

FEB 28 1984

Place On Calendar

HOUSE FILE 2372

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly House File 2083)

Passed House, Date 3-7-84 (p. 799) Passed Senate, Date 3-26-84 (p. 1056)

Vote: Ayes 95 Nays 0 Vote: Ayes 45 Nays 1

Approved April 16, 1984 (p. 2046)

### A BILL FOR

1 An Act relating to real property legalizing Acts.

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

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Section 1. Section 589.1, Code 1983, is amended to read  
2 as follows:

3 589.1 ACKNOWLEDGMENTS--SEAL NOT AFFIXED. All deeds,  
4 mortgages, or other instruments in writing, for the conveyance  
5 of lands which have been made and executed before July 4,  
6 ~~1943~~ 1, 1970, and the officer taking the acknowledgment has  
7 not affixed ~~his~~ the officer's seal to the acknowledgment;  
8 ~~such~~ the acknowledgment ~~shall~~ is, nevertheless, be good and  
9 valid in law and equity, anything in any law passed before  
10 July 4, ~~1943~~ 1, 1970, to the contrary notwithstanding.

11 Sec. 2. Section 589.2, Code 1983, is amended to read as  
12 follows:

13 589.2 CONVEYANCES BY COUNTY. All deeds executed before  
14 July 4, ~~1943~~ 1, 1970, by a ~~county-judge, or-county~~ court,  
15 or the chairman of the board of supervisors of any a county,  
16 and to which the officer executing the same deed has failed  
17 or omitted to affix the county seal, and all deeds where the  
18 clerk has failed or omitted to countersign when required so  
19 to do, ~~be-and-the-same~~ are hereby legalized and made valid  
20 ~~the-same-in-all-respects~~ as though the law had in all respects  
21 been fully complied with.

22 Sec. 3. Section 589.3, Code 1983, is amended to read as  
23 follows:

24 589.3 ABSENCE OF OR DEFECTIVE ACKNOWLEDGMENTS. Any  
25 instrument in writing affecting the title to real estate  
26 within the state of Iowa, to which is attached no certificate  
27 of acknowledgment, or to which is attached a defective  
28 certificate of acknowledgment, which was, prior to January  
29 1, ~~1930~~ 1970, recorded or spread upon the records in the  
30 office of the recorder of the county in which the real estate  
31 described in ~~such~~ the instrument is located, is, together  
32 with the recording and the record ~~thereof,--legalized-and~~  
33 ~~declared-as~~ of the recording, valid, legal, and binding as  
34 if ~~such~~ the instrument had been properly acknowledged and  
35 legally recorded.

1     Sec. 4. Section 589.4, Code 1983, is amended to read as  
2 follows:

3     589.4 ACKNOWLEDGMENTS BY CORPORATION OFFICERS. The  
4 acknowledgments of all deeds, mortgages, or other instruments  
5 in writing taken or certified before July ~~4, 1943~~ and 1,  
6 1970, which instruments have been recorded in the recorder's  
7 office of any county of this state, including acknowledgments  
8 of instruments made by ~~any private or other~~ a corporation,  
9 or to which ~~such~~ the corporation was a party, or under which  
10 ~~such~~ the corporation was a beneficiary, and which have been  
11 acknowledged before or certified by ~~any~~ a notary public who  
12 was at the time of ~~such~~ the acknowledgment or certifying a  
13 stockholder or officer in ~~such~~ the corporation, are hereby  
14 ~~declared to be~~ legal and valid official acts of ~~such~~ the  
15 notaries public, and to entitle ~~such~~ the instruments to be  
16 recorded, anything in the laws of the state of Iowa in regard  
17 to acknowledgments to the contrary notwithstanding. This  
18 section ~~shall~~ does not affect pending litigation.

19     Sec. 5. Section 589.5, Code 1983, is amended to read as  
20 follows:

21     589.5 ACKNOWLEDGMENTS BY STOCKHOLDERS. All deeds and  
22 conveyances of lands within this state executed before July  
23 ~~4, 1943~~ 1, 1970, but which have been acknowledged or proved  
24 according to and in compliance with the laws of this state  
25 before a notary public or other official authorized by law  
26 to take acknowledgments who was, at the time of ~~such~~ the  
27 acknowledgment, an officer or stockholder of a corporation  
28 interested in ~~any such~~ the deed or conveyance, or otherwise  
29 interested ~~therein~~ in the deeds or conveyances, are, if  
30 otherwise valid, ~~hereby declared effectual and~~ valid in law  
31 ~~to all intents and purposes~~ as though acknowledged or proved  
32 before an officer not interested ~~therein~~ in the deeds or  
33 conveyances; and if recorded before July ~~4, 1943~~ 1, 1970,  
34 in the respective counties in which ~~such~~ the lands ~~may be~~  
35 are, the records ~~thereof~~ are hereby ~~confirmed and declared~~

1 ~~effectual-and~~ valid in law ~~to-all-intents-and-purposes~~ as  
2 though ~~said~~ the deeds and conveyances, so acknowledged or  
3 proved and recorded, had, ~~(prior to being recorded),~~ been  
4 acknowledged or proved before an officer having no interest  
5 therein in the deeds or conveyances.

6 Sec. 6. Section 589.6, Code 1983, is amended to read as  
7 follows:

8 589.6 INSTRUMENTS AFFECTING REAL ESTATE. All instruments  
9 in writing executed by any a corporation prior to July 4,  
10 ~~1943~~ 1, 1970, conveying, encumbering, or affecting real estate,  
11 including releases, ~~satisfactions~~ satisfactions of mortgages,  
12 judgments, or any other liens by entry of ~~such~~ the release  
13 or satisfaction upon the page ~~or-pages~~ where ~~such~~ the lien  
14 appears recorded or entered, where the corporate seal of ~~such~~  
15 the corporation has not been affixed or attached ~~thereto,~~  
16 and which are otherwise legally and properly executed, are  
17 ~~hereby-declared~~ legal, valid, and binding, ~~the-same~~ as though  
18 the corporate seal had been attached or affixed ~~thereto.~~

19 Sec. 7. Section 589.8, Code 1983, is amended to read as  
20 follows:

21 589.8 MORTGAGES, TRUST DEEDS AND REALTY LIENS--RELEASES  
22 BEFORE JULY 4, ~~1933~~ 1, 1970. Any A release or satisfaction  
23 of any a mortgage or trust deed, or of any an instrument in  
24 writing creating a lien upon real estate where ~~such~~ the release  
25 or satisfaction has been recorded in the recorder's office  
26 of the county in this state, or upon the margin of the record,  
27 where ~~such~~ the original instrument was recorded and which  
28 release or satisfaction was made by any an individual,  
29 association, copartnership, assignee, corporation, attorney  
30 in fact, or by a resident or foreign executor, administrator,  
31 referee, receiver, trustee, guardian, or commissioner, and  
32 which release or satisfaction was executed, filed, and recorded  
33 prior to July 4, ~~1933~~ 1, 1970, is ~~hereby-legalized,~~ ~~declared~~  
34 valid, legal and binding ~~and-of-full-force-and-effect,~~ any  
35 defects in the execution, acknowledgment, recording, filing,

1 or otherwise of ~~such~~ the releases or satisfactions to the  
2 contrary notwithstanding.

3 Sec. 8. Section 589.9, Code 1983, is amended to read as  
4 follows:

5 589.9 MARGINAL RELEASES OF SCHOOL-FUND MORTGAGES. The  
6 release or satisfaction of ~~any~~ a school-fund mortgage entered  
7 on the margin of the record of ~~such~~ the mortgage by the auditor  
8 of the county prior to July ~~47-1894~~ 1, 1970, is hereby  
9 legalized ~~and-given-the-same-force-and-effect~~ as though ~~such~~  
10 the auditor had had, at the time of entering ~~such~~ the release  
11 or satisfaction, the same power thereafter conferred upon  
12 ~~him~~ the auditor by chapter 53 of the Acts of the Twenty-fifth  
13 General Assembly.

14 Sec. 9. Section 589.10, Code 1983, is amended to read  
15 as follows:

16 589.10 MARGINAL ASSIGNMENT OF MORTGAGE OR LIEN. ~~In-any~~  
17 ~~ease-where~~ If an assignment of a mortgage or other recorded  
18 lien on real estate has been made before July ~~47-1943~~ 1, 1970,  
19 by written assignment ~~thereof~~ on the margin of the record  
20 where ~~such~~ the mortgage or other lien is recorded or entered,  
21 ~~such~~ the assignment ~~shall-be-deemed-to-have~~ passed all the  
22 right, title, and interest ~~therein~~ in the real estate, which  
23 the assignor at the time had, with like force and effect as  
24 if ~~such~~ the assignment had been made by separate instrument  
25 duly acknowledged and recorded; and ~~any-such~~ an assignment  
26 or a duly authenticated copy ~~thereof~~ of an assignment when  
27 accompanied by a duly authenticated copy of the record of  
28 the instrument or lien it purports to assign, ~~shall-be~~ is  
29 admissible in evidence as ~~is~~ provided by law for the admission  
30 of the records of deeds and mortgages.

31 Sec. 10. Section 589.11, Code 1983, is amended to read  
32 as follows:

33 589.11 CONVEYANCES BY ~~EXECUTORS,-TRUSTEES,-ETC~~ FIDUCIARIES.  
34 ~~In-all-cases-where~~ If, prior to the year ~~1930~~ 1970, an  
35 executor, administrator, trustee, guardian, assignee, receiver,

1 referee, or commissioner, acting ~~as-such~~ in that capacity  
2 in this or any state, has conveyed in ~~such~~ the trust capacity  
3 real estate lying in this state and ~~such~~ the conveyance has  
4 been of record since prior to January 1, ~~1930~~ 1970, in the  
5 county where the real estate so conveyed is located and which  
6 conveyance purports to sustain the title in the present record  
7 owner ~~or-owners-thereof~~, ~~such~~ the conveyance ~~shall~~ is not  
8 ~~be-held~~ void or insufficient ~~by-reason-of-the-fact-that~~ because  
9 due and legal notice of all proceedings with reference to  
10 the making of ~~any-such~~ the conveyance was not served upon  
11 all interested or necessary parties, or that ~~such~~ the executor,  
12 administrator, trustee, guardian, assignee, receiver, referee,  
13 or commissioner is not shown to have been duly authorized  
14 by an order of court to make and execute ~~such~~ the conveyance,  
15 that a bond was not given ~~therefor~~, or that ~~no~~ a report of  
16 the sale was not made; or ~~such~~ the sale or deed of conveyance  
17 was not approved by order of court, or ~~that-any-such~~ a foreign  
18 executor, administrator, trustee, guardian, assignee, receiver,  
19 referee, or commissioner was not appointed or qualified in  
20 the state of Iowa prior to the making of ~~such~~ the conveyance,  
21 or ~~that~~ the record ~~thereof~~ fails to disclose compliance with  
22 any ~~ether-provisions-of~~ law, and all such conveyances are  
23 ~~hereby-legalized-and-declared~~ valid, legal, and binding and  
24 ~~of-full-force-and-effect~~. Allotments by referees in partition  
25 ~~shall-be-considered~~ are conveyances within the meaning of  
26 this section.

27 Sec. 11. Section 589.12, Code 1983, is amended to read  
28 as follows:

29 589.12 SHERIFFS' DEEDS. ~~No~~ A foreclosure proceeding or  
30 sale of real estate on execution prior to January 1, ~~1930~~  
31 1970, ~~wherein~~ if a sheriff's deed was executed and which  
32 purports to sustain the record title ~~shall-be-held~~ is not  
33 ineffectual on account of the failure of the record to show  
34 that any of the steps in obtaining ~~said~~ the judgment or in  
35 the sale of ~~said~~ the property were complied with. ~~Such~~ The

1 proceedings are hereby legalized and-made-valid as if the  
 2 record showed that ~~all-the-provisions-of~~ the law has been  
 3 complied with.

4 Sec. 12. Section 589.13, Code 1983, is amended to read  
 5 as follows:

6 589.13 SHERIFF'S DEED EXECUTED BY DEPUTY. All conveyances  
 7 of land in this state, executed in this state by a deputy  
 8 sheriff, and properly recorded in the office of the county  
 9 recorder of the county ~~wherein~~ where the land is located,  
 10 prior to January 1, ~~1930~~ 1970, have the same force  
 11 and effect as though ~~such~~ the conveyance had been executed  
 12 by the sheriff.

13 Sec. 13. Section 589.14, Code 1983, is amended to read  
 14 as follows:

15 589.14 DEFECTIVE TAX DEEDS. ~~No~~ A sale of real property  
 16 for taxes made prior to January 1, ~~1930~~ 1970, ~~wherein~~ in which  
 17 the tax deed was executed and ~~which~~ the deed purports to  
 18 sustain the record title, ~~shall-be-held~~ is not ineffectual  
 19 ~~on-account~~ because of the failure of the record to show that  
 20 any of the steps in the sale and deeding of ~~said~~ the property  
 21 were complied with, ~~said~~ and these proceedings are hereby  
 22 legalized and ~~made valid and-effectual~~ as if the record showed  
 23 that ~~all~~ the ~~provisions-of~~ law had been complied with.

24 Sec. 14. Section 589.17, Code 1983, is amended to read  
 25 as follows:

26 589.17 CONVEYANCES BY SPOUSE UNDER POWER. ~~No~~ A conveyance  
 27 of real estate made before July ~~4~~ 1, ~~1941~~ 1970, ~~wherein~~ in  
 28 which the husband or wife conveyed or contracted to convey  
 29 the inchoate right of dower through the other spouse, acting  
 30 as the attorney in fact, by virtue of a power of attorney  
 31 executed by ~~such~~ the spouse, ~~such~~ the power of attorney not  
 32 having been executed as a part of a contract of separation,  
 33 ~~shall-be-held~~ are not invalid as contravening ~~the-provisions~~  
 34 ~~of~~ section 3154 of the Code, of 1897, or section 10447 of  
 35 subsequent Codes to and including the Code of 1939, but all

1 such conveyances are hereby legalized and made effective.

2 Sec. 15. Section 589.18, Code 1983, is amended to read  
3 as follows:

4 589.18 CONVEYANCES BY FOREIGN EXECUTORS. All conveyances  
5 of real property made prior to January 1, ~~1943~~ 1970, by  
6 executors or trustees under foreign wills and prior to the  
7 date upon which ~~such~~ the will was admitted to probate in Iowa  
8 or prior to the expiration of three months after the recording  
9 of a duly authenticated copy of ~~such~~ the will, original record  
10 of appointment, qualification, and bond as required by ~~the~~  
11 ~~provisions-of~~ section 3295 of the Code of 1897 or sections  
12 11878 to 11881, inclusive, of subsequent Codes to and including  
13 the Code of 1939, and in which ~~such~~ the will was, subsequent  
14 to ~~said~~ the conveyance, probated in Iowa ~~or-shall-hereafter~~  
15 ~~be-probated-in-Iowa~~, and in which a duly authenticated copy  
16 of the will, original record of appointment, qualification,  
17 and bond as required by ~~said~~ those sections was, subsequent  
18 to ~~such~~ the conveyance, ~~or-shall-be-hereafter~~ made a matter  
19 of record as provided in ~~said~~ those sections, are hereby  
20 legalized and ~~declared-as~~ valid ~~and-effectual~~ in law and in  
21 equity as though ~~such~~ the will had been probated in Iowa prior  
22 to ~~such~~ the conveyance and as though the ~~provisions-of-said~~  
23 sections had been strictly complied with, ~~provided-nothing~~  
24 ~~in.~~ However, this section ~~shall~~ does not affect pending  
25 litigation.

26 Sec. 16. Section 589.19, Code 1983, is amended to read  
27 as follows:

28 589.19 CONVEYANCES UNDER SCHOOL-FUND FORECLOSURES. ~~In~~  
29 ~~any-case-where~~ If the title to real estate has been conveyed  
30 prior to January 1, ~~1943~~ 1970, by the sheriff of any a county  
31 ~~in-the-state-of-Iowa~~ pursuant to sheriff's sale under the  
32 foreclosure of permanent school-fund mortgages to the state  
33 ~~of-Iowa~~, or to the state ~~of-Iowa~~ for the use of the school  
34 fund, or to the county for the school fund; and ~~said~~ the land  
35 has been ~~heretofore~~ sold under authority of the board of

1 supervisors of ~~said~~ the county and conveyed under its  
2 authority, prior to January 1, ~~1943~~ 1970, and the full purchase  
3 price paid and credited to, and used by, the county for the  
4 permanent school fund of ~~said~~ the county, all right, title,  
5 or interest of the state ~~of Iowa~~ in and to ~~said~~ the real  
6 estate is ~~hereby~~ relinquished and quitclaimed to the purchaser  
7 or ~~his~~ the purchaser's grantees forever, and the title ~~thereto~~  
8 confirmed in ~~such~~ the purchaser, or ~~his~~ the purchaser's  
9 grantees insofar as the ~~aforesaid~~ erroneous conveyance is  
10 concerned.

11 Sec. 17. Section 589.21, Code 1983, is amended to read  
12 as follows:

13 589.21 RELEASES AND DISCHARGES IN RE REAL ESTATE. All  
14 releases and discharges of judgments, mortgages, or deeds  
15 of trust affecting property in this state made prior to January  
16 1, ~~1933~~ 1970, by administrators, executors, or guardians  
17 appointed by the court of any other state or country without  
18 complying with ~~the provisions of~~ section 3308 of the Code  
19 of 1897 and sections 11897 to 11899, inclusive, of subsequent  
20 Codes to and including the Code of 1931 are ~~hereby~~ legalized,  
21 ~~and declared as~~ valid and effective in law and in equity as  
22 though the ~~provisions of said~~ sections had been strictly  
23 followed, ~~provided that nothing in.~~ However, this section  
24 ~~shall~~ does not affect pending litigation.

25 Sec. 18. Section 589.23, Code 1983, is amended to read  
26 as follows:

27 589.23 DESCRIPTIONS REFERRING TO DEFECTIVE PLATS. The  
28 description of land in all instruments, conveyances, and  
29 encumbrances describing lots in or referring to plats made  
30 by the county auditors of Iowa, or by the county surveyor  
31 for the owner, and placed of record by the county recorders  
32 of Iowa prior to January 1, ~~1930~~ 1970, are ~~hereby~~ legalized,  
33 ~~and the same declared~~ valid and binding ~~the same~~ as though  
34 the ~~said~~ plats had been signed and acknowledged and filed  
35 and recorded in strict compliance with law.

1     Sec. 19. Section 589.24, Code 1983, is amended to read  
2 as follows:

3     589.24 ~~DEFECTIVE CONVEYANCES--TAX-DEEDS--ETC~~ INSTRUMENTS.

4 ~~Any~~ A deed of conveyance, or other instrument purporting to  
5 convey real estate within the state ~~of Iowa~~, where ~~such~~ the  
6 deed or instrument has been recorded in the office of the  
7 recorder of any county ~~wherein-such~~ in which the real estate  
8 is situated, and ~~which-said~~ the deed or instrument was executed  
9 by a county treasurer under a tax sale, a sheriff under  
10 execution sale, or by a resident or foreign executor,  
11 administrator, referee, receiver, trustee, guardian,  
12 commissioner, individual, copartnership, association, or  
13 corporation, and was executed and recorded prior to January  
14 1, ~~1930~~ 1970, and ~~where~~ if the grantee ~~or-grantees~~ named in  
15 ~~such~~ the deed or conveyance, or other instrument, ~~his,-her,-~~  
16 ~~their,-or-its-grantees,-~~ or the grantee's heirs, or devisees,  
17 by direct line of title or conveyance have been in the actual,  
18 open, adverse possession of ~~such~~ the premises since ~~said~~ that  
19 date, ~~be-and-the-same~~ is hereby legalized, declared valid,  
20 legal, and binding, ~~and-of-full-force-and-effect,~~  
21 notwithstanding any defects in the execution of ~~said~~ the deed  
22 or instrument.

23     Sec. 20. Section 589.25, Code 1983, is amended to read  
24 as follows:

25     589.25 SALES OF REAL ESTATE BY SCHOOL DISTRICT. All deeds  
26 and conveyances of land made by or purporting to be made by  
27 ~~any~~ a school district or by the board of directors of ~~any~~  
28 a school district prior to July ~~4,-1960~~ 1, 1970, and placed  
29 of record prior to July ~~4,-1960~~ 1, 1970, which deeds or  
30 conveyances purport to sustain the record title, are hereby  
31 legalized and ~~made~~ valid, even though the record fails to  
32 show that all necessary steps in the sale and deeding of the  
33 property were complied with. ~~Such~~ The deeds and conveyances  
34 are legalized and ~~made~~ valid ~~and-effectual,-as-fully-and~~  
35 ~~completely~~ as if the record showed that ~~all-provisions-of~~

1 the law had been complied with, and that the ~~said~~ sales had  
2 been duly authorized by the electors of the school district.

3 EXPLANATION

4 The bill updates the dates specified in chapter 589 and  
5 legalizes certain real property transfers up to and including  
6 January 1 or July 1, 1970. The bill takes effect July 1  
7 following enactment.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

HOUSE FILE 2372

AN ACT  
RELATING TO REAL PROPERTY LEGALIZING ACTS.

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

Section 1. Section 589.1, Code 1983, is amended to read as follows:

589.1 ACKNOWLEDGMENTS--SEAL NOT AFFIXED. All deeds, mortgages, or other instruments in writing, for the conveyance of lands which have been made and executed before July 4-1943 1, 1970, and the officer taking the acknowledgment has not affixed his the officer's seal to the acknowledgment; ~~such the~~ acknowledgment ~~shall~~ is, nevertheless, be good and valid in law and equity, anything in any law passed before July 4-1943 1, 1970, to the contrary notwithstanding.

Sec. 2. Section 589.2, Code 1983, is amended to read as follows:

589.2 CONVEYANCES BY COUNTY. All deeds executed before July 4-1943 1, 1970, by a ~~county judge, or county~~ court, or the chairman of the board of supervisors of any a county, and to which the officer executing the same deed has failed or omitted to affix the county seal, and all deeds where the clerk has failed or omitted to countersign when required so to do, ~~be and the same~~ are hereby legalized and made valid ~~the same in all respects~~ as though the law had in all respects been fully complied with.

Sec. 3. Section 589.3, Code 1983, is amended to read as follows:

589.3 ABSENCE OF OR DEFECTIVE ACKNOWLEDGMENTS. Any instrument in writing affecting the title to real estate within the state of Iowa, to which is attached no certificate of acknowledgment, or to which is attached a defective certificate of acknowledgment, which was, prior to January 1, 1938 1970, recorded or spread upon the records in the

office of the recorder of the county in which the real estate described in ~~such the~~ instrument is located, is, together with the recording and the record ~~thereof, legalized and declared as~~ of the recording, valid, legal, and binding as if ~~such the~~ instrument had been properly acknowledged and legally recorded.

Sec. 4. Section 589.4, Code 1983, is amended to read as follows:

589.4 ACKNOWLEDGMENTS BY CORPORATION OFFICERS. The acknowledgments of all deeds, mortgages, or other instruments in writing taken or certified before July 4-1943-~~and~~ 1, 1970, which instruments have been recorded in the recorder's office of any county of this state, including acknowledgments of instruments made by ~~any private or other~~ a corporation, or to which ~~such the~~ corporation was a party, or under which ~~such the~~ corporation was a beneficiary, and which have been acknowledged before or certified by any a notary public who was at the time of ~~such the~~ acknowledgment or certifying a stockholder or officer in ~~such the~~ corporation, are hereby ~~declared to be~~ legal and valid official acts of ~~such the~~ notaries public, and to entitle ~~such the~~ instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding. This section ~~shall~~ does not affect pending litigation.

Sec. 5. Section 589.5, Code 1983, is amended to read as follows:

589.5 ACKNOWLEDGMENTS BY STOCKHOLDERS. All deeds and conveyances of lands within this state executed before July 4-1944 1, 1970, but which have been acknowledged or proved according to and in compliance with the laws of this state before a notary public or other official authorized by law to take acknowledgments who was, at the time of ~~such the~~ acknowledgment, an officer or stockholder of a corporation interested in ~~any such the~~ deed or conveyance, or otherwise interested ~~therein~~ in the deeds or conveyances, are, if

H.F. 2372

otherwise valid, ~~hereby-declared-effective~~ and valid in law ~~to-all-intents-and-purposes~~ as though acknowledged or proved before an officer not interested ~~therein in the deeds or conveyances~~; and if recorded before July 4-1943 1, 1970, in the respective counties in which ~~such the~~ lands may be ~~are~~, the records thereof are ~~hereby-confirmed-and-declared-effective~~ and valid in law ~~to-all-intents-and-purposes~~ as though ~~said the~~ deeds and conveyances, so acknowledged or proved and recorded, had, ~~(prior to being recorded),~~ been acknowledged or proved before an officer having no interest ~~therein in the deeds or conveyances~~.

Sec. 6. Section 589.6, Code 1983, is amended to read as follows:

589.6 INSTRUMENTS AFFECTING REAL ESTATE. All instruments in writing executed by ~~any~~ a corporation prior to July 4-1943 1, 1970, conveying, encumbering, or affecting real estate, including releases, ~~satisfaction~~ satisfactions of mortgages, judgments, or any other liens by entry of ~~such the~~ release or satisfaction upon the page ~~or-pages~~ where ~~such the~~ lien appears recorded or entered, where the corporate seal of ~~such the~~ corporation has not been affixed or attached ~~therein~~, and which are otherwise legally and properly executed, are ~~hereby-declared~~ legal, valid, and binding, ~~the same~~ as though the corporate seal had been attached or affixed ~~therein~~.

Sec. 7. Section 589.8, Code 1983, is amended to read as follows:

589.8 MORTGAGES, TRUST DEEDS AND REALTY LIENS--RELEASES BEFORE JULY 4-1943 1, 1970. ~~Any~~ A release or satisfaction of ~~any~~ a mortgage or trust deed, or of ~~any an~~ instrument in writing creating a lien upon real estate where ~~such the~~ release or satisfaction has been recorded in the recorder's office of the county in this state, or upon the margin of the record, where ~~such the~~ original instrument was recorded and which release or satisfaction was made by ~~any an~~ individual, association, copartnership, assignee, corporation, attorney

in fact, or by a resident or foreign executor, administrator, referee, receiver, trustee, guardian, or commissioner, and which release or satisfaction was executed, filed, and recorded prior to July 4-1943 1, 1970, is ~~hereby-legalized--declared~~ valid, legal and binding ~~and-of-full-force-and-effect~~, any defects in the execution, acknowledgment, recording, filing, or otherwise of ~~such the~~ releases or satisfactions to the contrary notwithstanding.

Sec. 8. Section 589.9, Code 1983, is amended to read as follows:

589.9 MARGINAL RELEASES OF SCHOOL-FUND MORTGAGES. The release or satisfaction of ~~any~~ a school-fund mortgage entered on the margin of the record of ~~such the~~ mortgage by the auditor of the county prior to July 4-1944 1, 1970, is ~~hereby~~ legalized ~~and-given-the-same-force-and-effect~~ as though ~~such the~~ auditor had had, at the time of entering ~~such the~~ release or satisfaction, the same power thereafter conferred upon ~~him~~ the auditor by chapter 53 of the Acts of the Twenty-fifth General Assembly.

Sec. 9. Section 589.10, Code 1983, is amended to read as follows:

589.10 MARGINAL ASSIGNMENT OF MORTGAGE OR LIEN. ~~In-any~~ ease-where If an assignment of a mortgage or other recorded lien on real estate has been made before July 4-1943 1, 1970, by written assignment ~~thereof~~ on the margin of the record where ~~such the~~ mortgage or other lien is recorded or entered, ~~such the~~ assignment ~~shall-be-deemed-to-have~~ passed all the right, title, and interest ~~therein in the real estate~~, which the assignor at the time had, with like force and effect as if ~~such the~~ assignment had been made by separate instrument duly acknowledged and recorded; and ~~any-such~~ an assignment or a duly authenticated copy ~~thereof of an assignment~~ when accompanied by a duly authenticated copy of the record of the instrument or lien it purports to assign, ~~shall-be~~ is admissible in evidence as ~~is~~ provided by law for the admission of the records of deeds and mortgages.

Sec. 10. Section 589.11, Code 1983, is amended to read as follows:

589.11 CONVEYANCES BY EXECUTORS, TRUSTEES--~~BY~~ FIDUCIARIES. ~~In all cases where~~ If, prior to the year 1930 ~~1970~~, an executor, administrator, trustee, guardian, assignee, receiver, referee, or commissioner, acting ~~as such in that capacity~~ in this or any state, has conveyed in ~~such the~~ trust capacity real estate lying in this state and ~~such the~~ conveyance has been of record since prior to January 1, 1930 ~~1970~~, in the county where the real estate so conveyed is located and which conveyance purports to sustain the title in the present record owner ~~or owners thereof, such the~~ conveyance ~~shall~~ is not ~~be held~~ void or insufficient ~~by reason of the fact that~~ because due and legal notice of all proceedings with reference to the making of ~~any such the~~ conveyance was not served upon all interested or necessary parties, or that ~~such the~~ executor, administrator, trustee, guardian, assignee, receiver, referee, or commissioner is not shown to have been duly authorized by an order of court to make and execute ~~such the~~ conveyance, that a bond was not given ~~therefor~~, or that ~~no a~~ report of the sale was not made; or ~~such the~~ sale or deed of conveyance was not approved by order of court, or ~~that any such a~~ foreign executor, administrator, trustee, guardian, assignee, receiver, referee, or commissioner was not appointed or qualified in the state of Iowa prior to the making of ~~such the~~ conveyance, or ~~that the record thereof fails to disclose compliance with any other provisions of law, and all such conveyances are hereby legalized and declared valid, legal, and binding and of full force and effect.~~ Allotments by referees in partition ~~shall be considered~~ are conveyances within the meaning of this section.

Sec. 11. Section 589.12, Code 1983, is amended to read as follows:

589.12 SHERIFFS' DEEDS. ~~No a~~ foreclosure proceeding or sale of real estate or execution prior to January 1, 1930

1970, ~~wherein~~ if a sheriff's deed was executed and which purports to sustain the record title ~~shall be held~~ is not ineffectual on account of the failure of the record to show that any of the steps in obtaining ~~said the~~ judgment or in the sale of ~~said the~~ property were complied with. ~~Such the~~ proceedings are hereby legalized and ~~made valid~~ as if the record showed that ~~all the provisions of~~ the law has been complied with.

Sec. 12. Section 589.13, Code 1983, is amended to read as follows:

589.13 SHERIFF'S DEED EXECUTED BY DEPUTY. All conveyances of land in this state, executed in this state by a deputy sheriff, and properly recorded in the office of the county recorder of the county ~~wherein~~ where the land is located, prior to January 1, 1930 ~~shall~~ 1970, have the same force and effect as though ~~such the~~ conveyance had been executed by the sheriff.

Sec. 13. Section 589.14, Code 1983, is amended to read as follows:

589.14 DEFECTIVE TAX DEEDS. ~~No a~~ sale of real property for taxes due prior to January 1, 1930 ~~1970~~, ~~wherein~~ in ~~which~~ the tax deed was executed and ~~wherein the~~ deed purports to sustain the record title, ~~shall be held~~ is not ineffectual ~~on account~~ because of the failure of the record to show that any of the steps in the sale and deed of ~~said the~~ property were complied with; ~~said and these~~ proceedings are hereby legalized and made valid and ~~effective~~ as if the record showed that ~~all the provisions of~~ law had been complied with.

Sec. 14. Section 589.17, Code 1983, is amended to read as follows:

589.17 CONVEYANCES BY SPOUSE UNDER POWER. ~~No a~~ conveyance of real estate made before July 4, 1944 [1, 1970], ~~wherein in~~ which the husband or wife conveyed or contracted to convey the inchoate right of dower through the other spouse, acting as the attorney in fact, by virtue of a power of attorney

executed by ~~such the~~ spouse, ~~such the~~ power of attorney not having been executed as a part of a contract of separation, ~~shall-be-held~~ are not invalid as contravening ~~the-provisions~~ of section 3154 of the Code of 1857 or section 10447 of subsequent Codes to and including the Code of 1939, but all such conveyances are hereby legalized and made effective.

Sec. 15. Section 589.18, Code 1983, is amended to read as follows:

589.18 CONVEYANCES BY FOREIGN EXECUTORS. All conveyances of real property made prior to January 1, 1964 1970, by executors or trustees under foreign wills and prior to the date upon which ~~such the~~ will was admitted to probate in Iowa or prior to the expiration of three months after the recording of a duly authenticated copy of ~~such the~~ will, original record of appointment, qualification, and bond as required by ~~the provisions-of~~ section 1295 of the Code of 1897 or sections 11873 to 11881, inclusive, of subsequent Codes to and including the Code of 1939, and in which ~~such the~~ will was subsequent to ~~said the~~ conveyance, probated in Iowa ~~or-shall-be-hereafter be-probated-in-Iowa~~ and in which a duly authenticated copy of the will, original record of appointment, qualification, and bond as required by ~~said those~~ sections was, subsequent to ~~such the~~ conveyance, ~~or-shall-be-hereafter~~ made a matter of record as provided in ~~said those~~ sections, are hereby legalized and ~~declared-as valid and-effective~~ in law and in equity as though ~~such the~~ will had been probated in Iowa prior to ~~such the~~ conveyance and as though the ~~provisions-of-said sections had been strictly complied with-provided-nothing in~~. However, this section ~~shall~~ does not affect pending litigation.

Sec. 16. Section 589.19, Code 1983, is amended to read as follows:

589.19 CONVEYANCES UNDER SCHOOL-FUND FORECLOSURES. ~~In any case where~~ if the title to real estate has been conveyed prior to January 1, 1943 1970, by the sheriff of any a county

~~in-the-state-of-Iowa~~ pursuant to sheriff's sale under the foreclosure of permanent school-fund mortgages to the state ~~of-Iowa~~, or to the state ~~at-Iowa~~ for the use of the school fund, or to the county for the school fund; and ~~said the~~ land has been ~~heretofore~~ sold under authority of the board of supervisors of ~~said the~~ county and conveyed under its authority, prior to January 1, 1943 1970, and the full purchase price paid and credited to, and used by, the county for the permanent school fund of ~~said the~~ county, all right, title, or interest of the state ~~of-Iowa~~ in and to ~~said the~~ real estate is hereby relinquished and quitclaimed to the purchaser or ~~his the~~ purchaser's grantees forever, and the title ~~heretofore~~ confirmed in ~~such the~~ purchaser, or ~~his the~~ purchaser's grantees insofar as the ~~stipulated~~ erroneous conveyance is concerned.

Sec. 17. Section 589.21, Code 1983, is amended to read as follows:

589.21 RELEASES AND DISCHARGES IN RE REAL ESTATE. All releases and discharges of judgments, mortgages, or deeds of trust affecting property in this state made prior to January 1, 1943 1970, by administrators, executors, or guardians appointed by the court of any other state or country without complying with ~~the-provisions-of~~ section 3308 of the Code of 1857 and sections 11897 to 11899, inclusive, of subsequent Codes to and including the Code of 1931 are hereby legalized, ~~and-declared-as valid and-effective~~ in law and in equity as though the ~~provisions-of-said sections had been strictly followed-provided-that-nothing-in~~. However, this section ~~shall~~ does not affect pending litigation.

Sec. 18. Section 589.23, Code 1983, is amended to read as follows:

589.23 DESCRIPTIONS REFERRING TO DEFECTIVE PLATS. The description of land in all instruments, conveyances, and encumbrances describing lots in or referring to plats made by the county auditors of Iowa, or by the county surveyor

for the owner, and placed of record by the county recorders of Iowa prior to January 1, ~~1960~~ 1970, are hereby legalized, ~~and the same declared~~ valid and binding ~~the same~~ as though the ~~said~~ plats had been signed and acknowledged and filed and recorded in strict compliance with law.

Sec. 19. Section 589.24, Code 1983, is amended to read as follows:

589.24 DEFECTIVE CONVEYANCES--TAX--~~95596~~--~~SEE~~ INSTRUMENTS.

Any a deed of conveyance, or other instrument purporting to convey real estate within the state ~~of Iowa~~, where ~~such~~ the deed or instrument has been recorded in the office of the recorder of any county ~~wherein such~~ in which the real estate is situated, and ~~which said~~ the deed or instrument was executed by a county treasurer under a tax sale, a sheriff under execution sale, or by a resident or foreign executor, administrator, referee, receiver, trustee, guardian, commissioner, individual, copartnership, association, or corporation, and was executed and recorded prior to January 1, ~~1960~~ 1970, and where if the grantee ~~or grantees~~ named in ~~such~~ the deed or conveyance, or other instrument, ~~has--her-~~ ~~they--or-its-grantees,~~ or the grantee's heirs, or devisees, by direct line of title or conveyance have been in the actual, open, adverse possession of ~~such~~ the premises since ~~said~~ that date, ~~be-and-the-same~~ is hereby legalized, ~~declared~~ valid, legal, and binding, ~~and-of-full-force-and-effect,~~ notwithstanding any defects in the execution of ~~said~~ the deed or instrument.

Sec. 20. Section 589.25, Code 1983, is amended to read as follows:

589.25 SALES OF REAL ESTATE BY SCHOOL DISTRICT. All deeds and conveyances of land made by or purporting to be made by any a school district or by the board of directors of any a school district prior to July 4--~~1960~~ 1, 1970, and placed of record prior to July 4--~~1960~~ 1, 1970, which deeds or conveyances purport to sustain the record title, are hereby

legalized and made valid, even though the record fails to show that all necessary steps in the sale and deeding of the property were complied with. ~~Such~~ The deeds and conveyances are legalized and made valid ~~and-effective-as-fully-and-completely~~ as if the record showed that ~~all-provisions-of~~ the law had been complied with, and that the ~~said~~ sales had been duly authorized by the electors of the school district.

-----  
DONALD D. AVENSON  
Speaker of the House

-----  
ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2372, Seventieth General Assembly.

-----  
JOSEPH O'HEARN  
Chief Clerk of the House

Approved *April 16*, 1984

-----  
TERRY E. BRANSTAD  
Governor