

Hansen
McKibben
Zieman

SSB - 1091
Local Government

SENATE FILE _____ Succeeded By
BY (PROPOSED COMMITTEE ON LOCAL SF/HE 372
GOVERNMENT BILL BY CHAIRPERSON
MILLER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the powers and duties of the county recorder
2 relating to the recording and keeping of documents.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 6B.35, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. A written statement by the sheriff of all money
4 received in payment of damages, from whom received, to whom
5 paid, and the amount paid to each claimant and reference to
6 the application for condemnation by book-and-page document
7 reference or instrument number and the date the application
8 was filed with the county recorder.

9 Sec. 2. Section 22.3, Code 2001, is amended to read as
10 follows:

11 22.3 SUPERVISION.

12 Such examination and copying shall be done under the
13 supervision of the lawful custodian of the records or the
14 custodian's authorized deputy designee. The lawful custodian
15 may adopt and enforce reasonable rules regarding such the work
16 and the protection of the records against damage or
17 disorganization. The lawful custodian shall provide a
18 suitable place for such the work, but if it is impracticable
19 to do such the work in the office of the lawful custodian, the
20 person desiring to examine or copy shall pay any necessary
21 expenses of providing a place for such the work. All expenses
22 of such the work shall be paid by the person desiring to
23 examine or copy. The lawful custodian may charge a reasonable
24 fee for the services of the lawful custodian or the
25 custodian's authorized deputy designee in supervising the
26 records during such the work. If copy equipment is available
27 at the office of the lawful custodian of any public records,
28 the lawful custodian shall provide any person a reasonable
29 number of copies of any public record in the custody of the
30 office upon the payment of a fee. The fee for the copying
31 service as determined by the lawful custodian shall not exceed
32 the cost of providing the service.

33 Sec. 3. Section 96.14, subsection 3, unnumbered paragraphs
34 3 and 4, Code 2001, are amended to read as follows:

35 The county recorder of each county shall prepare and keep

378
1091

1 in the recorder's office ~~a-book-to-be-known-as-~~"index-of
2 ~~unemployment-contribution-liens"~~7-so-ruled-as an index to show
3 ~~in-appropriate-columns~~ the following data, under the names of
4 employers, arranged alphabetically:

5 The recorder shall endorse on each notice of lien the day,
6 hour, and minute when received and shall forthwith index said
7 the notice in said the index book and shall forthwith record
8 said the lien in the manner provided for recording real estate
9 mortgages, and the said the lien shall be effective from the
10 time of the indexing thereof of the lien.

11 Sec. 4. Section 331.602, subsection 1, paragraph d, Code
12 2001, is amended to read as follows:

13 d. An instrument conveying an interest in real property,
14 other than a mortgage, a mortgage release, or an assignment,
15 shall contain the statement "Address tax statement:" which
16 shall be filled out with a the name of the taxpayer and a
17 complete mailing address. Each instrument conveying an
18 interest in real property shall contain this statement unless
19 otherwise authorized by the county recorder.

20 Sec. 5. Section 331.602, subsections 2 and 23, Code 2001,
21 are amended to read as follows:

22 2. Rerecord an instrument without fee upon presentation of
23 the original instrument by the owner if an error is made in
24 recording the instrument. The recorder shall also note ~~in-the~~
25 ~~margin-of~~ on the new record a reference to the original record
26 and ~~in-the-margin-of~~ on the original record a reference to the
27 ~~book-and-page-of-the~~ new record.

28 23. Forward to the director of revenue and finance a
29 certified copy of any deed, bill of sale or other transfer
30 which shows that it is made or intended to take effect at or
31 after the death of the person executing the instrument as
32 provided in section 450.81.

33 Sec. 6. Section 331.603, subsection 3, Code 2001, is
34 amended to read as follows:

35 3. The recorder may reproduce in miniature on a durable

1 medium any instrument to be recorded. When a recorded
2 instrument involves a release or assignment, the separate
3 instrument filed acknowledging the release or assignment shall
4 be reproduced ~~in-miniature~~. In lieu of marginal entries, the
5 recorder shall make ~~endorsements-in-red-ink~~ notations on both
6 the index and the ~~cross-index-to-the-miniature-instruments~~
7 ~~where-the-instruments-were-originally-indexed~~ record of the
8 original instrument. When an official record is produced in
9 miniature, a security copy shall be reproduced at the same
10 time and kept outside of the courthouse.

11 Sec. 7. Section 331.605A, unnumbered paragraph 1, Code
12 2001, is amended to read as follows:

13 The recorder shall also collect a fee of one dollar for
14 each recorded transaction for which a fee is paid pursuant to
15 section 331.604 to be used exclusively for the purpose of
16 preserving and maintaining public records. The treasurer, on
17 behalf of the recorder, shall establish and maintain an
18 interest-bearing account into which all moneys collected
19 pursuant to this section shall be deposited. The recorder
20 shall use the moneys deposited in the account to produce and
21 maintain public records that meet archival standards, and to
22 enhance the technological storage, retrieval, and transmission
23 capabilities related to archival quality records. The
24 recorder may cooperate with other entities, boards, and
25 agencies to establish methods of records management, and
26 participate in other joint ventures which further the purposes
27 of this paragraph.

28 Sec. 8. Section 331.606, subsection 2, Code 2001, is
29 amended to read as follows:

30 2. The recorder shall also note in the index book the
31 exact time of the filing of each instrument.

32 Sec. 9. Section 331.607, subsections 1, 7, 8, 9, and 11,
33 Code 2001, are amended to read as follows:

34 1. A record book for military discharges as provided in
35 section 331.608.

312
1091

1 7. Index and ~~record-books~~ records for instruments
2 affecting real estate as provided under chapter 558.

3 8. ~~Homestead-and-index-books~~ An index and record of
4 homesteads as provided in section 561.4.

5 9. A claimant's ~~book-in-which~~ index and record for the
6 notices of title interests in land ~~are-indexed~~ as provided in
7 section 614.35.

8 11. Other ~~books~~ indexes and records as provided by law.

9 Sec. 10. Section 331.608, subsection 1, Code 2001, is
10 amended to read as follows:

11 1. The recorder shall maintain a ~~special-book~~ record in
12 which, upon request, the discharge of a veteran shall be
13 recorded without charge. ~~The-discharge-book-shall-be-a~~
14 ~~uniform-type,-kind,-and-form-approved-by-the-commission-of~~
15 ~~veterans-affairs-~~

16 Sec. 11. Section 331.609, subsection 3, paragraph c, Code
17 2001, is amended to read as follows:

18 c. If a refiled notice of federal lien referred to in
19 paragraph "a" or any of the certificates or notices referred
20 to in paragraph "b" is presented for recording with a
21 recorder, the recorder shall ~~permanently-attach-the-refiled~~
22 ~~notice-or-the-certificate-to-the-original-notice-of-lien-and~~
23 ~~shall~~ enter the refiled notice or the certificate with the
24 date of recording in an alphabetical index and make a notation
25 on the original record of a reference to the refiled notice or
26 certificate.

27 Sec. 12. Section 354.1, subsection 3, Code 2001, is
28 amended to read as follows:

29 3. To provide for statewide, uniform procedures and
30 standards for the platting of land while allowing the widest
31 possible latitude for cities and counties to establish and
32 enforce ordinances regulating the division and use of land,
33 within the scope of, but not limited to, chapters 331, 335,
34 364, 414, and this chapter. All documents presented for
35 recording pursuant to this chapter shall comply with section

1 331.602, subsection 1.

2 Sec. 13. Section 354.5, subsection 1, paragraph b, Code
3 2001, is amended to read as follows:

4 b. The book-and-page document reference number of the
5 recorded plat of survey.

6 Sec. 14. Section 354.5, subsection 2, paragraph b, Code
7 2001, is amended to read as follows:

8 b. The book-and-page document reference number of the
9 recorded acquisition plat.

10 Sec. 15. Section 354.24, Code 2001, is amended to read as
11 follows:

12 354.24 ERRORS ON RECORDED PLATS.

13 If an error or omission in the data shown on a recorded
14 plat is detected by subsequent examinations or revealed by
15 retracing the lines shown on the plat, the original surveyor
16 or two surveyors confirming the error through independent
17 surveys shall record an affidavit confirming that the error or
18 omission was made. The affidavit shall describe the nature
19 and extent of the error or omission and also describe the
20 corrections or additions to be made to the plat and note the
21 book-and-page a document reference number of the recorded
22 plat. The recorder shall ~~write-across-that-part~~ note on the
23 record of the plat ~~so-corrected~~ the word "corrected", and note
24 the book-and-page document reference number of the recorded
25 affidavit. A copy of the recorded affidavit shall be filed
26 with the auditor and assessor. The affidavit shall raise a
27 presumption from the date of recording that the purported
28 facts stated in the affidavit are true, and after the lapse of
29 three years from the date of recording the presumption shall
30 be conclusive.

31 Sec. 16. Section 354.26, Code 2001, is amended to read as
32 follows:

33 354.26 CORRECTIONS OR CHANGES TO PLATS.

34 A vacation, correction, or replatting as provided for in
35 this chapter, shall be recorded and an exact copy shall be

378
1091

1 filed with the auditor and assessor. If a governing body
2 changes the addresses or street names shown on an official
3 plat, notice of the change shall note the name or other
4 designation of each official plat affected and shall be filed
5 with the recorder, auditor, and assessor. The recorder shall
6 note the vacation, correction, or replatting on the margin
7 index and record of the official plat or upon an attachment to
8 the official plat for that purpose. The auditor shall make
9 the proper changes on the plats required to be kept by the
10 auditor.

11 Sec. 17. Section 380.11, Code 2001, is amended to read as
12 follows:

13 380.11 CERTAIN MEASURES RECORDED.

14 Immediately after the effective date of a measure
15 establishing any zoning district, building lines or fire
16 limits, the city clerk shall certify the measure and a plat
17 showing the district, lines or limits, to the recorder of any
18 county which contains part of the city. The county recorder
19 shall index and record the measure and plat ~~in the~~
20 ~~miscellaneous-record-or-other-book-provided-for-special~~
21 ~~records, and shall index the record.~~ The city shall pay the
22 recording fee.

23 Sec. 18. Section 422.26, unnumbered paragraphs 4 and 5,
24 Code 2001, are amended to read as follows:

25 The county recorder of each county shall ~~prepare and keep~~
26 in the recorder's office ~~a book to be known as "index of~~
27 ~~income tax liens", so ruled as~~ an index and record to show in
28 ~~appropriate columns~~ the following data, under the names of
29 taxpayers, arranged alphabetically:

30 The recorder shall endorse on each notice of lien the day,
31 hour, and minute when received and preserve the same, and
32 shall ~~forthwith~~ index said the notice in said the index book
33 and shall ~~forthwith~~ record said the lien in the manner
34 provided for recording real estate mortgages, and the said
35 lien shall be effective from the time of the indexing thereof

1 of the lien.

2 Sec. 19. Section 428A.5, Code 2001, is amended to read as
3 follows:

4 428A.5 EVIDENCE OF PAYMENT.

5 The amount of tax imposed by this chapter shall be paid to
6 the county recorder in the county where the real property is
7 located and the amount received and the initials of the county
8 recorder shall appear on the face of the document or
9 instrument. ~~The department of revenue and finance shall~~
10 ~~provide each county recorder with a device to be used by the~~
11 ~~recorder to evidence this information on the document or~~
12 ~~instrument.~~ The method of documentation of a transfer tax
13 shall be approved by the department of revenue and finance.

14 Sec. 20. Section 437A.11, unnumbered paragraph 2, Code
15 2001, is amended to read as follows:

16 The county recorder of each county shall prepare and keep
17 in the recorder's office ~~a book to be known as the index of~~
18 ~~statewide property tax liens, so ruled as~~ an index and record
19 to show ~~in appropriate columns~~ under the names of taxpayers
20 arranged alphabetically, all of the following:

21 Sec. 21. Section 437A.22, unnumbered paragraph 3, Code
22 2001, is amended to read as follows:

23 The county recorder of each county shall prepare and keep
24 in the recorder's office ~~a book to be known as the index of~~
25 ~~replacement tax liens, so ruled as~~ an index and record to show
26 ~~in appropriate columns~~ under the names of taxpayers arranged
27 alphabetically, all of the following:

28 Sec. 22. Section 558.45, Code 2001, is amended to read as
29 follows:

30 558.45 NOTATION OF ASSIGNMENT OR RELEASE ON INDEX.

31 Where any mortgage, contract, or other instrument
32 constituting an encumbrance upon real estate shall be assigned
33 or released by a separate instrument it shall be the duty of
34 the recorder to make a notation ~~in red ink on the index and~~
35 ~~cross-index~~ where such the instrument was originally indexed,

372
1091

1 indicating the nature of such assignment or release and the
2 book-and-page a document reference number of the record where
3 the same is recorded.

4 Sec. 23. Section 558.49, unnumbered paragraph 1, Code
5 2001, is amended to read as follows:

6 The recorder must keep index books, ~~the pages of which are~~
7 ~~so divided as~~ records to show in ~~parallel columns~~ the
8 following:

9 Sec. 24. Section 558.49, subsection 6, Code 2001, is
10 amended to read as follows:

11 6. The book-and-page document reference number where the
12 record thereof of the instrument may be found.

13 Sec. 25. Section 558.52, Code 2001, is amended to read as
14 follows:

15 558.52 ALPHABETICAL ARRANGEMENT.

16 The entries ~~in such book~~ shall show the names of the
17 respective grantors and grantees, arranged in alphabetical
18 order. When ~~such~~ the instrument is executed by a personal
19 representative, guardian, referee, commissioner, receiver,
20 sheriff, or other person acting in a representative capacity,
21 the recorder shall enter upon the index book the name and
22 representative capacity of each person executing the
23 instrument and the owner of the property if disclosed ~~therein~~
24 in the instrument.

25 Sec. 26. Section 558.55, Code 2001, is amended to read as
26 follows:

27 558.55 FILING AND INDEXING -- CONSTRUCTIVE NOTICE.

28 The recorder must endorse upon every instrument properly
29 filed for record in the recorder's office, the day, hour, and
30 minute of ~~such~~ the filing, and ~~forthwith~~ enter in the index
31 ~~book~~ the entries required to be ~~made therein~~ entered, except
32 the ~~book-and-page~~ document reference number where the complete
33 record will appear, and ~~such~~ the filing and indexing shall
34 constitute constructive notice to all persons of the rights of
35 the grantees conferred by ~~such~~ the instruments.

1 Sec. 27. Section 558.59, Code 2001, is amended to read as
2 follows:

3 558.59 FINAL RECORD.

4 Every such instrument shall be recorded, as soon as
5 practicable, ~~in a suitable book to be kept by the recorder for~~
6 ~~that purpose~~, after which the recorder shall complete the
7 entries ~~aforsaid so as~~ to show the book-and-page document
8 reference number where the record is to be found.

9 Sec. 28. Section 566.35, subsection 2, Code 2001, is
10 amended by striking the subsection.

11 Sec. 29. Section 639.53, Code 2001, is amended to read as
12 follows:

13 639.53 DESCRIPTION OF REAL ESTATE.

14 Where real property is attached, the sheriff shall describe
15 it with certainty to identify it, and, where the sheriff can
16 do so, by a reference to the book-and-page document reference
17 number where the deed under which the defendant holds is
18 recorded.

19 Sec. 30. Section 655A.3, subsection 1, paragraph a, Code
20 2001, is amended to read as follows:

21 a. Reasonably identify by a document reference number the
22 mortgage and accurately describe the real estate covered.

23 Sec. 31. Section 655A.6, Code 2001, is amended to read as
24 follows:

25 655A.6 REJECTION OF NOTICE.

26 If either the mortgagor, or successor in interest of record
27 including a contract purchaser, within thirty days of service
28 of the notice pursuant to section 655A.3, files with the
29 recorder of the county where the mortgaged property is
30 located, a rejection of the notice reasonably identifying by a
31 document reference number the notice which is rejected
32 together with proofs of service required under section 655A.4
33 that the rejection has been served on the mortgagee, the
34 notice served upon the mortgagor pursuant to section 655A.3 is
35 of no force or effect.

~~378~~
1091

1 Sec. 32. Section 656.2, subsection 1, paragraph a, Code
2 2001, is amended to read as follows:

3 a. Reasonably identify the contract by a document
4 reference number and accurately describe the real estate
5 covered.

6 Sec. 33. Sections 558.50, 558.51, 558.53, and 558.54, Code
7 2001, are repealed.

8 EXPLANATION

9 This bill amends a number of Code sections relating to the
10 recording of mortgage documents, liens, military veteran
11 discharges, and other instruments with the county recorder.
12 The amendments are proposed to remove impediments to the
13 electronic recording of various legal instruments and improve
14 recording procedures.

15 Code section 6B.35 is amended to substitute "document
16 reference" for references to "book and page".

17 Code section 22.3 is amended to allow an authorized
18 designee of a lawful custodian of public record to supervise
19 the examination and copying of public records. Currently, the
20 records are to be examined or copied under the supervision of
21 an authorized deputy of the legal custodian.

22 Code section 96.14 is amended to provide that the index of
23 unemployment contribution liens in a county recorder's office
24 does not have to be kept in a book form.

25 Code section 331.602 is amended to strike a required
26 notation in the margin of a corrective instrument referencing
27 the original instrument and a corresponding notation in the
28 margin of the original document referring to the new record.
29 A requirement that an instrument be recorded in a book is also
30 stricken. The amendment also strikes a requirement that a
31 copy of a deed, bill of sale, or other transfer document which
32 is forwarded to the director of revenue and finance must be a
33 certified copy.

34 Code section 331.603 is amended to strike a requirement
35 that a recorded instrument which involves a release or

1 assignment of a property previously recorded and reproduced in
2 miniature shall also be reproduced in miniature. Also, in
3 lieu of marginal entries, the recorder shall make notations on
4 the index and the record of the original instrument.

5 Code section 331.605A is amended to provide that the county
6 treasurer, on behalf of the county recorder, shall establish
7 and maintain an interest-bearing account for the fees
8 collected by the county recorder for the purpose of collecting
9 and maintaining public records.

10 Code section 331.606 is amended to strike reference to the
11 need for a book to maintain an index.

12 Code section 331.607 is amended to strike several
13 references to books which a county recorder is required to
14 keep. The term "record" or "records" is substituted.

15 Code section 331.608 is amended to substitute the word
16 "record" for "special book" and to strike a requirement that a
17 discharge book be approved by the commission of veterans
18 affairs.

19 Code section 331.609 is amended to strike the requirement
20 that a county recorder permanently attach a refiled notice to
21 the original notice of federal lien. In lieu of the
22 attachment, a county recorder shall make a notation on the
23 original record referring to the refiled notice.

24 Code section 354.1 is amended to provide that all documents
25 presented for recording with regard to the platting and
26 subdivision of land shall comply with the recording
27 requirements specified for all instruments.

28 Code section 354.5 is amended to substitute "document
29 reference" for references to "book and page".

30 Code section 354.24 is amended to substitute the wording "a
31 document reference" for references to "the book and page". If
32 a correction to a plat is recorded, the recorder shall note
33 the correction on the record in lieu of writing the word
34 "corrected" across the affected part of the plat.

35 Code section 354.26 is amended to provide that the recorder

1 shall note the vacation, correction, or replatting on the
2 index and record of the official plat rather than on the
3 margin of the plat.

4 Code section 380.11 is amended to provide that zoning
5 districts, building lines, or fire limits which are platted,
6 shall be indexed and recorded without the use of books.

7 Code sections 422.26, 437A.11, and 437A.22 are amended to
8 strike the term "books" in reference to records or indexes for
9 income tax liens. Also stricken is the word "forthwith" in
10 reference to the recording and indexing of the liens.

11 Code section 428A.5 is amended to strike the use of a
12 device by the county recorder to evidence the payment of the
13 real estate transfer tax on a transfer document. The device
14 is replaced by a method of documentation as approved by the
15 department of revenue and finance.

16 Code section 558.45 is amended to strike the use of red ink
17 for notation on indexes and reference to the book and page for
18 a recorded instrument.

19 Code sections 558.49, 558.52, 558.55, and 558.59 are
20 amended to strike the reference to index books and the book
21 and page of a recorded instrument. The terms are replaced by
22 reference to a document reference number.

23 Code section 566.35 is amended by striking subsection 2,
24 which requires that the declaration of value of a real estate
25 transfer submitted to the county recorder include the
26 existence of any known private burial site located on the real
27 estate.

28 Code section 639.53 is amended to substitute "document
29 reference number" for the words "book and page".

30 Code sections 655A.3, 655A.6, and 656.2 are amended to add
31 a document reference number as a means of identifying a
32 mortgage, contract, or real estate document.

33 The bill also repeals Code sections 558.50, 558.51, 558.53,
34 and 558.54. Code section 558.50 specifies the ruled columns
35 and form of the index for affidavits. Code section 558.51

1 provides that separate index books are required for mortgages
2 and satisfactions or releases of mortgages, descriptions of
3 lots, land, conveyances of real estate, powers of attorney,
4 affidavits, copies of petitions in bankruptcy, decrees of
5 adjudication in bankruptcy, and orders approving trustee's
6 bonds. Code section 558.53 provides for an index and record
7 of all deeds, mortgages, and related instruments affecting
8 lots in cities and the affected plats. Code section 558.54
9 provides that an instrument containing descriptions of land or
10 lots in cities, the affected plats, and other land shall be
11 recorded in one record and charged one fee, but the record
12 shall be indexed in the land and city lot indexes.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Substitutes for HF 657
4-12-01
(P. 1171)

FILED MAR 6 2001

SENATE FILE 372
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1091)

Passed Senate, Date ^(P. 747) 3/21/01 Passed House, Date 4-12-01 (p. 1171)
Vote: Ayes 44 Nays 0 Vote: Ayes 96 Nays 0
Approved April 18, 2001

A BILL FOR

1 An Act relating to the powers and duties of the county recorder
2 relating to the recording and keeping of documents.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 372

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 6B.35, subsection 5, Code 2001, is
2 amended to read as follows:

3 5. A written statement by the sheriff of all money
4 received in payment of damages, from whom received, to whom
5 paid, and the amount paid to each claimant and reference to
6 the application for condemnation by book-and-page document
7 reference or instrument number and the date the application
8 was filed with the county recorder.

9 Sec. 2. Section 22.3, Code 2001, is amended to read as
10 follows:

11 22.3 SUPERVISION.

12 Such examination and copying shall be done under the
13 supervision of the lawful custodian of the records or the
14 custodian's authorized deputy designee. The lawful custodian
15 may adopt and enforce reasonable rules regarding such the work
16 and the protection of the records against damage or
17 disorganization. The lawful custodian shall provide a
18 suitable place for such the work, but if it is impracticable
19 to do such the work in the office of the lawful custodian, the
20 person desiring to examine or copy shall pay any necessary
21 expenses of providing a place for such the work. All expenses
22 of such the work shall be paid by the person desiring to
23 examine or copy. The lawful custodian may charge a reasonable
24 fee for the services of the lawful custodian or the
25 custodian's authorized deputy designee in supervising the
26 records during such the work. If copy equipment is available
27 at the office of the lawful custodian of any public records,
28 the lawful custodian shall provide any person a reasonable
29 number of copies of any public record in the custody of the
30 office upon the payment of a fee. The fee for the copying
31 service as determined by the lawful custodian shall not exceed
32 the cost of providing the service.

33 Sec. 3. Section 96.14, subsection 3, unnumbered paragraphs
34 3 and 4, Code 2001, are amended to read as follows:

35 The county recorder of each county shall prepare and keep

1 in the recorder's office ~~a-book-to-be-known-as-"index-of~~
2 ~~unemployment-contribution-liens"~~, ~~so-ruled-as~~ an index to show
3 ~~in-appropriate-columns~~ the following data, under the names of
4 employers, arranged alphabetically:

5 The recorder shall endorse on each notice of lien the day,
6 hour, and minute when received and shall ~~forthwith~~ index ~~said~~
7 the notice in said the index book and shall ~~forthwith~~ record
8 ~~said the~~ lien in the manner provided for recording real estate
9 mortgages, and the ~~said~~ lien shall be effective from the time
10 of the indexing ~~thereof~~ of the lien.

11 Sec. 4. Section 331.602, subsection 1, paragraph d, Code
12 2001, is amended to read as follows:

13 d. An instrument conveying an interest in real property,
14 other than a mortgage, a mortgage release, or an assignment,
15 shall contain the statement "Address tax statement:" which
16 shall be filled out with ~~a~~ the name of the taxpayer and a
17 complete mailing address. Each instrument conveying an
18 interest in real property shall contain this statement unless
19 otherwise authorized by the county recorder.

20 Sec. 5. Section 331.602, subsections 2 and 23, Code 2001,
21 are amended to read as follows:

22 2. Rerecord an instrument without fee upon presentation of
23 the original instrument by the owner if an error is made in
24 recording the instrument. The recorder shall also note ~~in-the~~
25 ~~margin-of~~ on the new record a reference to the original record
26 and ~~in-the-margin-of~~ on the original record a reference to the
27 ~~book-and-page-of-the~~ new record.

28 23. Forward to the director of revenue and finance a
29 certified copy of any deed, bill of sale or other transfer
30 which shows that it is made or intended to take effect at or
31 after the death of the person executing the instrument as
32 provided in section 450.81.

33 Sec. 6. Section 331.603, subsection 3, Code 2001, is
34 amended to read as follows:

35 3. The recorder may reproduce in miniature on a durable

1 medium any instrument to be recorded. When a recorded
2 instrument involves a release or assignment, the separate
3 instrument filed acknowledging the release or assignment shall
4 be reproduced in-miniature. In lieu of marginal entries, the
5 recorder shall make endorsements-in-red-ink notations on both
6 the index and the cross-index-to-the-miniature-instruments
7 where-the-instruments-were-originally-indexed record of the
8 original instrument. When an official record is produced in
9 miniature, a security copy shall be reproduced at the same
10 time and kept outside of the courthouse.

11 Sec. 7. Section 331.605A, unnumbered paragraph 1, Code
12 2001, is amended to read as follows:

13 The recorder shall also collect a fee of one dollar for
14 each recorded transaction for which a fee is paid pursuant to
15 section 331.604 to be used exclusively for the purpose of
16 preserving and maintaining public records. The treasurer, on
17 behalf of the recorder, shall establish and maintain an
18 interest-bearing account into which all moneys collected
19 pursuant to this section shall be deposited. The recorder
20 shall use the moneys deposited in the account to produce and
21 maintain public records that meet archival standards, and to
22 enhance the technological storage, retrieval, and transmission
23 capabilities related to archival quality records. The
24 recorder may cooperate with other entities, boards, and
25 agencies to establish methods of records management, and
26 participate in other joint ventures which further the purposes
27 of this paragraph.

28 Sec. 8. Section 331.606, subsection 2, Code 2001, is
29 amended to read as follows:

30 2. The recorder shall also note in the index book the
31 exact time of the filing of each instrument.

32 Sec. 9. Section 331.607, subsections 1, 7, 8, 9, and 11,
33 Code 2001, are amended to read as follows:

34 1. A record book for military discharges as provided in
35 section 331.608.

1 7. Index and ~~record-books~~ records for instruments
2 affecting real estate as provided under chapter 558.

3 8. ~~Homestead-and-index-books~~ An index and record of
4 homesteads as provided in section 561.4.

5 9. A claimant's ~~book-in-which~~ index and record for the
6 notices of title interests in land ~~are-indexed~~ as provided in
7 section 614.35.

8 11. Other ~~books~~ indexes and records as provided by law.

9 Sec. 10. Section 331.608, subsection 1, Code 2001, is
10 amended to read as follows:

11 1. The recorder shall maintain a ~~special-book~~ record in
12 which, upon request, the discharge of a veteran shall be
13 recorded without charge. ~~The-discharge-book-shall-be-a~~
14 ~~uniform-type,-kind,-and-form-approved-by-the-commission-of~~
15 ~~veterans-affairs.~~

16 Sec. 11. Section 331.609, subsection 3, paragraph c, Code
17 2001, is amended to read as follows:

18 c. If a refiled notice of federal lien referred to in
19 paragraph "a" or any of the certificates or notices referred
20 to in paragraph "b" is presented for recording with a
21 recorder, the recorder shall ~~permanently-attach-the-refiled~~
22 ~~notice-or-the-certificate-to-the-original-notice-of-lien-and~~
23 ~~shall~~ enter the refiled notice or the certificate with the
24 date of recording in an alphabetical index and make a notation
25 on the original record of a reference to the refiled notice or
26 certificate.

27 Sec. 12. Section 354.1, subsection 3, Code 2001, is
28 amended to read as follows:

29 3. To provide for statewide, uniform procedures and
30 standards for the platting of land while allowing the widest
31 possible latitude for cities and counties to establish and
32 enforce ordinances regulating the division and use of land,
33 within the scope of, but not limited to, chapters 331, 335,
34 364, 414, and this chapter. All documents presented for
35 recording pursuant to this chapter shall comply with section

1 331.602, subsection 1.

2 Sec. 13. Section 354.5, subsection 1, paragraph b, Code
3 2001, is amended to read as follows:

4 b. The book-and-page document reference number of the
5 recorded plat of survey.

6 Sec. 14. Section 354.5, subsection 2, paragraph b, Code
7 2001, is amended to read as follows:

8 b. The book-and-page document reference number of the
9 recorded acquisition plat.

10 Sec. 15. Section 354.24, Code 2001, is amended to read as
11 follows:

12 354.24 ERRORS ON RECORDED PLATS.

13 If an error or omission in the data shown on a recorded
14 plat is detected by subsequent examinations or revealed by
15 retracing the lines shown on the plat, the original surveyor
16 or two surveyors confirming the error through independent
17 surveys shall record an affidavit confirming that the error or
18 omission was made. The affidavit shall describe the nature
19 and extent of the error or omission and also describe the
20 corrections or additions to be made to the plat and note the
21 book-and-page a document reference number of the recorded
22 plat. The recorder shall ~~write-across-that-part~~ note on the
23 record of the plat ~~so-corrected~~ the word "corrected", and note
24 the book-and-page document reference number of the recorded
25 affidavit. A copy of the recorded affidavit shall be filed
26 with the auditor and assessor. The affidavit shall raise a
27 presumption from the date of recording that the purported
28 facts stated in the affidavit are true, and after the lapse of
29 three years from the date of recording the presumption shall
30 be conclusive.

31 Sec. 16. Section 354.26, Code 2001, is amended to read as
32 follows:

33 354.26 CORRECTIONS OR CHANGES TO PLATS.

34 A vacation, correction, or replatting as provided for in
35 this chapter, shall be recorded and an exact copy shall be

1 filed with the auditor and assessor. If a governing body
2 changes the addresses or street names shown on an official
3 plat, notice of the change shall note the name or other
4 designation of each official plat affected and shall be filed
5 with the recorder, auditor, and assessor. The recorder shall
6 note the vacation, correction, or replatting on the margin
7 index and record of the official plat or upon an attachment to
8 the official plat for that purpose. The auditor shall make
9 the proper changes on the plats required to be kept by the
10 auditor.

11 Sec. 17. Section 380.11, Code 2001, is amended to read as
12 follows:

13 380.11 CERTAIN MEASURES RECORDED.

14 Immediately after the effective date of a measure
15 establishing any zoning district, building lines or fire
16 limits, the city clerk shall certify the measure and a plat
17 showing the district, lines or limits, to the recorder of any
18 county which contains part of the city. The county recorder
19 shall index and record the measure and plat ~~in the~~
20 ~~miscellaneous-record-or-other-book-provided-for-special~~
21 ~~records, and shall index the record.~~ The city shall pay the
22 recording fee.

23 Sec. 18. Section 422.26, unnumbered paragraphs 4 and 5,
24 Code 2001, are amended to read as follows:

25 The county recorder of each county shall ~~prepare and keep~~
26 in the recorder's office ~~a book to be known as "index of~~
27 ~~income tax liens"~~ and so ruled as an index and record to show in
28 ~~appropriate columns~~ the following data, under the names of
29 taxpayers, arranged alphabetically:

30 The recorder shall endorse on each notice of lien the day,
31 hour, and minute when received and preserve the same, and
32 shall forthwith index said the notice in said the index book
33 and shall forthwith record said the lien in the manner
34 provided for recording real estate mortgages, and the said
35 lien shall be effective from the time of the indexing thereof

1 of the lien.

2 Sec. 19. Section 428A.5, Code 2001, is amended to read as
3 follows:

4 428A.5 EVIDENCE OF PAYMENT.

5 The amount of tax imposed by this chapter shall be paid to
6 the county recorder in the county where the real property is
7 located and the amount received and the initials of the county
8 recorder shall appear on the face of the document or
9 instrument. ~~The department of revenue and finance shall~~
10 ~~provide each county recorder with a device to be used by the~~
11 ~~recorder to evidence this information on the document or~~
12 ~~instrument.~~ The method of documentation of a transfer tax
13 shall be approved by the department of revenue and finance.

14 Sec. 20. Section 437A.11, unnumbered paragraph 2, Code
15 2001, is amended to read as follows:

16 The county recorder of each county shall prepare and keep
17 in the recorder's office ~~a book to be known as the index of~~
18 ~~replacement tax liens, so ruled as~~ an index and record to show
19 ~~in appropriate columns~~ under the names of taxpayers arranged
20 alphabetically, all of the following:

21 Sec. 21. Section 437A.22, unnumbered paragraph 3, Code
22 2001, is amended to read as follows:

23 The county recorder of each county shall prepare and keep
24 in the recorder's office ~~a book to be known as the index of~~
25 ~~statewide property tax liens, so ruled as~~ an index and record
26 to show ~~in appropriate columns~~ under the names of taxpayers
27 arranged alphabetically, all of the following:

28 Sec. 22. Section 558.45, Code 2001, is amended to read as
29 follows:

30 558.45 NOTATION OF ASSIGNMENT OR RELEASE ON INDEX.

31 Where any mortgage, contract, or other instrument
32 constituting an encumbrance upon real estate shall be assigned
33 or released by a separate instrument it shall be the duty of
34 the recorder to make a notation ~~in red ink on the index and~~
35 ~~cross-index~~ where such the instrument was originally indexed,

1 indicating the nature of such assignment or release and the
2 book-and-page a document reference number of the record where
3 the same is recorded.

4 Sec. 23. Section 558.49, unnumbered paragraph 1, Code
5 2001, is amended to read as follows:

6 The recorder must keep index ~~books,--the-pages-of-which-are~~
7 ~~so-divided-as~~ records to show ~~in-parallel-columns~~ the
8 following:

9 Sec. 24. Section 558.49, subsection 6, Code 2001, is
10 amended to read as follows:

11 6. The book-and-page document reference number where the
12 record ~~thereof~~ of the instrument may be found.

13 Sec. 25. Section 558.52, Code 2001, is amended to read as
14 follows:

15 558.52 ALPHABETICAL ARRANGEMENT.

16 The entries ~~in-such-book~~ shall show the names of the
17 respective grantors and grantees, arranged in alphabetical
18 order. When ~~such~~ the instrument is executed by a personal
19 representative, guardian, referee, commissioner, receiver,
20 sheriff, or other person acting in a representative capacity,
21 the recorder shall enter upon the index ~~book~~ the name and
22 representative capacity of each person executing the
23 instrument and the owner of the property if disclosed ~~therein~~
24 in the instrument.

25 Sec. 26. Section 558.55, Code 2001, is amended to read as
26 follows:

27 558.55 FILING AND INDEXING -- CONSTRUCTIVE NOTICE.

28 The recorder must endorse upon every instrument properly
29 filed for record in the recorder's office, the day, hour, and
30 minute of ~~such~~ the filing, and ~~forthwith~~ enter in the index
31 ~~book~~ the entries required to be ~~made-therein~~ entered, except
32 the book-and-page document reference number where the complete
33 record will appear, and ~~such~~ the filing and indexing shall
34 constitute constructive notice to all persons of the rights of
35 the grantees conferred by ~~such~~ the instruments.

1 Sec. 27. Section 558.59, Code 2001, is amended to read as
2 follows:

3 558.59 FINAL RECORD.

4 Every such instrument shall be recorded, as soon as
5 practicable, ~~in a suitable book to be kept by the recorder for~~
6 ~~that purpose,~~ after which the recorder shall complete the
7 entries ~~aforsaid so as~~ to show the book-and-page document
8 reference number where the record is to be found.

9 Sec. 28. Section 566.35, subsection 2, Code 2001, is
10 amended by striking the subsection.

11 Sec. 29. Section 639.53, Code 2001, is amended to read as
12 follows:

13 639.53 DESCRIPTION OF REAL ESTATE.

14 Where real property is attached, the sheriff shall describe
15 it with certainty to identify it, and, where the sheriff can
16 do so, by a reference to the book-and-page document reference
17 number where the deed under which the defendant holds is
18 recorded.

19 Sec. 30. Section 655A.3, subsection 1, paragraph a, Code
20 2001, is amended to read as follows:

21 a. Reasonably identify by a document reference number the
22 mortgage and accurately describe the real estate covered.

23 Sec. 31. Section 655A.6, Code 2001, is amended to read as
24 follows:

25 655A.6 REJECTION OF NOTICE.

26 If either the mortgagor, or successor in interest of record
27 including a contract purchaser, within thirty days of service
28 of the notice pursuant to section 655A.3, files with the
29 recorder of the county where the mortgaged property is
30 located, a rejection of the notice reasonably identifying by a
31 document reference number the notice which is rejected
32 together with proofs of service required under section 655A.4
33 that the rejection has been served on the mortgagee, the
34 notice served upon the mortgagor pursuant to section 655A.3 is
35 of no force or effect.

1 Sec. 32. Section 656.2, subsection 1, paragraph a, Code
2 2001, is amended to read as follows:

3 a. Reasonably identify the contract by a document
4 reference number and accurately describe the real estate
5 covered.

6 Sec. 33. Sections 558.50, 558.51, 558.53, and 558.54, Code
7 2001, are repealed.

8 EXPLANATION

9 This bill amends a number of Code sections relating to the
10 recording of mortgage documents, liens, military veteran
11 discharges, and other instruments with the county recorder.
12 The amendments are proposed to remove impediments to the
13 electronic recording of various legal instruments and improve
14 recording procedures.

15 Code section 6B.35 is amended to substitute "document
16 reference" for references to "book and page".

17 Code section 22.3 is amended to allow an authorized
18 designee of a lawful custodian of public record to supervise
19 the examination and copying of public records. Currently, the
20 records are to be examined or copied under the supervision of
21 an authorized deputy of the legal custodian.

22 Code section 96.14 is amended to provide that the index of
23 unemployment contribution liens in a county recorder's office
24 does not have to be kept in a book form.

25 Code section 331.602 is amended to strike a required
26 notation in the margin of a corrective instrument referencing
27 the original instrument and a corresponding notation in the
28 margin of the original document referring to the new record.
29 A requirement that an instrument be recorded in a book is also
30 stricken. The amendment also strikes a requirement that a
31 copy of a deed, bill of sale, or other transfer document which
32 is forwarded to the director of revenue and finance must be a
33 certified copy.

34 Code section 331.603 is amended to strike a requirement
35 that a recorded instrument which involves a release or

1 assignment of a property previously recorded and reproduced in
2 miniature shall also be reproduced in miniature. Also, in
3 lieu of marginal entries, the recorder shall make notations on
4 the index and the record of the original instrument.

5 Code section 331.605A is amended to provide that the county
6 treasurer, on behalf of the county recorder, shall establish
7 and maintain an interest-bearing account for the fees
8 collected by the county recorder for the purpose of collecting
9 and maintaining public records.

10 Code section 331.606 is amended to strike a reference to
11 the need for a book to maintain an index.

12 Code section 331.607 is amended to strike several
13 references to books which a county recorder is required to
14 keep. The term "record" or "records" is substituted.

15 Code section 331.608 is amended to substitute the word
16 "record" for "special book" and to strike a requirement that a
17 discharge book be approved by the commission of veterans
18 affairs.

19 Code section 331.609 is amended to strike the requirement
20 that a county recorder permanently attach a refiled notice to
21 the original notice of federal lien. In lieu of the
22 attachment, a county recorder shall make a notation on the
23 original record referring to the refiled notice.

24 Code section 354.1 is amended to provide that all documents
25 presented for recording with regard to the platting and
26 subdivision of land shall comply with the recording
27 requirements specified for all instruments.

28 Code section 354.5 is amended to substitute "document
29 reference" for references to "book and page".

30 Code section 354.24 is amended to substitute the wording "a
31 document reference" for references to "the book and page". If
32 a correction to a plat is recorded, the recorder shall note
33 the correction on the record in lieu of writing the word
34 "corrected" across the affected part of the plat.

35 Code section 354.26 is amended to provide that the recorder

1 shall note the vacation, correction, or replatting on the
2 index and record of the official plat rather than on the
3 margin of the plat.

4 Code section 380.11 is amended to provide that zoning
5 districts, building lines, or fire limits which are platted,
6 shall be indexed and recorded without the use of books.

7 Code sections 422.26, 437A.11, and 437A.22 are amended to
8 strike the term "books" in reference to records or indexes for
9 income tax liens. Also stricken is the word "forthwith" in
10 reference to the recording and indexing of the liens.

11 Code section 428A.5 is amended to strike the use of a
12 device by the county recorder to evidence the payment of the
13 real estate transfer tax on a transfer document. The device
14 is replaced by a method of documentation as approved by the
15 department of revenue and finance.

16 Code section 558.45 is amended to strike the use of red ink
17 for notation on indexes and reference to the book and page for
18 a recorded instrument.

19 Code sections 558.49, 558.52, 558.55, and 558.59 are
20 amended to strike the reference to index books and the book
21 and page of a recorded instrument. The terms are replaced by
22 reference to a document reference number.

23 Code section 566.35 is amended by striking subsection 2,
24 which requires that the declaration of value of a real estate
25 transfer submitted to the county recorder include the
26 existence of any known private burial site located on the real
27 estate.

28 Code section 639.53 is amended to substitute "document
29 reference number" for the words "book and page".

30 Code sections 655A.3, 655A.6, and 656.2 are amended to add
31 a document reference number as a means of identifying a
32 mortgage, contract, or real estate document.

33 The bill also repeals Code sections 558.50, 558.51, 558.53,
34 and 558.54. Code section 558.50 specifies the ruled columns
35 and form of the index for affidavits. Code section 558.51

1 provides that separate index books are required for mortgages
2 and satisfactions or releases of mortgages, descriptions of
3 lots, land, conveyances of real estate, powers of attorney,
4 affidavits, copies of petitions in bankruptcy, decrees of
5 adjudication in bankruptcy, and orders approving trustee's
6 bonds. Code section 558.53 provides for an index and record
7 of all deeds, mortgages, and related instruments affecting
8 lots in cities and the affected plats. Code section 558.54
9 provides that an instrument containing descriptions of land or
10 lots in cities, the affected plats, and other land shall be
11 recorded in one record and charged one fee, but the record
12 shall be indexed in the land and city lot indexes.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 372

H-1456

1 Amend Senate File 372, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 10, the
4 following:
5 "Sec. ____ Section 331.605, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 6A. A technology fee of five
8 dollars for each recorded transaction for which a fee
9 is paid pursuant to section 331.604. The technology
10 fee shall be used exclusively for the purpose of
11 implementing the requirements of chapter 554D in the
12 county."

By PETERSEN of Polk

H-1456 FILED APRIL 9, 2001
w/d 4-12-01 (p. 117)

SENATE FILE 372

AN ACT
RELATING TO THE POWERS AND DUTIES OF THE COUNTY RECORDER
RELATING TO THE RECORDING AND KEEPING OF DOCUMENTS.

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

Section 1. Section 6B.35, subsection 5, Code 2001, is amended to read as follows:

5. A written statement by the sheriff of all money received in payment of damages, from whom received, to whom paid, and the amount paid to each claimant and reference to the application for condemnation by ~~book-and-page~~ document reference or instrument number and the date the application was filed with the county recorder.

Sec. 2. Section 22.3, Code 2001, is amended to read as follows:

22.3 SUPERVISION.

Such examination and copying shall be done under the supervision of the lawful custodian of the records or the custodian's authorized deputy designee. The lawful custodian may adopt and enforce reasonable rules regarding such the work and the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for such the work, but if it is impracticable to do such the work in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for such the work. All expenses of such the work shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized deputy designee in supervising the records during such the work. If copy equipment is available at the office of the lawful custodian of any public records,

the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the cost of providing the service.

Sec. 3. Section 96.14, subsection 3, unnumbered paragraphs 3 and 4, Code 2001, are amended to read as follows:

The county recorder of each county shall prepare and keep in the recorder's office ~~a-book-to-be-known-as-~~"index-of unemployment-contribution-items"-~~and-so-ruled-as-~~an index to show ~~in-appropriate-columns~~ the following data, under the names of employers, arranged alphabetically:

The recorder shall endorse on each notice of lien the day, hour, and minute when received and shall forthwith index said the notice in said the index book and shall forthwith record said the lien in the manner provided for recording real estate mortgages, and the said lien shall be effective from the time of the indexing thereof of the lien.

Sec. 4. Section 331.602, subsection 1, paragraph d, Code 2001, is amended to read as follows:

d. An instrument conveying an interest in real property, other than a mortgage, a mortgage release, or an assignment, shall contain the statement "Address tax statement:" which shall be filled out with a the name of the taxpayer and a complete mailing address. Each instrument conveying an interest in real property shall contain this statement unless otherwise authorized by the county recorder.

Sec. 5. Section 331.602, subsections 2 and 23, Code 2001, are amended to read as follows:

2. Rerecord an instrument without fee upon presentation of the original instrument by the owner if an error is made in recording the instrument. The recorder shall also note ~~in-the margin-of~~ on the new record a reference to the original record and ~~in-the-margin-of~~ on the original record a reference to the ~~book-and-page-of-the~~ new record.

23. Forward to the director of revenue and finance a certified copy of any deed, bill of sale or other transfer which shows that it is made or intended to take effect at or after the death of the person executing the instrument as provided in section 450.81.

Sec. 6. Section 331.603, subsection 3, Code 2001, is amended to read as follows:

3. The recorder may reproduce in miniature on a durable medium any instrument to be recorded. When a recorded instrument involves a release or assignment, the separate instrument filed acknowledging the release or assignment shall be reproduced in miniature. In lieu of marginal entries, the recorder shall make ~~endorsements-in-red-ink~~ notations on both the index and the ~~cross-index-to-the-miniature-instruments-where-the-instruments-were-originally-indexed~~ record of the original instrument. When an official record is produced in miniature, a security copy shall be reproduced at the same time and kept outside of the courthouse.

Sec. 7. Section 331.605A, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The recorder shall also collect a fee of one dollar for each recorded transaction for which a fee is paid pursuant to section 331.604 to be used exclusively for the purpose of preserving and maintaining public records. The treasurer, on behalf of the recorder, shall establish and maintain an interest-bearing account into which all moneys collected pursuant to this section shall be deposited. The recorder shall use the moneys deposited in the account to produce and maintain public records that meet archival standards, and to enhance the technological storage, retrieval, and transmission capabilities related to archival quality records. The recorder may cooperate with other entities, boards, and agencies to establish methods of records management, and participate in other joint ventures which further the purposes of this paragraph.

Sec. 8. Section 331.606, subsection 2, Code 2001, is amended to read as follows:

2. The recorder shall also note in the index book the exact time of the filing of each instrument.

Sec. 9. Section 331.607, subsections 1, 7, 8, 9, and 11, Code 2001, are amended to read as follows:

1. A record book for military discharges as provided in section 331.608.

7. Index and ~~record-books~~ records for instruments affecting real estate as provided under chapter 558.

8. ~~Homestead-and-index-books~~ An index and record of homesteads as provided in section 561.4.

9. A claimant's ~~book-in-which~~ index and record for the notices of title interests in land ~~are-indexed~~ as provided in section 614.35.

11. Other books indexes and records as provided by law.

Sec. 10. Section 331.608, subsection 1, Code 2001, is amended to read as follows:

1. The recorder shall maintain a ~~special-book~~ record in which, upon request, the discharge of a veteran shall be recorded without charge. ~~The-discharge-book-shall-be-a-uniform-type,-kind,-and-form-approved-by-the-commission-of-veterans-affairs:~~

Sec. 11. Section 331.609, subsection 3, paragraph c, Code 2001, is amended to read as follows:

c. If a refiled notice of federal lien referred to in paragraph "a" or any of the certificates or notices referred to in paragraph "b" is presented for recording with a recorder, the recorder shall ~~permanently-attach-the-refiled-notice-or-the-certificate-to-the-original-notice-of-lien-and~~ shall enter the refiled notice or the certificate with the date of recording in an alphabetical index and make a notation on the original record of a reference to the refiled notice or certificate.

Sec. 12. Section 354.1, subsection 3, Code 2001, is amended to read as follows:

3. To provide for statewide, uniform procedures and standards for the platting of land while allowing the widest possible latitude for cities and counties to establish and enforce ordinances regulating the division and use of land, within the scope of, but not limited to, chapters 331, 335, 364, 414, and this chapter. All documents presented for recording pursuant to this chapter shall comply with section 331.602, subsection 1.

Sec. 13. Section 354.5, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. The book-and-page document reference number of the recorded plat of survey.

Sec. 14. Section 354.5, subsection 2, paragraph b, Code 2001, is amended to read as follows:

b. The book-and-page document reference number of the recorded acquisition plat.

Sec. 15. Section 354.24, Code 2001, is amended to read as follows:

354.24 ERRORS ON RECORDED PLATS.

If an error or omission in the data shown on a recorded plat is detected by subsequent examinations or revealed by retracing the lines shown on the plat, the original surveyor or two surveyors confirming the error through independent surveys shall record an affidavit confirming that the error or omission was made. The affidavit shall describe the nature and extent of the error or omission and also describe the corrections or additions to be made to the plat and note the book-and-page a document reference number of the recorded plat. The recorder shall ~~write-across-that-part~~ note on the record of the plat ~~so-corrected~~ the word "corrected", and note the book-and-page document reference number of the recorded affidavit. A copy of the recorded affidavit shall be filed with the auditor and assessor. The affidavit shall raise a presumption from the date of recording that the purported facts stated in the affidavit are true, and after the lapse of three years from the date of recording the presumption shall be conclusive.

Sec. 16. Section 354.26, Code 2001, is amended to read as follows:

354.26 CORRECTIONS OR CHANGES TO PLATS.

A vacation, correction, or replatting as provided for in this chapter, shall be recorded and an exact copy shall be filed with the auditor and assessor. If a governing body changes the addresses or street names shown on an official plat, notice of the change shall note the name or other designation of each official plat affected and shall be filed with the recorder, auditor, and assessor. The recorder shall note the vacation, correction, or replatting on the margin index and record of the official plat or upon an attachment to the official plat for that purpose. The auditor shall make the proper changes on the plats required to be kept by the auditor.

Sec. 17. Section 380.11, Code 2001, is amended to read as follows:

380.11 CERTAIN MEASURES RECORDED.

Immediately after the effective date of a measure establishing any zoning district, building lines or fire limits, the city clerk shall certify the measure and a plat showing the district, lines or limits, to the recorder of any county which contains part of the city. The county recorder shall index and record the measure and plat ~~in-the miscellaneous-record-or-other-book-provided-for-special records,-and-shall-index-the-record~~. The city shall pay the recording fee.

Sec. 18. Section 422.26, unnumbered paragraphs 4 and 5, Code 2001, are amended to read as follows:

The county recorder of each county shall ~~prepare-and~~ keep in the recorder's office ~~a-book-to-be-known-as-~~ "index-of income-tax-items" ~~so-rated-as~~ an index and record to show in ~~appropriate-columns~~ the following data, under the names of taxpayers, arranged alphabetically:

The recorder shall endorse on each notice of lien the day, hour, and minute when received and preserve the same, and

shall forthwith index ~~said~~ the notice in ~~said~~ the index book and shall forthwith record ~~said~~ the lien in the manner provided for recording real estate mortgages, and the ~~said~~ lien shall be effective from the time of the indexing thereof of the lien.

Sec. 19. Section 428A.5, Code 2001, is amended to read as follows:

428A.5 EVIDENCE OF PAYMENT.

The amount of tax imposed by this chapter shall be paid to the county recorder in the county where the real property is located and the amount received and the initials of the county recorder shall appear on the face of the document or instrument. ~~The department of revenue and finance shall provide each county recorder with a device to be used by the recorder to evidence this information on the document or instrument. The method of documentation of a transfer tax shall be approved by the department of revenue and finance.~~

Sec. 20. Section 437A.11, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The county recorder of each county shall prepare and keep in the recorder's office ~~a book to be known as the index of replacement tax liens, so ruled as~~ an index and record to show ~~in appropriate columns~~ under the names of taxpayers arranged alphabetically, all of the following:

Sec. 21. Section 437A.22, unnumbered paragraph 3, Code 2001, is amended to read as follows:

The county recorder of each county shall prepare and keep in the recorder's office ~~a book to be known as the index of statewide property tax liens, so ruled as~~ an index and record to show ~~in appropriate columns~~ under the names of taxpayers arranged alphabetically, all of the following:

Sec. 22. Section 558.45, Code 2001, is amended to read as follows:

558.45 NOTATION OF ASSIGNMENT OR RELEASE ON INDEX.

Where any mortgage, contract, or other instrument constituting an encumbrance upon real estate shall be assigned

or released by a separate instrument it shall be the duty of the recorder to make a notation ~~in red ink on the index and cross-index~~ where such the instrument was originally indexed, indicating the nature of such assignment or release and the ~~book and page a document reference number of the record~~ where the same is recorded.

Sec. 23. Section 558.49, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The recorder must keep index ~~books, the pages of which are so divided as~~ records to show ~~in parallel columns~~ the following:

Sec. 24. Section 558.49, subsection 6, Code 2001, is amended to read as follows:

6. The ~~book and page~~ document reference number where the record thereof of the instrument may be found.

Sec. 25. Section 558.52, Code 2001, is amended to read as follows:

558.52 ALPHABETICAL ARRANGEMENT.

The entries ~~in each book~~ shall show the names of the respective grantors and grantees, arranged in alphabetical order. When such the instrument is executed by a personal representative, guardian, referee, commissioner, receiver, sheriff, or other person acting in a representative capacity, the recorder shall enter upon the index book the name and representative capacity of each person executing the instrument and the owner of the property if disclosed ~~therein~~ in the instrument.

Sec. 26. Section 558.55, Code 2001, is amended to read as follows:

558.55 FILING AND INDEXING -- CONSTRUCTIVE NOTICE.

The recorder must endorse upon every instrument properly filed for record in the recorder's office, the day, hour, and minute of such the filing, and forthwith enter in the index book the entries required to be ~~made therein~~ entered, except the ~~book and page~~ document reference number where the complete record will appear, and such the filing and indexing shall

constitute constructive notice to all persons of the rights of the grantees conferred by such the instruments.

Sec. 27. Section 558.59, Code 2001, is amended to read as follows:

558.59 FINAL RECORD.

Every such instrument shall be recorded, as soon as practicable, ~~in a suitable book to be kept by the recorder for that purpose~~; after which the recorder shall complete the entries ~~aforsaid so as~~ to show the ~~book and page~~ document reference number where the record is to be found.

Sec. 28. Section 566.35, subsection 2, Code 2001, is amended by striking the subsection.

Sec. 29. Section 639.53, Code 2001, is amended to read as follows:

639.53 DESCRIPTION OF REAL ESTATE.

Where real property is attached, the sheriff shall describe it with certainty to identify it, and, where the sheriff can do so, by a reference to the ~~book and page~~ document reference number where the deed under which the defendant holds is recorded.

Sec. 30. Section 655A.3, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. Reasonably identify by a document reference number the mortgage and accurately describe the real estate covered.

Sec. 31. Section 655A.6, Code 2001, is amended to read as follows:

655A.6 REJECTION OF NOTICE.

If either the mortgagor, or successor in interest of record including a contract purchaser, within thirty days of service of the notice pursuant to section 655A.3, files with the recorder of the county where the mortgaged property is located, a rejection of the notice reasonably identifying by a document reference number the notice which is rejected together with proofs of service required under section 655A.4 that the rejection has been served on the mortgagee, the notice served upon the mortgagor pursuant to section 655A.3 is of no force or effect.

Sec. 32. Section 656.2, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. Reasonably identify the contract by a document reference number and accurately describe the real estate covered.

Sec. 33. Sections 558.50, 558.51, 558.53, and 558.54, Code 2001, are repealed.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 372, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 18, 2001

THOMAS J. VILSACK
Governor