

March 10, 1969

SENATE FILE 406

Passed on File

County Government 3-12, Res. 4-72
H.R. " 1-14, Res. 1-28

By MESSERLY

Passed Senate, Date 1-13-70 Passed House, Date 1-5-70

Vote: Ayes 39 Nays 16 Vote: Ayes 98 Nays 9

Approved 2-13-70

Passed on March 2-10
56-0

A BILL FOR

- 1 An Act relating to records in the county recorder's office.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Chapter three hundred thirty-five (335), Code
- 4 1966, is hereby amended by adding to the end thereof the
- 5 following new section:
- 6 "The county recorder may reproduce in miniature any in-
- 7 strument to be recorded in his office by processes enumerated
- 8 in section three hundred forty-three point thirteen (343.13)
- 9 of the Code. When any such recorded instrument involves a
- 10 release or assignment, the separate instrument filed acknowl-
- 11 edging such release or assignment shall be reproduced in
- 12 miniature. In lieu of marginal entries the recorder shall
- 13 make endorsements in red ink on both the index and the cross-
- 14 index to the miniature instruments where such instruments
- 15 were originally indexed."
- 16 Sec. 2. Section three hundred thirty-five point two
- 17 (335.2), Code 1966, is hereby amended by striking from line
- 18 two (2) the words "at length".
- 19 Sec. 3. Section three hundred thirty-five point fourteen
- 20 (335.14), Code 1966, is hereby amended by striking subsection
- 21 three (3).
- 22 Sec. 4. Section five hundred fifty-eight point forty-
- 23 three (558.43), Code 1966, is hereby repealed.
- 24 Sec. 5. Section five hundred fifty-eight point forty-five
- 25 (558.45), Code 1966, is hereby repealed and the following

1 enacted in lieu thereof:

2 "Where any mortgage, contract, or other instrument con-
3 stituting an encumbrance upon real estate shall be assigned
4 or released by a separate instrument it shall be the duty of
5 the recorder to make a notation in red ink on the index and
6 cross-index where such instrument was originally indexed,
7 indicating the nature of such assignment or release and the
8 book and page where the same is recorded."

9 Sec. 6. Section five hundred fifty-eight point fifty-six
10 (558.56), Code 1966, is hereby repealed.

11 Sec. 7. Section six hundred fifty-five point one (655.1),
12 Code 1966, is hereby amended by striking from lines six (6)
13 and seven (7) the words "in the margin of the record of the
14 mortgage, or".

15 Sec. 8. Section six hundred fifty-five point three
16 (655.3), Code 1966, is hereby repealed.

17 Sec. 9. Section six hundred fifty-five point four (655.4),
18 Code 1966, is hereby repealed and the following enacted in
19 lieu thereof:

20 "When a judgment of foreclosure is entered in any court,
21 the clerk shall file with the recorder an instrument in writ-
22 ing referring to the mortgage and duly acknowledging that the
23 same was foreclosed and giving the date of the decree."

24 Sec. 10. Section six hundred fifty-five point five
25 (655.5), Code 1966, is hereby repealed and the following
26 enacted in lieu thereof:

27 "When the judgment is fully paid and satisfied upon the
28 judgment docket of such court, the clerk shall file with the
29 recorder an instrument in writing, referring to the mortgage
30 and duly acknowledging a satisfaction of such mortgage, and
31 for such service the sum of twenty-five cents will be allowed
32 to be taxed as parts of the costs of the case."

EXPLANATION OF SENATE FILE 406

This bill is permissive and allows the county recorder to record by repro-
duction in miniature directly from the original document, the reproduction

itself becoming the official record. These records affect title to real estate and must be permanently maintained. Many county recorders do not have space to store the records required.

- 1 Amend Senate File 406 by inserting on page 1, line
- 2 15, a new sentence following the word "indexed.":
- 3 "When an official record is so produced in miniature there
- 4 shall at the same time be reproduced a security copy to be
- 5 kept outside of the courthouse."

Filed - *Adopted 2-5*
January 21, 1970
In: County Government

LIPPOLD of Black Hawk

Lippold

HOUSE AMENDMENT TO SENATE FILE 406

- 1 Amend Senate File 406 by inserting on page 1, line 15,
- 2 a new sentence following the word "indexed.":
- 3 "When an official record is so produced in miniature
- 4 there shall at the same time be reproduced a security copy
- 5 to be kept outside of the courthouse."

Filed
February 9, 1970

*Senate
concurred
2-10*