

Senate Amendment 5539

Amendment Text

PAG LIN

1 1 Amend the amendment, [S-5162](#), to [House File 2205](#), as
1 2 amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 1, by inserting before line 8 the
1 5 following:
1 6 "#____. Page 7, by inserting after line 9 the
1 7 following:
1 8 "Sec. ____ NEW SECTION. 554D.108A LEGAL
1 9 RECOGNITION OF ELECTRONIC RECORDS AFFECTING INTERESTS
1 10 IN REAL PROPERTY.
1 11 An electronic record that grants a legal or
1 12 equitable interest in real property, including a deed,
1 13 mortgage, deed of trust, pledge, security interest, or
1 14 other lien or encumbrance, and any disclosure required
1 15 under chapter 558A shall comply with all of the
1 16 following:
1 17 1. Be created using a security procedure and
1 18 signed by use of a digital signature.
1 19 2. Shall not be recorded or have effect against
1 20 third parties until a duplicate paper original of the
1 21 electronic record is executed in writing by the
1 22 parties, acknowledged, and recorded. The burden of
1 23 proof that the duplicate paper original of the
1 24 electronic record is identical to the original
1 25 electronic record rests upon the party submitting the
1 26 duplicate paper original.
1 27 3. Comply with all requirements of Iowa law
1 28 regarding the recording of instruments and all other
1 29 applicable state requirements.""
1 30 #2. By renumbering as necessary.
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1 32
1 33 _____
1 34 LARRY [McKIBBEN](#)
1 35 [HF 2205.202](#) 78
1 36 mj/gg