

614.21 Foreclosure of ancient mortgages.

1. An action to foreclose or enforce any real estate mortgage, bond for deed, trust deed, or contract for the sale or conveyance of real estate, after twenty years from the date thereof, as shown by the record of such instrument, shall be barred, unless either of the following:

a. The record of such instrument shows that less than ten years have elapsed since the date of maturity of the indebtedness or part thereof, secured thereby, or since the right of action has accrued.

b. The record shows an extension of the maturity of the instrument or of the debt or a part thereof, and that ten years from the expiration of the time of such extension have not yet expired.

2. The date of maturity, when different than as appears by the record of the instrument, and the date of maturity of any extension of said indebtedness or part thereof, may be shown at any time prior to the expiration of the periods of limitation specified in [subsection 1](#) by the holder of the debt or the owner or assignee of the instrument filing an extension agreement, duly acknowledged as the original instrument was required to be acknowledged, in the office of the recorder where the instrument is recorded.

3. [This section](#) shall also apply to any instrument described in [this section](#) which is not of record but which is described or referred to in any other instrument which is filed of record. The limitation shall be ten years from the due date of the instrument referred to if disclosed in the record and, if not so disclosed, then within ten years from the date the instrument containing such reference is recorded.

4. a. A vendee of a real estate contract or bond for deed, the vendor of which is barred by [this section](#) from maintaining an action to foreclose or enforce the contract or bond, or a vendee who is entitled to immediate issuance of a deed in fulfillment of contract or bond and who is in physical possession of the property, may serve the vendor with a demand for a deed as provided in the contract. For purposes of [this subsection](#), “vendee” includes a vendee’s successor in interest. The notice may be served personally or by publication, on the same conditions, and in the same manner as is provided for the service of original notices, except that when the notice is served by publication an affidavit shall not be required before publication. Service by publication shall be deemed complete on the day of the last publication. Service may be made on a judgment creditor of the deceased vendor or any other person who is, as a matter of record, interested in the estate of a deceased vendor, in the manner provided in [section 654.4A, subsections 4 and 5](#).

b. The demand shall state that if a deed is not provided within forty-five days of service and an action to foreclose or forfeit the contract has not been commenced within such forty-five-day period, the vendee may file an affidavit showing service and compliance with [this subsection](#) whereupon the auditor shall correct the county records as provided in [section 558.67](#) to indicate that the rights of the vendor have vested in the vendee.

[S13, §3447-c; C24, 27, 31, 35, 39, §11028; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §614.21]

[2006 Acts, ch 1031, §14](#); [2013 Acts, ch 83, §2](#)

Referred to in [§614.20](#)