

House File 777 - Enrolled

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HOUSE FILE 777

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1 3 AN ACT
1 4 RELATING TO JUDICIAL BRANCH PRACTICES AND PROCEDURES INCLUDING
1 5 BUT NOT LIMITED TO ADOPTION PETITIONS, CLERK OF THE DISTRICT
1 6 COURT DUTIES, AND RECORDKEEPING AFFECTING REAL ESTATE AND
1 7 CHANGE OF NAME RECORDS.
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1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 11 Section 1. Section 600.3, Code 2007, is amended by adding
1 12 the following new subsection:
1 13 NEW SUBSECTION. 4. An adoption petition shall be limited
1 14 to the adoption of one natural person.
1 15 Sec. 2. Section 602.8103, subsection 4, Code 2007, is
1 16 amended by adding the following new paragraph:
1 17 NEW PARAGRAPH. k. Complaints, trial informations, and
1 18 uniform citations and complaints relating to parking
1 19 violations under sections 321.236, 321.239, 321.358, 321.360,
1 20 and 321.361, one year after final disposition.
1 21 Sec. 3. Section 602.8105, subsection 1, paragraph a, Code
1 22 2007, is amended to read as follows:
1 23 a. For filing and docketing a petition, other than a
1 24 modification of a dissolution decree to which a written
1 25 stipulation is attached at the time of filing containing the
1 26 agreement of the parties to the terms of modification, one
1 27 hundred dollars. In counties having a population of
1 28 ninety-eight thousand or over, an additional five dollars
1 29 shall be charged and collected to be known as the journal
1 30 publication fee and used for the purposes provided for in
1 31 section 618.13. For multiple adoption petitions filed at the
1 32 same time by the same petitioner under section 600.3, the
1 33 filing fee and any court costs for any petition filed in
1 34 addition to the first petition filed are waived.
1 35 Sec. 4. Section 617.10, Code 2007, is amended to read as
2 1 follows:
2 2 617.10 REAL ESTATE == ACTION INDEXED.
2 3 1. When a petition affecting real estate is filed, the
2 4 clerk of the district court where the petition is filed shall
2 5 ~~forthwith index same the petition~~ in an index book ~~to be~~
2 6 ~~provided therefor~~, under the tract number which describes the
2 7 property, entering in each instance the ~~cause~~ case number as a
2 8 guide to the record of court proceedings which affect ~~such the~~
2 9 real estate. If the petition ~~be is~~ amended to include other
2 10 parties or other lands, ~~same the amended petition~~ shall be
2 11 similarly indexed. When ~~the cause is finally a final result~~
2 12 is determined in the case, the result shall be indicated in
2 13 ~~said the index~~ book wherever indexed.
2 14 2. As used in this section, "book" means any mode of
2 15 permanent recording, including but not limited to card files,
2 16 microfilm, microfiche, and electronic records.
2 17 Sec. 5. Section 654.17, Code 2007, is amended to read as
2 18 follows:
2 19 654.17 RECISION OF FORECLOSURE.
2 20 1. At any time prior to the recording of the sheriff's
2 21 deed, and before the mortgagee's rights become unenforceable
2 22 by operation of the statute of limitations, the judgment
2 23 creditor, or the judgment creditor who is the successful
2 24 bidder at the sheriff's sale, with the written consent of the
2 25 mortgagor may rescind the foreclosure action by filing a
2 26 notice of recision with the clerk of court in the county in
2 27 which the property is located along with a filing fee of fifty
2 28 dollars. In addition, ~~such person if the original loan~~
2 29 documents are contained in the court file, the mortgagee shall
2 30 pay a fee of twenty-five dollars for documents filed in the
2 31 foreclosure action which the plaintiff requests returned to
2 32 the clerk of the district court. Upon the payment of the fee,
2 33 the clerk shall make copies of the original loan documents for
2 34 the court file, and return the original loan documents to the
2 35 mortgagee.
3 1 2. Upon the filing of the notice of recision, the mortgage
3 2 loan shall be enforceable according to the original terms of
3 3 the foreclosure and the rights of all persons with an interest

3 4 in the property may be enforced as if the foreclosure had not
3 5 been filed. However, any findings of fact or law shall be
3 6 preclusive for purposes of any future action unless the court,
3 7 upon hearing, rules otherwise. The mortgagor shall be
3 8 assessed costs, including reasonable attorney fees, of
3 9 foreclosure and rescission if provided by the mortgage
3 10 agreement.

3 11 Sec. 6. Section 674.11, Code 2007, is repealed.

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3 15 PATRICK J. MURPHY
3 16 Speaker of the House

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3 21 JOHN P. KIBBIE
3 22 President of the Senate

3 23 I hereby certify that this bill originated in the House and
3 24 is known as House File 777, Eighty-second General Assembly.

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3 29 MARK BRANDSGARD
3 30 Chief Clerk of the House

3 31 Approved _____, 2007

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3 35 CHESTER J. CULVER
3 Governor