



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 16, 2007

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 777, an Act relating to judicial branch practices and procedures including but not limited to adoption petitions, clerk of the district court duties, and recordkeeping affecting real estate and change of name records.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 777

AN ACT

RELATING TO JUDICIAL BRANCH PRACTICES AND PROCEDURES INCLUDING BUT NOT LIMITED TO ADOPTION PETITIONS, CLERK OF THE DISTRICT COURT DUTIES, AND RECORDKEEPING AFFECTING REAL ESTATE AND CHANGE OF NAME RECORDS.

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

Section 1. Section 600.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An adoption petition shall be limited to the adoption of one natural person.

Sec. 2. Section 602.8103, subsection 4, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Complaints, trial informations, and uniform citations and complaints relating to parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, one year after final disposition.

Sec. 3. Section 602.8105, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. For filing and docketing a petition, other than a modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, one hundred dollars. In counties having a population of ninety-eight thousand or over, an additional five dollars shall be charged and collected to be known as the journal publication fee and used for the purposes provided for in section 618.13. For multiple adoption petitions filed at the same time by the same petitioner under section 600.3, the filing fee and any court costs for any petition filed in addition to the first petition filed are waived.

Sec. 4. Section 617.10, Code 2007, is amended to read as follows:

617.10 REAL ESTATE -- ACTION INDEXED.

1. When a petition affecting real estate is filed, the clerk of the district court where the petition is filed shall ~~forthwith~~ index same the petition in an index book ~~to be provided therefor,~~ under the tract number which describes the property, entering in each instance the ~~cause~~ case number as a guide to the record of court proceedings which affect ~~such the~~ real estate. If the petition ~~be~~ is amended to include other parties or other lands, ~~same the amended petition~~ shall be similarly indexed. When ~~the cause is finally~~ a final result is determined in the case, the result shall be indicated in ~~said the index~~ the index book wherever indexed.

2. As used in this section, "book" means any mode of permanent recording, including but not limited to card files, microfilm, microfiche, and electronic records.

Sec. 5. Section 654.17, Code 2007, is amended to read as follows:


654.17 RECISION OF FORECLOSURE.


1. At any time prior to the recording of the sheriff's deed, and before the mortgagee's rights become unenforceable by operation of the statute of limitations, the judgment creditor, or the judgment creditor who is the successful bidder at the sheriff's sale, with the written consent of the mortgagor may rescind the foreclosure action by filing a notice of recision with the clerk of court in the county in which the property is located along with a filing fee of fifty dollars. In addition, such person if the original loan documents are contained in the court file, the mortgagee shall pay a fee of twenty-five dollars for documents filed in the foreclosure action which the plaintiff requests returned to the clerk of the district court. Upon the payment of the fee, the clerk shall make copies of the original loan documents for the court file, and return the original loan documents to the mortgagee.

2. Upon the filing of the notice of recision, the mortgage loan shall be enforceable according to the original terms of the foreclosure and the rights of all persons with an interest in the property may be enforced as if the foreclosure had not


been filed. However, any findings of fact or law shall be preclusive for purposes of any future action unless the court, upon hearing, rules otherwise. The mortgagor shall be assessed costs, including reasonable attorney fees, of foreclosure and rescission if provided by the mortgage agreement.

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

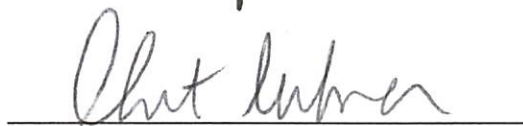

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

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


MARK BRANDSGARD
Chief Clerk of the House

Approved April 16th, 2007


CHESTER J. CULVER
Governor