



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

Senate File 371, an Act relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

Senate File 2213, an Act regarding the cancellation of fishing and hunting licenses by the Department of Natural Resources for nonpayment of the license fee.

Senate File 2266, an Act relating to landlord disclosure requirements regarding the environmental status of rental property.

The above Senate Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc
cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 371

AN ACT

RELATING TO FORMATTING STANDARDS FOR RECORDING DOCUMENTS OR INSTRUMENTS BY A COUNTY RECORDER, SPECIFYING A RECORDING FEE FOR CERTAIN DOCUMENTS OR INSTRUMENTS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 331.601A DEFINITIONS.

As used in this part, unless the context otherwise requires:

1. "Document" or "instrument" means a writing or drawing presented to the recorder for recording, consisting of one or more pages of text and attachments.
2. "File or submit" means the act of delivering a document or instrument to a recording office for recording into the public records.
3. "Grantor and grantee" means the names of the transferor and transferee in the transaction used to create the recording index.
4. "Legible" means capable of being read or deciphered without magnification regardless of the recording process.
5. "Page" means a writing, printing, or drawing, other than a plat or survey or a drawing related to a plat or survey, occurring on one side only and covering all or part of such side, and not larger than eight and one-half inches in width and fourteen inches in length.
6. "Record" means a process whether by manual, mechanical, electronic, optical, magnetic, microfilm, or other methods of storage, after filing or submission, to incorporate a document or instrument into the public record.

7. "Transaction" means a specific legal action in the form of or evidenced by one of the following:

a. A title or caption including, but not limited to, a deed, deed of trust, mortgage, or power of attorney.

b. A subsequent reference to an original document or instrument including, but not limited to, an assignment or release or satisfaction of mortgage.

Sec. 2. Section 331.602, subsection 1, Code Supplement 2003, is amended by striking the subsection and inserting in lieu thereof the following:

1. Record all documents or instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law.

Sec. 3. NEW SECTION. 331.606B DOCUMENT OR DOCUMENT FORMATTING STANDARDS.

1. Except as otherwise provided in subsection 6, the county recorder shall refuse any document or instrument presented for recording that does not meet the following requirements:

a. Each document or instrument shall consist of one or more individual pages not permanently bound or in a continuous form. The document or instrument shall not have any attachment stapled or otherwise affixed to any page except as necessary to comply with statutory requirements. However, the individual pages of a document or instrument may be stapled together for presentation for recording. A label that is firmly attached with a bar code or return address may be accepted for recording.

b. All preprinted text shall be at least eight point in size and no more than twenty characters and spaces per inch. All other text typed or computer generated, including but not limited to all names of parties to an agreement, shall be at least ten point in size and no more than sixteen characters and spaces per inch. If a document or instrument other than a plat or survey or a drawing related to a plat or survey, presented for recording contains type smaller than eight point type for the preprinted text and ten point type for all other text, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets the requirements of this section.

c. Each document shall be of sufficient legibility to produce a clear reproduction. If a document or instrument, other than a plat or survey or a drawing related to a plat or survey, is not sufficiently legible to produce a clear reproduction, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets the type size requirements of paragraph "b" and shall be recorded contemporaneously as additional pages of the document or instrument.

d. Each document or instrument, other than a plat or survey or a drawing related to a plat or survey, shall be on white paper of not less than twenty-pound weight without watermarks or other visible inclusions. All text within the document or instrument shall be of sufficient color and clarity to ensure that the text is readable when reproduced from the record.

e. All signatures on a document or instrument shall be in black or dark blue ink and of sufficient color and clarity to ensure that the signatures are readable when the document or instrument is reproduced from the record. The corresponding name shall be typed, printed, or stamped beneath the original signature. The typing or printing of a name or the application of an embossed or inked stamp shall not cover or otherwise materially interfere with any part of the document or instrument except where provided by law. Failure to print or type signatures as provided in this paragraph does not invalidate the document or instrument.

f. The first page of each document or instrument, other than a plat or survey or a drawing related to a plat or survey, shall have a top margin of at least three inches of vertical space from left to right which shall be reserved for the recorder's use. All other margins on the document or instrument shall be a minimum of three-fourths of one inch. Nonessential information including but not limited to form numbers, page numbers, or customer notations may be placed in a margin except the top margin. The recorder shall not incur any liability for not showing a seal or information that extends beyond the margin of the permanent archival record.

2. Each document or instrument, other than a plat or survey or a drawing related to a plat or survey, that is presented for recording and that contains any of the following information shall have that information on the first page below the three-inch margin:

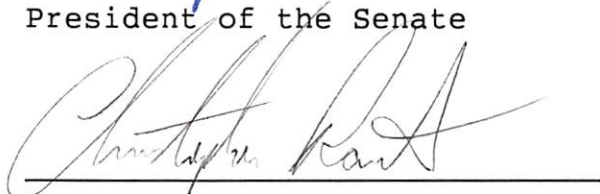
- a. The name, address, and telephone number of the individual who prepared the document.
 - b. The name of the taxpayer and a complete mailing address for any document or instrument of conveyance.
 - c. A return address.
 - d. The title of the document or instrument.
 - e. All grantors' names.
 - f. All grantees' names.
 - g. Any address required by statute.
 - h. The legal description of the property and parcel identification number, if required.
 - i. A document or instrument number for statutory requirements, if applicable.
3. If insufficient space exists on the first page for all of the information described in subsection 2, the page reference of the document or instrument where the information is located shall be noted on the first page.
4. The recorder may record the following documents or instruments which are exempt from the format requirements of this section:
- a. A document or instrument that was signed before July 1, 2004.
 - b. A military separation document or instrument.
 - c. A document or instrument executed outside the United States.
 - d. A certified copy of a document or instrument issued by a governmental agency, including a vital record.
 - e. A document or instrument where one of the original parties is deceased or otherwise incapacitated.
 - f. A document or instrument formatted to meet court requirements.
 - g. A federal tax lien.
 - h. A filing under the uniform commercial code, chapter 554.
5. A document or instrument rejected for recording by a recorder shall be returned to the preparer or presenter accompanied by an explanation of the reason for rejection.
6. On and after July 1, 2005, a document or instrument that does not conform to the format standards specified in subsections 1 through 3 shall not be recorded except upon payment of an additional recording fee of ten dollars per document or instrument. The requirement applies only to

documents or instruments dated on or after July 1, 2005, and does not apply to those documents or instruments specifically exempted in subsection 4.

Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2004.



JEFFREY M. LAMBERTI
President of the Senate




CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 371, Eightieth General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 14, 2004



THOMAS J. VILSACK
Governor