

House File 371 - Enrolled

House File 371

AN ACT

RELATING TO ATTORNEY FEES AND COURT COSTS IN AN ACTION TO QUIET
TITLE AFTER A REQUEST FOR A QUITCLAIM DEED.

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

Section 1. Section 649.5, Code 2017, is amended to read as follows:

649.5 Demand for quitclaim — attorney fees.

1. If a party, twenty days or more before Before bringing suit to quiet a title to real estate, requests of a party may make a written request to the person holding an apparent adverse interest or right therein the execution of a in the property asking that such person, and that person's spouse if any, execute, have acknowledged, and deliver a quitclaim deed thereto, and also tenders to the person one dollar and twenty-five cents to the property to such requesting party.

2. The written request described in subsection 1 shall include a draft quitclaim deed to the property, the street address of the property, a brief explanation of how the apparent adverse interest or right arose, if known, and why the party believes the interest or right is not a valid claim against title, a copy of this section, a self-addressed stamped envelope, and fifty dollars to cover the expense of the execution, acknowledgment, and delivery of the deed, and if.

3. If the person refuses or neglects holding an apparent adverse interest or right in the property fails to comply within twenty days of receiving the written request, the filing

of a disclaimer of interest or right shall not avoid the costs in an action afterwards brought, and the court may, ~~in its discretion, if the plaintiff succeeds,~~ assess, in addition to the ordinary costs of court, an a reasonable attorney fee for plaintiff's the requesting party's attorney, ~~not exceeding twenty-five dollars if there is but a single tract not exceeding forty acres in extent, or a single lot in a city, involved, and forty dollars, if but a single tract exceeding forty acres and not more than eighty acres. In cases in which two or more tracts are included that may not be embraced in one description, or single tracts covering more than eighty acres, or two or more city lots, a reasonable fee may be assessed, not exceeding, proportionately, those provided for in~~ this section.

LINDA UPMEYER
Speaker of the House

JACK WHITVER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 371, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2017

TERRY E. BRANSTAD
Governor