,
29 as contained in Ordinance No. _____ passed (the
30 Resolution adopted) by the City Council, under Roll Call No.
31 _____ of the City Council on the _____ day of
32 _____, 19____, and that _____
33 and _____ acknowledged the execution of
34 the instrument to be their voluntary act and deed and the
35 voluntary act and deed of the corporation, by it voluntarily

1 executed.

2 NEW SUBSECTION. 11. In the case of counties:

3 On this _____ day of _____, 19__,
 4 before me, _____, a Notary Public in and
 5 for the State of Iowa, personally appeared _____ and
 6 _____, to me personally known, and who, being by
 7 me duly sworn, did say that they are the Chairperson of the
 8 Board of Supervisors and County Auditor, respectively, of the
 9 County of _____, Iowa; that the seal affixed to the
 10 foregoing instrument is the corporate seal of the corporation,
 11 and that the instrument was signed and sealed on behalf of the
 12 corporation, by authority of its Board of Supervisors, as
 13 contained in Ordinance No. _____ passed (the
 14 Resolution adopted) by the Board of Supervisors, under Roll
 15 Call No. _____ of the Board of Supervisors on the _____
 16 day of _____, 19__, and _____ and
 17 _____ acknowledged the execution of the
 18 instrument to be their voluntary act and deed and the
 19 voluntary act and deed of the corporation, by it voluntarily
 20 executed.

21 EXPLANATION

22 This bill provides the proper form of acknowledgments of
 23 conveyances of property for partnerships, individual
 24 fiduciaries, corporate fiduciaries, limited partnerships with
 25 corporate general partners, limited partnerships with
 26 individual general partners, joint ventures, cities and
 27 counties.

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SSB 223

JUDICIARY: Holt, Chair; Ritsema and Coleman

SSB 223

Judiciary

SENATE/HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY AND COMMITTEE ON
JUDICIARY AND LAW ENFORCE-
MENT BILL)

*Now
SF 375*

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for forms of certain acknowledgments of
2 conveyances of real estate.

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

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S.F. _____ H.F. _____

1 Section 1. Section 558.39, Code 1985, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 4. In the case of partnerships:

4 On this _____ day of _____, 19__, before me, the
5 undersigned, a Notary Public in and for the State of Iowa,
6 personally appeared _____, to me
7 personally known, who being by me duly sworn, did say that the
8 person is one of the partners of _____, a
9 partnership, and that the instrument was signed on behalf of
10 the partnership by authority of the partners and the partner
11 acknowledged the execution of the instrument to be the
12 voluntary act and deed of the partnership by it and by the
13 partner voluntarily executed.

14 NEW SUBSECTION. 5. In the case of an individual
15 fiduciary:

16 On this _____ day of _____, 19__, before me, the
17 undersigned, a Notary Public in and for the State of Iowa,
18 personally appeared _____, to me known
19 to be the identical person named in and who executed the
20 foregoing instrument, and acknowledged that the person, as the
21 fiduciary, executed the instrument as the voluntary act and
22 deed of the person and of the fiduciary.

23 NEW SUBSECTION. 6. In the case of a corporate fiduciary:

24 On this _____ day of _____, 19__, before me, the
25 undersigned, a Notary Public in and for the State of Iowa,
26 personally appeared _____ and _____,
27 to me personally known, who, being by me duly sworn, did say
28 that they are the _____ and _____,
29 respectively, of the corporation executing the foregoing
30 instrument; that (no seal has been procured by) (the seal
31 affixed thereto is the seal of) the corporation; that the
32 instrument was signed (and sealed) on behalf of the
33 corporation by authority of its Board of Directors; that
34 _____ and _____ acknowledged the
35 execution of the instrument to be the voluntary act and deed

1 of the corporation and of the fiduciary, by it, by them and as
2 the fiduciary voluntarily executed.

3 NEW SUBSECTION. 7. In the case of a limited partnership
4 with corporate general partner:

5 On this _____ day of _____, 19__, before me, the
6 undersigned, a Notary Public in and for the State of Iowa,
7 personally appeared _____, to me personally
8 known, who being by me duly sworn did say that the person is
9 the _____ of _____, the
10 General Partner of _____, a _____
11 limited partnership, executing the foregoing instrument, that
12 no seal has been procured by the corporation; that the
13 instrument was signed on behalf of the corporation as General
14 Partner of _____, a
15 _____ limited partnership, by authority of
16 the corporation's Board of Directors; and that _____
17 as that officer acknowledged execution of the instrument to be
18 the voluntary act and deed of the corporation and Limited
19 Partnership by it and by the officer voluntarily executed.

20 NEW SUBSECTION. 8. In the case of a limited partnership
21 with an individual general partner:

22 On this _____ day of _____, 19__, before
23 me the undersigned, a Notary Public in and for the State of
24 Iowa, personally appeared _____, to me
25 personally known, who, being by me duly sworn, did say that
26 the person is (a) (the) General Partner of
27 _____, an Iowa limited partnership, executing
28 the foregoing instrument, that the instrument was signed on
29 behalf of the limited partnership by authority of the limited
30 partnership; and the general partner acknowledged the
31 execution of the instrument to be the voluntary act and deed
32 of the limited partnership, by it and by the general partner
33 voluntarily executed.

34 NEW SUBSECTION. 9. In the case of joint ventures:

35 On this _____ day of _____, 19__, before me,

S.F. _____ H.F. _____

1 the undersigned, a Notary Public in and for the State of Iowa,
2 personally appeared _____ and
3 _____, to me personally known, who, being by me
4 duly sworn, did say that they are the _____ and
5 _____, respectively, of
6 _____, an Iowa corporation, a joint
7 venturer of _____, a joint venture,
8 executing the foregoing instrument, that (no seal has been
9 procured by) (the seal affixed thereto is the seal of) the
10 corporation; that the instrument was signed (and sealed) on
11 behalf of the corporation as a joint venturer of
12 _____, a joint venture, by authority of its
13 Board of Directors; and that _____ and
14 _____, as such officers, acknowledged the
15 execution of the instrument to be the voluntary act and deed
16 of the corporation and joint venture, by the corporation and
17 joint venture and by them voluntarily executed.

18 NEW SUBSECTION. 10. In the case of municipalities:

19 On this _____ day of _____, 19____,
20 before me, _____, a Notary Public in and
21 for the State of Iowa, personally appeared
22 _____ and _____, to me
23 personally known, and, who, being by me duly sworn, did say
24 that they are the Mayor and City Clerk, respectively, of the
25 City of _____, Iowa; that the seal affixed to
26 the foregoing instrument is the corporate seal of the
27 corporation, and that the instrument was signed and sealed on
28 behalf of the corporation, by authority of its City Council,
29 as contained in Ordinance No. _____ passed (the
30 Resolution adopted) by the City Council, under Roll Call No.
31 _____ of the City Council on the _____ day of
32 _____, 19____, and the _____
33 and _____ acknowledged the execution of
34 the instrument to be their voluntary act and deed and the
35 voluntary act and deed of the corporation, by it voluntarily

1 executed.

2 NEW SUBSECTION. 11. In the case of counties:

3 On this _____ day of _____, 19__,
 4 before me, _____, a Notary Public in and
 5 for the State of Iowa, personally appeared _____ and
 6 _____, to me personally known, and who, being by
 7 me duly sworn, did say that they are the Chairperson of the
 8 Board of Supervisors and County Auditor, respectively, of the
 9 County of _____, Iowa; that the seal affixed to the
 10 foregoing instrument is the corporate seal of the corporation,
 11 and that the instrument was signed and sealed on behalf of the
 12 corporation, by authority of its Board of Supervisors, as
 13 contained in Ordinance No. _____ passed (the
 14 Resolution adopted) by the Board of Supervisors, under Roll
 15 Call No. _____ of the Board of Supervisors on the _____
 16 day of _____, 19__, and _____ and
 17 _____ acknowledged the execution of the
 18 instrument to be their voluntary act and deed and the
 19 voluntary act and deed of the corporation, by it voluntarily
 20 executed.

21 EXPLANATION

22 This bill provides the proper form of acknowledgments of
 23 conveyances of property for partnerships, individual
 24 fiduciaries, corporate fiduciaries, limited partnerships with
 25 corporate general partners, limited partnerships with
 26 individual general partners, joint ventures, cities and
 27 counties.

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SENATE FILE 375

AN ACT

PROVIDING FOR FORMS OF CERTAIN ACKNOWLEDGMENTS OF CONVEYANCES OF REAL ESTATE.

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

Section 1. Section 558.39, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 4. In the case of partnerships:

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____, to me personally known, who being by me duly sworn, did say that the person is one of the partners of _____, a partnership, and that the instrument was signed on behalf of the partnership by authority of the partners and the partner acknowledged the execution of the instrument to be the voluntary act and deed of the partnership by it and by the partner voluntarily executed.

NEW SUBSECTION. 5. In the case of an individual fiduciary:

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Iowa,

personally appeared _____, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as the fiduciary, executed the instrument as the voluntary act and deed of the person and of the fiduciary.

NEW SUBSECTION. 6. In the case of a corporate fiduciary:

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____ and _____, to me personally known, who, being by me duly sworn, did say that they are the _____ and _____, respectively, of the corporation executing the foregoing instrument; that (no seal has been procured by) (the seal affixed thereto is the seal of) the corporation; that the instrument was signed (and sealed) on behalf of the corporation by authority of its Board of Directors; that _____ and _____ acknowledged the execution of the instrument to be the voluntary act and deed of the corporation and of the fiduciary, by it, by them and as the fiduciary voluntarily executed.

NEW SUBSECTION. 7. In the case of a limited partnership with corporate general partner:

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____, to me personally known, who being by me duly sworn did say that the person is the _____ of _____, the General Partner of _____, a _____ limited partnership, executing the foregoing instrument, that no seal has been procured by the corporation; that the instrument was signed on behalf of the corporation as General Partner of _____, a _____ limited partnership, by authority of the corporation's Board of Directors; and that _____ as that officer acknowledged execution of the instrument to be

the voluntary act and deed of the corporation and limited partnership by it and by the officer voluntarily executed.

NEW SUBSECTION. 8. In the case of a limited partnership with an individual general partner:

On this ___ day of ___, 19___, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____, to me personally known, who, being by me duly sworn, did say that the person is (a) (the) General Partner of

_____, an Iowa limited partnership, executing the foregoing instrument, that the instrument was signed on behalf of the limited partnership by authority of the limited partnership; and the general partner acknowledged the execution of the instrument to be the voluntary act and deed of the limited partnership, by it and by the general partner voluntarily executed.

NEW SUBSECTION. 9. In the case of joint ventures:

On this ___ day of ___, 19___, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____ and _____,

to me personally known, who, being by me duly sworn, did say that they are the _____ and _____, respectively, of

_____, an Iowa corporation, a joint venturer of _____, a joint venture, executing the foregoing instrument, that (no seal has been procured by) (the seal affixed thereto is the seal of) the corporation; that the instrument was signed (and sealed) on behalf of the corporation as a joint venturer of

_____, a joint venture, by authority of its Board of Directors; and that _____ and _____, as such officers, acknowledged the execution of the instrument to be the voluntary act and deed of the corporation and joint venture, by the corporation and joint venture and by them voluntarily executed.

NEW SUBSECTION. 10. In the case of municipalities:

On this ___ day of ___, 19___, before me, _____, a Notary Public in and for the State of Iowa, personally appeared

_____ and _____, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of _____, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Ordinance No. _____ passed (the Resolution adopted) by the City Council, under Roll Call No. _____ of the City Council on the ___ day of

_____, 19___, and that _____ and _____ acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

NEW SUBSECTION. 11. In the case of counties:

On this ___ day of ___, 19___, before me, _____, a Notary Public in and for the State of Iowa, personally appeared _____ and _____, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of _____, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in Ordinance No. _____ passed (the Resolution adopted) by the Board of Supervisors, under Roll Call No. _____ of the Board of Supervisors on the ___ day of _____, 19___, and _____ and _____ acknowledged the execution of the instrument to be their voluntary act and deed and the

voluntary act and deed of the corporation, by it voluntarily executed.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 375, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 25, 1985

TERRY E. BRANSTAD
Governor

S.F. 375