

CHAPTER 1089
APPEAL OF PAROLE REVOCATION BAIL
H.F. 601

AN ACT relating to appeal of bond set after parole revocation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 908.2, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The magistrate may order the alleged parole violator confined in the county jail or may order the alleged parole violator released on bail under such terms and conditions as the magistrate may require. Admittance to bail is discretionary with the magistrate and is not a matter of right. A person for whom bail is set may make application for amendment of bail to a district judge or district associate judge having jurisdiction to amend the order. The motion shall be promptly set for hearing and a record shall be made of the hearing.

Approved April 16, 1984

CHAPTER 1090
REAL PROPERTY LEGALIZING ACTS
H.F. 2372

AN ACT relating to real property legalizing acts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 589.1, Code 1983, is amended to read as follows:

589.1 **ACKNOWLEDGMENTS—SEAL NOT AFFIXED.** All deeds, mortgages, or other instruments in writing, for the conveyance of lands which have been made and executed before July 4, ~~1943~~ 1, 1970, and the officer taking the acknowledgment has not affixed his the officer's seal to the acknowledgment; ~~such the acknowledgment shall is,~~ nevertheless, be good and valid in law and equity, anything in any law passed before July 4, ~~1943~~ 1, 1970, to the contrary notwithstanding.

Sec. 2. Section 589.2, Code 1983, is amended to read as follows:

589.2 **CONVEYANCES BY COUNTY.** All deeds executed before July 4, ~~1943~~ 1, 1970, by a county judge, or county court, or the chairman of the board of supervisors of ~~any~~ a county, and

to which the officer executing the ~~same deed~~ has failed or omitted to affix the county seal, and all deeds where the clerk has failed or omitted to countersign when required so to do, ~~be and the same are hereby~~ legalized and ~~made valid the same in all respects~~ as though the law had in all respects been fully complied with.

Sec. 3. Section 589.3, Code 1983, is amended to read as follows:

589.3 ABSENCE OF OR DEFECTIVE ACKNOWLEDGMENTS. Any instrument in writing affecting the title to real estate within the state of Iowa, to which is attached no certificate of acknowledgment, or to which is attached a defective certificate of acknowledgment, which was, prior to January 1, ~~1930~~ 1970, recorded or spread upon the records in the office of the recorder of the county in which the real estate described in ~~such the~~ instrument is located, is, together with the recording and the record ~~thereof, legalized and declared as of the recording,~~ valid, legal, and binding as if ~~such the~~ instrument had been properly acknowledged and legally recorded.

Sec. 4. Section 589.4, Code 1983, is amended to read as follows:

589.4 ACKNOWLEDGMENTS BY CORPORATION OFFICERS. The acknowledgments of all deeds, mortgages, or other instruments in writing taken or certified before July 4, ~~1943,~~ and 1, 1970, which instruments have been recorded in the recorder's office of any county of this state, including acknowledgments of instruments made by ~~any private or other a~~ corporation, or to which ~~such the~~ corporation was a party, or under which ~~such the~~ corporation was a beneficiary, and which have been acknowledged before or certified by ~~any a~~ notary public who was at the time of ~~such the~~ acknowledgment or certifying a stockholder or officer in ~~such the~~ corporation, are ~~hereby declared to be legal and valid official acts of such the notaries public,~~ and to entitle ~~such the~~ instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding. This section ~~shall~~ does not affect pending litigation.

Sec. 5. Section 589.5, Code 1983, is amended to read as follows:

589.5 ACKNOWLEDGMENTS BY STOCKHOLDERS. All deeds and conveyances of lands within this state executed before July 4, ~~1943~~ 1, 1970, but which have been acknowledged or proved according to and in compliance with the laws of this state before a notary public or other official authorized by law to take acknowledgments who was, at the time of ~~such the~~ acknowledgment, an officer or stockholder of a corporation interested in ~~any such the~~ deed or conveyance, or otherwise interested ~~therein in the deeds or conveyances,~~ are, if otherwise valid, ~~hereby declared effectual and valid in law to all intents and purposes as though~~ acknowledged or proved before an officer not interested ~~therein in the deeds or conveyances;~~ and if recorded before July 4, ~~1943~~ 1, 1970, in the respective counties in which ~~such the~~ lands ~~may be are,~~ the records ~~thereof are hereby confirmed and declared effectual and valid in law to all intents and purposes as though said the~~ deeds and conveyances, so acknowledged or proved and recorded, had, (prior to being recorded), been acknowledged or proved before an officer having no interest ~~therein in the deeds or conveyances.~~

Sec. 6. Section 589.6, Code 1983, is amended to read as follows:

589.6 INSTRUMENTS AFFECTING REAL ESTATE. All instruments in writing executed by ~~any a~~ corporation prior to July 4, ~~1943~~ 1, 1970, conveying, encumbering, or affecting real estate, including releases, ~~satisfaction~~ satisfactions of mortgages, judgments, or any other liens by entry of ~~such the~~ release or satisfaction upon the page ~~or pages~~ where ~~such the~~ lien appears recorded or entered, where the corporate seal of ~~such the~~ corporation has not been affixed or attached ~~thereto,~~ and which are otherwise legally and properly executed, are ~~hereby declared legal, valid, and binding; the same as though the corporate seal had been attached or affixed thereto.~~

Sec. 7. Section 589.8, Code 1983, is amended to read as follows:

589.8 MORTGAGES, TRUST DEEDS AND REALTY LIENS—RELEASES BEFORE JULY 4, 1933 1, 1970. Any A release or satisfaction of any a mortgage or trust deed, or of any an instrument in writing creating a lien upon real estate where such the release or satisfaction has been recorded in the recorder's office of the county in this state, or upon the margin of the record, where such the original instrument was recorded and which release or satisfaction was made by any an individual, association, copartnership, assignee, corporation, attorney in fact, or by a resident or foreign executor, administrator, referee, receiver, trustee, guardian, or commissioner, and which release or satisfaction was executed, filed, and recorded prior to July 4, 1933 1, 1970, is hereby legalized, declared valid, legal and binding and of full force and effect, any defects in the execution, acknowledgment, recording, filing, or otherwise of such the releases or satisfactions to the contrary notwithstanding.

Sec. 8. Section 589.9, Code 1983, is amended to read as follows:

589.9 MARGINAL RELEASES OF SCHOOL-FUND MORTGAGES. The release or satisfaction of any a school-fund mortgage entered on the margin of the record of such the mortgage by the auditor of the county prior to July 4, 1894 1, 1970, is hereby legalized and given the same force and effect as though such the auditor had had, at the time of entering such the release or satisfaction, the same power thereafter conferred upon him the auditor by chapter 53 of the Acts of the Twenty-fifth General Assembly.

Sec. 9. Section 589.10, Code 1983, is amended to read as follows:

589.10 MARGINAL ASSIGNMENT OF MORTGAGE OR LIEN. In any case where If an assignment of a mortgage or other recorded lien on real estate has been made before July 4, 1943 1, 1970, by written assignment thereof on the margin of the record where such the mortgage or other lien is recorded or entered, such the assignment shall be deemed to have passed all the right, title, and interest therein in the real estate, which the assignor at the time had, with like force and effect as if such the assignment had been made by separate instrument duly acknowledged and recorded; and any such an assignment or a duly authenticated copy thereof of an assignment when accompanied by a duly authenticated copy of the record of the instrument or lien it purports to assign, shall be is admissible in evidence as is provided by law for the admission of the records of deeds and mortgages.

Sec. 10. Section 589.11, Code 1983, is amended to read as follows:

589.11 CONVEYANCES BY EXECUTORS, TRUSTEES, ETC FIDUCIARIES. In all cases where If, prior to the year 1930 1970, an executor, administrator, trustee, guardian, assignee, receiver, referee, or commissioner, acting as such in that capacity in this or any state, has conveyed in such the trust capacity real estate lying in this state and such the conveyance has been of record since prior to January 1, 1930 1970, in the county where the real estate so conveyed is located and which conveyance purports to sustain the title in the present record owner or owners thereof, such the conveyance shall is not be held void or insufficient by reason of the fact that because due and legal notice of all proceedings with reference to the making of any such the conveyance was not served upon all interested or necessary parties, or that such the executor, administrator, trustee, guardian, assignee, receiver, referee, or commissioner is not shown to have been duly authorized by an order of court to make and execute such the conveyance, that a bond was not given therefor, or that no a report of the sale was not made; or such the sale or deed of conveyance was not approved by order of court, or that any such a foreign executor, administrator, trustee, guardian, assignee, receiver, referee, or commissioner was not appointed or qualified in the state of Iowa prior to the making of such the conveyance, or that the record thereof fails to disclose compliance with any other provisions of

law, and all such conveyances are hereby legalized and declared valid, legal, and binding and of full force and effect. Allotments by referees in partition shall be considered are conveyances within the meaning of this section.

Sec. 11. Section 589.12, Code 1983, is amended to read as follows:

589.12 SHERIFFS' DEEDS. ~~No A~~ foreclosure proceeding or sale of real estate on execution prior to January 1, ~~1930~~ 1970, ~~wherein if a sheriff's deed was executed and which purports to sustain the record title shall be held is not ineffectual on account of the failure of the record to show that any of the steps in obtaining said the judgment or in the sale of said the property were complied with. Such~~ The proceedings are hereby legalized and made valid as if the record showed that ~~all the provisions of the law has been complied with.~~

Sec. 12. Section 589.13, Code 1983, is amended to read as follows:

589.13 SHERIFF'S DEED EXECUTED BY DEPUTY. All conveyances of land in this state, executed in this state by a deputy sheriff, and properly recorded in the office of the county recorder of the county ~~wherein where the land is located, prior to January 1, 1930, shall~~ 1970, have the same force and effect as though such the conveyance had been executed by the sheriff.

Sec. 13. Section 589.14, Code 1983, is amended to read as follows:

589.14 DEFECTIVE TAX DEEDS. ~~No A~~ sale of real property for taxes made prior to January 1, ~~1930~~ 1970, ~~wherein in which the tax deed was executed and which the deed purports to sustain the record title, shall be held is not ineffectual on account because of the failure of the record to show that any of the steps in the sale and deeding of said the property were complied with; said and these proceedings are hereby legalized and made valid and effectual as if the record showed that all the provisions of law had been complied with.~~

Sec. 14. Section 589.17, Code 1983, is amended to read as follows:

589.17 CONVEYANCES BY SPOUSE UNDER POWER. ~~No A~~ conveyance of real estate made before July 4, ~~1941~~ 1, 1970, ~~wherein in which the husband or wife conveyed or contracted to convey the inchoate right of dower through the other spouse, acting as the attorney in fact, by virtue of a power of attorney executed by such the spouse, such the power of attorney not having been executed as a part of a contract of separation, shall be held are not invalid as contravening the provisions of section 3154 of the Code, of 1897, or section 10447 of subsequent Codes to and including the Code of 1939, but all such conveyances are hereby legalized and made effective.~~

Sec. 15. Section 589.18, Code 1983, is amended to read as follows:

589.18 CONVEYANCES BY FOREIGN EXECUTORS. All conveyances of real property made prior to January 1, ~~1943~~ 1970, by executors or trustees under foreign wills and prior to the date upon which such the will was admitted to probate in Iowa or prior to the expiration of three months after the recording of a duly authenticated copy of such the will, original record of appointment, qualification, and bond as required by the provisions of section 3295 of the Code of 1897 or sections 11878 to 11881, inclusive, of subsequent Codes to and including the Code of 1939, and in which such the will was, subsequent to said the conveyance, probated in Iowa ~~or shall hereafter be probated in Iowa~~, and in which a duly authenticated copy of the will, original record of appointment, qualification, and bond as required by said those sections was, subsequent to such the conveyance, ~~or shall be hereafter made a matter of record as provided in said those sections, are hereby legalized and declared as valid and effectual in law and in equity as though such the will had been probated in Iowa prior to such the conveyance and as though the provisions of said sections had been strictly complied with; provided nothing in.~~ However, this section shall does not affect pending litigation.

Sec. 16. Section 589.19, Code 1983, is amended to read as follows:

589.19 CONVEYANCES UNDER SCHOOL-FUND FORECLOSURES. In any case where ~~if~~ the title to real estate has been conveyed prior to January 1, ~~1943~~ 1970, by the sheriff of any a county in the state of Iowa pursuant to sheriff's sale under the foreclosure of permanent school-fund mortgages to the state of Iowa, or to the state of Iowa for the use of the school fund, or to the county for the school fund; and ~~said the~~ land has been heretofore sold under authority of the board of supervisors of ~~said the~~ county and conveyed under its authority, prior to January 1, ~~1943~~ 1970, and the full purchase price paid and credited to, and used by, the county for the permanent school fund of ~~said the~~ county, all right, title, or interest of the state of Iowa in and to ~~said the~~ real estate is hereby relinquished and quitclaimed to the purchaser or ~~his the~~ purchaser's grantees forever, and the title ~~thereto~~ confirmed in ~~sueh the~~ purchaser, or ~~his the~~ purchaser's grantees insofar as the aforesaid erroneous conveyance is concerned.

Sec. 17. Section 589.21, Code 1983, is amended to read as follows:

589.21 RELEASES AND DISCHARGES IN RE REAL ESTATE. All releases and discharges of judgments, mortgages, or deeds of trust affecting property in this state made prior to January 1, ~~1933~~ 1970, by administrators, executors, or guardians appointed by the court of any other state or country without complying with the provisions of section 3308 of the Code of 1897 and sections 11897 to 11899, inclusive, of subsequent Codes to and including the Code of 1931 are hereby legalized, and declared as valid and effective in law and in equity as though the provisions of said sections had been strictly followed; provided that nothing in. However, this section shall does not affect pending litigation.

Sec. 18. Section 589.23, Code 1983, is amended to read as follows:

589.23 DESCRIPTIONS REFERRING TO DEFECTIVE PLATS. The description of land in all instruments, conveyances, and encumbrances describing lots in or referring to plats made by the county auditors of Iowa, or by the county surveyor for the owner, and placed of record by the county recorders of Iowa prior to January 1, ~~1930~~ 1970, are hereby legalized, and the same declared valid and binding the same as though the said plats had been signed and acknowledged and filed and recorded in strict compliance with law.

Sec. 19. Section 589.24, Code 1983, is amended to read as follows:

589.24 DEFECTIVE CONVEYANCES—TAX DEEDS—ETC INSTRUMENTS. Any A deed of conveyance, or other instrument purporting to convey real estate within the state of Iowa, where ~~sueh the~~ deed or instrument has been recorded in the office of the recorder of any county wherein ~~sueh in~~ which the real estate is situated, and ~~whieh said the~~ deed or instrument was executed by a county treasurer under a tax sale, a sheriff under execution sale, or by a resident or foreign executor, administrator, referee, receiver, trustee, guardian, commissioner, individual, copartnership, association, or corporation, and was executed and recorded prior to January 1, ~~1930~~ 1970, and where ~~if~~ the grantee or grantees named in ~~sueh the~~ deed or conveyance, or other instrument, ~~his, her, their, or its~~ grantees, or ~~the~~ grantee's heirs, or devisees, by direct line of title or conveyance have been in the actual, open, adverse possession of ~~sueh the~~ premises since ~~said that~~ date, be and the same is hereby legalized, declared valid, legal, and binding, and of full force and effect, notwithstanding any defects in the execution of ~~said the~~ deed or instrument.

Sec. 20. Section 589.25, Code 1983, is amended to read as follows:

589.25 SALES OF REAL ESTATE BY SCHOOL DISTRICT. All deeds and conveyances of land made by or purporting to be made by any a school district or by the board of directors

of any a school district prior to July 4, 1960 1, 1970, and placed of record prior to July 4, 1960 1, 1970, which deeds or conveyances purport to sustain the record title, are hereby legalized and made valid, even though the record fails to show that all necessary steps in the sale and deeding of the property were complied with. Such The deeds and conveyances are legalized and made valid and effectual, as fully and completely as if the record showed that all provisions of the law had been complied with, and that the said sales had been duly authorized by the electors of the school district.

Approved April 16, 1984

CHAPTER 1091

LIST OF UNPAID OBLIGATIONS

H.F. 2454

AN ACT relating to the filing of a list of unpaid obligations by state agencies with the state comptroller.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8.33, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

No obligation of any kind whatsoever shall be incurred or created subsequent to the last day of the fiscal term for which an appropriation is made, except when specific provision otherwise is made in the Act making the appropriation. On the last day of the fiscal term it shall be the duty of the head of each department, board, or commission, or officer receiving the appropriation under any Act, to file with the state comptroller a list of all obligations incurred, and for which warrants have not been drawn, up to and including that date. On September 30, or as otherwise provided in an appropriation Act, following the close of each fiscal term all unencumbered or unobligated balances of appropriations made for said that fiscal term shall revert to the state treasury and to the credit of the fund from which the appropriation or appropriations were made, except that capital expenditures for the purchase of land or the erection of the buildings or new construction shall continue in force until the attainment of the object or the completion of the work for which such appropriations are were made unless the Act making the appropriation for the capital expenditure contains a specific provision relating to a time limit for incurring an obligation or reversion of funds. This section shall not be construed to repeal the provisions of sections 19.11 to through 19.14.

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