

New County Govt. 3/25  
Amend p. 5017, Sec. 633.479 (p. 140)

1 FILED MAR 11 1981

SENATE FILE 397

BY COMMITTEE ON COUNTY GOVERNMENT

(FORMERLY SSB 30)  
*Approved 2/11 (p. 749)*

Passed Senate, Date 3-20-81 (p. 901) Passed House, Date 2-2-82 (p. 283)

Vote: Ayes 39 Nays 0 Vote: Ayes 58 Nays 36

Approved March 29, 1982 (p. 957)  
*motion to reconsider (p. 288)*

*Referred Senate per House Amendment  
3-16-82 (p. 766)  
46-1*

# A BILL FOR

1 An Act relating to the recording of real property conveyance  
2 pursuant to probate or marriage dissolution decrees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

## HOUSE AMENDMENT TO SENATE FILE 397

S-5072

1 Amend Senate File 397 as passed by the Senate as  
2 follows:

3 1. Page 1, line 7, by inserting after the word  
4 "recorder" the words "and the county auditor".

5 2. Page 1, lines 8 and 9, by striking the words  
6 "The recorder shall notify the county auditor of the  
7 transfer."

8 3. Page 1, by striking line 15 and inserting in  
9 lieu thereof the following:

10 "633.480 CERTIFICATE TO COUNTY AUDITOR AND COUNTY  
11 RECORDER FOR TAX".

12 4. Page 1, line 17, by inserting after the word  
13 "report" the words and figures "or after discharge  
14 as provided in section 633.479".

15 5. Page 1, line 22, by striking the word "auditer"  
16 and inserting in lieu thereof the words "auditor and  
17 the county".

18 6. Page 1, lines 23 and 24, by striking the words  
19 "The recorder shall notify the county auditor of the  
20 transfer."

21 7. Page 1, by striking line 27 and inserting in  
22 lieu thereof the following:

23 "633.481 CERTIFICATE TO COUNTY AUDITOR AND COUNTY  
24 RECORDER FOR TAX".

25 8. Page 1, line 31, by striking the word "auditer"  
26 and inserting in lieu thereof the words "auditor and  
27 the county".

28 9. Page 1, lines 34 and 35, by striking the words  
29 "The county recorder shall notify the county auditor  
30 of the transfer."

S-5072 FILED  
FEBRUARY 8, 1982

RECEIVED FROM THE HOUSE

*Senate concurred 2/16 (p. 766)*

1 Section 1. Section 598.21, Code 1981, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. If the court orders a trans-  
4 fer of title to real property, the clerk of court shall is-  
5 sue a certificate under chapter 558 relative to each parcel  
6 of real estate affected by the order and immediately deliver  
7 the certificate for recording to the county recorder of the  
8 county in which the real estate is located. The recorder  
9 shall notify the county auditor of the transfer. Any fees  
10 assessed shall be included as part of the court costs, however,  
11 the certificates shall be recorded whether the costs are paid  
12 or not.

13 Sec. 2. Section 633.480, Code 1981, is amended to read  
14 as follows:

15 633.480 CERTIFICATE TO COUNTY AUDITOR RECORDER FOR TAX  
16 PURPOSES WITH ADMINISTRATION. After the entry of the order  
17 approving the final report, the clerk shall issue a certificate  
18 under ~~the provisions of~~ chapter 558 relative to each parcel  
19 of real estate described in the final report of the personal  
20 representative which has not been sold by the personal  
21 representative, and deliver ~~such~~ the certificate to the county  
22 ~~auditor~~ recorder of the county in which ~~such~~ the real estate  
23 is situated. The recorder shall notify the county auditor  
24 of the transfer.

25 Sec. 3. Section 633.481, Code 1981, is amended to read  
26 as follows:

27 633.481 CERTIFICATE TO COUNTY AUDITOR RECORDER FOR TAX  
28 PURPOSES WITHOUT ADMINISTRATION. Whenever an inventory or  
29 report is filed under ~~the provisions of~~ section 450.22, without  
30 administration of the estate of a decedent, the clerk shall  
31 issue and deliver to the county ~~auditor~~ recorder of the county  
32 in which the real estate is situated a like certificate  
33 pertaining to each parcel of real estate described in the  
34 inventory or report. The county recorder shall notify the  
35 county auditor of the transfer. Any fees for certificates

1 or recording fees required by this section or section 633.480  
2 shall be assessed as costs of administration, but the  
3 certificates shall be filed whether fees are paid or not.

4 EXPLANATION

5 This bill provides that notice shall be given to the county  
6 auditor and county recorder in those counties where real  
7 property which is transferred by a probate or dissolution  
8 of marriage decree is situated. The costs involved would  
9 be assessed as costs in the action, however, the notices must  
10 be given whether the costs are paid or not. This Act takes  
11 effect July 1 following its enactment.

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SENATE FILE 397

H-5017

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2 follows:

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H-5017 FILED JANUARY 25, 1982

BY COMMITTEE ON COUNTY GOVERNMENT  
Danker, Chair

*Adopted 2/2 (p. 223)*

SENATE FILE 397

AN ACT

RELATING TO THE RECORDING OF REAL PROPERTY CONVEYANCE PURSUANT TO PROBATE OR MARRIAGE DISSOLUTION DECREES.

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

Section 1. Section 598.21, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the court orders a transfer of title to real property, the clerk of court shall issue a certificate under chapter 558 relative to each parcel of real estate affected by the order and immediately deliver the certificate for recording to the county recorder and the county auditor of the county in which the real estate is located. Any fees assessed shall be included as part of the court costs, however, the certificates shall be recorded whether the costs are paid or not.

Sec. 2. Section 633.480, Code 1981, is amended to read as follows:

633.480 CERTIFICATE TO COUNTY AUDITOR AND COUNTY RECORDER FOR TAX PURPOSES WITH ADMINISTRATION. After the entry of the order approving the final report or after discharge as provided in section 633.479, the clerk shall issue a certificate under ~~the-provisions-of~~ chapter 558 relative to each parcel of real estate described in the final report of the personal representative which has not been sold by the personal representative, and deliver ~~such~~ the certificate to the county auditor and the county recorder of the county in which ~~such~~ the real estate is situated.

Sec. 3. Section 633.481, Code 1981, is amended to read as follows:

633.481 CERTIFICATE TO COUNTY AUDITOR AND COUNTY RECORDER FOR TAX PURPOSES WITHOUT ADMINISTRATION. Whenever an inventory

or report is filed under ~~the-provisions-of~~ section 450.22, without administration of the estate of a decedent, the clerk shall issue and deliver to the county auditor and the county recorder of the county in which the real estate is situated a like certificate pertaining to each parcel of real estate described in the inventory or report. Any fees for certificates or recording fees required by this section or section 633.480 shall be assessed as costs of administration, but the certificates shall be filed whether fees are paid or not.

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TERRY E. BRANSTAD  
President of the Senate

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DELWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 397, Sixty-ninth General Assembly.

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Approved March 29, 1982  
K. MARIE THAYER  
Secretary of the Senate

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ROBERT D. RAY  
Governor