

CHAPTER 1035

AFFIDAVIT OF SURVIVING SPOUSE TO CHANGE TITLE TO REAL PROPERTY

H.F. 2423

AN ACT relating to establishing title where a surviving spouse is a joint tenant of real estate with a deceased spouse.

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

Section 1. Section 558.66, Code 1989, is amended to read as follows:
558.66 TITLE DECREE — ENTRY ON TRANSFER BOOKS.

Upon receipt of a certificate from the clerk of the district court or an appellate court that the title to real estate has been finally established in any named person by judgment or decree or by will or by affidavit of the surviving spouse, the auditor shall enter the information in the certificate upon the transfer books, upon payment of a fee in the amount specified in section 331.507, subsection 2, paragraph "a", which fee shall be taxed as court costs, collected by the clerk, and paid to the treasurer by the recorder as provided in section 331.902, subsection 3.

An affidavit of the surviving spouse shall be filed with the clerk only when real estate owned by a decedent, who died on or after January 1, 1988, was held in joint tenancy with right of survivorship solely with the surviving spouse and shall be in the following form:

AFFIDAVIT OF SURVIVING SPOUSE FOR CHANGE OF TITLE TO REAL ESTATE
STATE OF IOWA _____)

_____) ss:
COUNTY OF _____)

I, _____, being first duly sworn on oath, depose and state as follows:

1. I am the surviving spouse of _____, who died on the _____ day of _____, 19 _____.

2. The following described real estate was owned only by _____ and this

Affiant, as joint tenants with full rights of survivorship at the time of my spouse's death:

3. I hereby request that the Clerk of Court certify the change of title to the above described real estate to the County Auditor pursuant to Section 602.8102(10) of the Iowa Code.

Subscribed and sworn to before me this _____ day of _____, 19 _____.

Notary Public in and for the State of Iowa

Sec. 2. Section 602.8102, subsection 10, Code Supplement 1989, is amended to read as follows:

10. When title to real estate is finally established in a person by a judgment or decree of the district court or by decision of an appellate court or when the title to real estate is changed by judgment, decree, will, proceeding, filing of an affidavit of the surviving spouse pursuant to section 558.66, or order in probate, certify the final decree, judgment, affidavit of the surviving spouse, or decision under seal of the court to the auditor of the county in which the real estate is located.

Approved March 23, 1990