



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 8, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2170, an Act relating to product liability actions.

House File 2315, an Act relating to agricultural conservation practices.

House File 2450, an Act relating to real property, including acknowledgements of real property conveyances and limitations on causes of action concerning real property.

House File 2493, an Act relating to regulation of sales at unused property markets and providing penalties.

House File 2516, an Act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2450

AN ACT

RELATING TO REAL PROPERTY, INCLUDING ACKNOWLEDGMENTS OF REAL PROPERTY CONVEYANCES AND LIMITATIONS ON CAUSES OF ACTION CONCERNING REAL PROPERTY.

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

Section 1. Section 558.20, Code 2003, is amended to read as follows:

558.20 ACKNOWLEDGMENTS WITHIN-STATE.

The acknowledgment of any deed, conveyance, or other instrument in writing by which real estate in this state is conveyed or encumbered, if whether made within this state, ~~must-be-before-some-court-having-a-seal,-or-some-judge-or-clerk-thereof,-or-some-county-auditor,-or-judicial-magistrate-or-district-associate-judge-within-the-county,-or-notary-public-within-the-state.--Each-of-the-officers-above-named-is-authorized-to-take-and-certify-acknowledgments-of-all-written-instruments,-authorized-or-required-by-law-to-be-acknowledged~~ outside this state, outside the United States, or under federal authority, shall comply with the provisions of chapter 9E.

Sec. 2. Section 558.40, Code 2003, is amended to read as follows:

558.40 LIABILITY OF OFFICER.

Any officer, who knowingly misstates a material fact in either any of the certificates mentioned in this chapter or chapter 9E, shall be liable for all damages caused thereby, and shall be guilty of a serious misdemeanor.

Sec. 3. Section 558.42, Code 2003, is amended to read as follows:

558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.

~~It~~ A document shall not be deemed lawfully recorded, unless it has been previously acknowledged or proved in the manner prescribed in ~~this chapter or~~ chapter 9E, except that affidavits, and certified copies of petitions in bankruptcy with or without the schedules appended, of decrees of adjudication in bankruptcy, and of orders approving trustees' bonds in bankruptcy, and Uniform Commercial Code financing statements and financing statement changes need not be thus acknowledged.

Sec. 4. Section 602.8102, subsection 78, Code 2003, is amended to read as follows:

78. Certify an acknowledgment of a written instrument relating to real estate as provided in section 9E.10 or 558.20.

Sec. 5. Section 614.29, unnumbered paragraph 1, Code 2003, is amended to read as follows:

As used in this ~~division~~ chapter:

Sec. 6. Section 614.30, Code 2003, is amended to read as follows:

614.30 CONSTRUCTION LIBERAL.

This ~~division~~ chapter shall be liberally construed to effect the legislative purpose of simplifying and facilitating land title transactions by allowing persons to rely on a record chain of title as described in section 614.31, subject only to such limitations as appear in section 614.32.

Sec. 7. Section 614.36, Code 2003, is amended to read as follows:

614.36 LESSORS, REVERSIONERS, AND EASEMENTS.

This ~~division~~ chapter shall not be applied to bar any lessor or lessor's successor as a reversioner of the lessor's right to possession on the expiration of any lease; or to bar or extinguish any easement or interest in the nature of an easement, the existence of which is apparent from or can be proved by physical evidence of its use; or to bar any right, title or interest of the United States, by reason of failure to file the notice herein required.

Sec. 8. Section 614.37, Code 2003, is amended to read as follows:

614.37 LIMITATION STATUTES NOT EXTENDED.

Nothing contained in this ~~division~~ chapter shall be construed to extend the period for the bringing of an action or for the doing of any other required act under any statutes

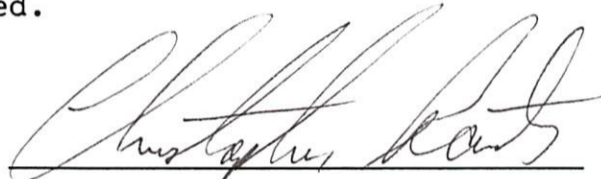
of limitations, nor, except as herein specifically provided, to effect the operation of any statutes governing the effect of the recording or the failure to record any instrument affecting land. It is intended that nothing contained in this division be interpreted to revive or extend the period of filing a claim or bringing an action that may be limited or barred by any other statute.

Sec. 9. Section 614.38, Code 2003, is amended to read as follows:

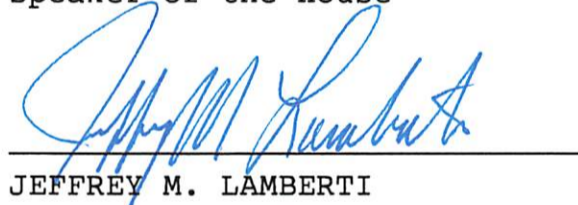
614.38 PERIOD EXTENSION IN CERTAIN CASES.

If the forty-year period specified in this ~~division~~ chapter shall have expired prior to one year after July 1, 1969, such period shall be extended one year after July 1, 1969.

Sec. 10. Sections 558.21 through 558.30 and 558.37 through 558.39, Code 2003, are repealed.



CHRISTOPHER C. RANTS
Speaker of the House




JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2450, Eightieth General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 8, 2004



THOMAS J. VILSACK
Governor