

LOCAL GOVERNMENT: Neighbour, Chair: C. Miller and Goodwin

MAR 13 1985

Place On Calendar

HOUSE FILE 589

BY COMMITTEE ON LOCAL GOVERNMENT

(Formerly House Study Bill 241)

Passed House, Date 4-11-85 (p. 1465) Passed Senate, Date 4-19-85 (p. 1521)

Vote: Ayes 82 Nays 13 Vote: Ayes 33 Nays 9

Approved May 20 1985

Referred Senate 4-29-85 (p. 1734)
34-10

A BILL FOR

- 1 An Act relating to fees collected by county officers.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3

Senator Miller of Cerro Gordo

STATE OF IOWA

FISCAL NOTE

LSB No. 2080H.2
Staff ID. RJH

In compliance with a written request received April 12, 1985, a fiscal note for HOUSE FILE 589 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 589 increases fees collected by county officers for various transfer and filing purposes. Fees for changing the name of parcels of real estate are increased from \$3 to \$5. Fees for verifying the trade name of a business, filing a financial statement, and registering or changing the name of a farm will be \$5 per page of part of a page. Fees for filing notices relating to prearranged funeral agreements with the county recorder are also set at \$5. Fees for transferring real estate are increased from \$1 to \$5, and the fee for the filing of foreclosure instruments is eliminated.

The fiscal effect of this bill cannot be estimated. Statewide statistics on the number of filings of the types affected by the bill are not available, and the counties do not keep detailed records of the number of filings of each type.

Source: Department of Revenue, State Auditor

(LSB 2080H.2. RJH)

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1 Section 1. Section 331.507, subsection 2, paragraph b,
2 Code 1985, is amended to read as follows:

3 b. For indexing a change of name for each parcel of real
4 estate owned in the county, three five dollars.

5 Sec. 2. Section 331.605, subsections 5, 6, and 7, Code
6 1985, are amended by striking the subsections.

7 Sec. 3. Section 523A.2, subsection 1, paragraphs d and e,
8 Code 1985, are amended to read as follows:

9 d. The seller under an agreement referred to in section
10 523A.1 shall give file notice ~~to~~ with the county recorder for
11 the county in which the trust agreement is filed of each
12 receipt of funds held in trust under section 523A.1. This
13 notice shall be given filed on forms furnished by the seller,
14 and shall be given filed not later than March 1 of each year.
15 Each notice shall contain the required information for all
16 receipts of the seller during the previous calendar year.

17 e. A financial institution referred to in paragraph "a" of
18 this subsection shall give file notice ~~to~~ with the county
19 recorder for the county in which the trust agreement is filed
20 of all funds deposited under the trust agreement. This notice
21 shall be on forms furnished by the seller and shall be given
22 filed not later than March 1 of each year. Each notice shall
23 contain the required information for all deposits made during
24 the previous calendar year. The seller shall furnish the
25 financial institution with the appropriate forms.

26 Sec. 4. Section 547.3, Code 1985, is amended to read as
27 follows:

28 547.3 FEE FOR RECORDING.

29 The county recorder shall ~~be entitled to~~ charge and receive
30 a fee ~~of three dollars~~ in the amount specified in section
31 331.604 for each verified statement filed under ~~the provisions~~
32 of this chapter.

33 Sec. 5. Section 554.9405, subsection 2, unnumbered
34 paragraph 2, Code 1985, is amended by striking the unnumbered
35 paragraph and inserting the following:

1 For financing statements covering fixture filings, changes
2 in the filings, and termination of the filings, an additional
3 fee shall be charged for recording in an amount specified in
4 section 331.604.

5 Sec. 6. Section 557.24, Code 1985, is amended to read as
6 follows:

7 557.24 FEE.

8 Any A person having the name of the person's farm recorded
9 as provided in section 557.22 shall first pay to the county
10 recorder a fee of ~~three-dollars~~ in the amount specified in
11 section 331.604, which fee shall be paid to the county
12 treasurer as other fees are paid to the county treasurer by
13 ~~such the~~ recorder.

14 Sec. 7. Section 557.26, Code 1985, is amended to read as
15 follows:

16 557.26 CANCELLATION -- FEE.

17 ~~When-any~~ If the owner of a registered farm desires to
18 cancel the registered name thereof of the farm, the owner
19 shall ~~state-on-the-margin-of-the-record-of-the-register-of~~
20 ~~such-name-the-following:--"This-name-is-canceled-and-I-hereby~~
21 ~~release-all-rights-thereunder"~~, which shall be signed by the
22 person canceling such name and attested by the county recorder
23 acknowledge cancellation of the name by execution of an
24 instrument in writing referring to the farm name, and shall
25 record the instrument. For ~~such the~~ latter service the county
26 recorder shall charge a fee of ~~fifty-cents~~ in the amount
27 specified in section 331.604, which shall be paid to the
28 county treasurer as other fees are paid to the county
29 treasurer by the recorder.

30 Sec. 8. Section 558.57, unnumbered paragraph 2, Code 1985,
31 is amended to read as follows:

32 Entered upon transfer books and for taxation this
33 day of, 19 My fee one-dollar
34 \$..... paid by recorder.

35

.....

Auditor.

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2 Sec. 9. Section 558.66, Code 1985, is amended to read as
3 follows:

4 558.66 TITLE DECREE -- ENTRY ON TRANSFER BOOKS.

5 Upon receipt of a certificate from the clerk of the
6 district court or an appellate court that the title to real
7 estate has been finally established in any named person by
8 judgment or decree or by will, the auditor shall enter the
9 same information in the certificate upon the transfer books,
10 upon payment of a fee of one-dollar in the amount specified in
11 section 331.507, subsection 2, paragraph a, which fee shall be
12 taxed as court costs in-the-cause, collected by the clerk, and
13 paid to the auditor at-the-time-of-filing-such-certificate by
14 the recorder as provided in section 558.58, subsection 1.

15 Sec. 10. Section 598.21, subsection 8, unnumbered
16 paragraph 2, Code 1985, is amended to read as follows:

17 If the court orders a transfer of title to real property,
18 the clerk of court shall issue a certificate under chapter 558
19 relative to each parcel of real estate affected by the order
20 and immediately deliver the certificate for recording to the
21 county recorder and-the-county-auditor of the county in which
22 the real estate is located. Any fees assessed shall be
23 included as part of the court costs, however, the certificates
24 shall be recorded whether the costs are paid or not. The
25 county recorder shall deliver the certificates and appropriate
26 fees to the county auditor as provided in section 558.58,
27 subsection 1.

28 Sec. 11. Section 655.5, Code 1985, is amended to read as
29 follows:

30 655.5 INSTRUMENT OF SATISFACTION.

31 When the judgment is fully paid and satisfied upon the
32 judgment docket of such the court, the clerk shall file with
33 the recorder an instrument in writing, referring to the
34 mortgage and duly acknowledging a satisfaction of such the
35 mortgage, and-for-such-service-the-sum-of-twenty-five-cents

1 ~~will be allowed to be taxed as part of the costs of the case.~~
2 The instrument shall be filed without fee.

3 Sec. 12. Section 674.14, Code 1985, is amended to read as
4 follows:

5 674.14 INDEXING IN REAL PROPERTY RECORD.

6 The county recorder and county auditor of each county
7 ~~wherein in which~~ the petitioner owns real property ~~may shall~~
8 charge ~~one-dollar fees in the amounts specified in sections~~
9 331.604 and 331.507, subsection 2, paragraph b, for indexing a
10 change of name for each parcel of real estate.

11 EXPLANATION

12 This bill relates to fees collected by county officers for
13 various transfer and filing purposes.

14 Section 1 increases the fee collected by the county auditor
15 for indexing a change of name for parcels of real estate from
16 three to five dollars.

17 Section 2 strikes three subsections which reference the
18 amount of fee to be collected by the recorder for verifying
19 the trade name of a business, filing a financial statement,
20 and registering or changing the name of a farm. This section
21 corresponds to sections 4, 5, 6 and 7 which provide that the
22 fee paid shall be as provided in section 331.604 or five
23 dollars per page or part of a page for filing.

24 Section 3 provides for the filing of notices relating to
25 prearranged funeral agreements with the county recorder rather
26 than giving notice. The filing fee would be as provided in
27 section 331.604 or five dollars per page or part of a page.

28 Section 8 increases the transfer fee under section 558.57
29 from one dollar to five dollars.

30 Section 9 also increases the transfer fee for transfer of
31 property from one dollar to five dollars for the county
32 auditor.

33 Section 10 relates to the fees for transfer of property
34 resulting from a divorce or property settlement.

35 Section 11 removes the fee for the filing of foreclosure

- 1 instruments.
- 2 Section 12 increases the fee for recording and filing name
- 3 changes relating to property or the indexing of the property
- 4 record from one dollar to five dollars.
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HOUSE FILE 589
FISCAL NOTE

REQUESTED BY REPRESENTATIVE O'KANE

In compliance with a written request received March 8, 1985, a fiscal note for HOUSE FILE 589 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 589 increases fees collected by county officers for various transfer and filing purposes. Fees for changing the name of parcels of real estate are increased from \$3 to \$5. Fees for verifying the trade name of a business, filing a financial statement, and registering or changing the name of a farm will be \$5 per page or part of a page. Fees for filing notices relating to prearranged funeral agreements with the county recorder are also set at \$5. Fees for transferring real estate are increased from \$1 to \$5, and the fee for the filing of foreclosure instruments is eliminated.

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Source: Department of Revenue, State Auditor

(LSB 2080H, RJH)

FILED APRIL 11, 1985

BY DENNIS PROUTY, FISCAL DIRECTOR

LSB 2080H 71

tj/sc/14.1

S-3889

HOUSE FILE 589

1 Amend House File 589, as passed by the House as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 331.401, Code 1985, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. Except as otherwise provided by
8 law, the amount of each fee collected by a county
9 officer under this chapter shall be determined by
10 ordinance of the board. In determining the amount of
11 a fee, the board shall determine the cost of providing
12 the service for which a fee is charged and set the fee
13 at an amount which will recover the cost of service."

14 2. Page 1, by striking lines 1 and 2 and
15 inserting the following:

16 "Sec. 2. Section 331.507, subsection 2, paragraphs
17 a and b, Code 1985, are amended to read as follows:

18 a. For a transfer of property made in the transfer
19 records, five-dollars a fee for each separate platted
20 lot and five-dollars for each separate parcel of
21 contiguous land lying within one unplatted section and
22 described in one instrument of transfer as determined
23 under section 331.401, subsection 4. However, the fee
24 shall not exceed fifty-dollars for a transfer of
25 platted or unplatted property which is described in
26 one instrument of transfer and which is contiguous or
27 separated only by a public street or highway.

28 b. For indexing a change of name for each parcel
29 of real estate owned in the county, three-dollars as
30 determined under section 331.401, subsection 4."

31 3. Page 1, line 4, by striking the words "three
32 five dollars" and inserting the following: "three
33 dollars a fee determined by the board under section
34 331.401, subsection 4".

35 4. Page 1, by inserting after line 4 the
36 following:

37 "Sec. ____ . Section 331.552, subsection 23, Code
38 1985, is amended to read as follows:

39 23. Collect a fee of three-dollars as determined
40 under section 331.401, subsection 4, for issuing a
41 certificate for land sold for nonpayment of taxes or a
42 certificate of redemption of land sold for taxes.

43 Sec. ____ . Section 331.604, Code 1985, is amended
44 to read as follows:

45 331.604 GENERAL RECORDING AND FILING FEE.

46 Except as otherwise provided by state law or
47 section 331.605, the recorder shall collect a fee of
48 five-dollars as determined under section 331.401,
49 subsection 4, for each page or fraction of a page of
50 an instrument which is filed or recorded in the

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1 recorder's office."

2 5. Page 1, by inserting after line 6 the
3 following:

4 "Sec. ____ . Section 331.655, subsection 1, Code
5 1985, is amended to read as follows:

6 1. The Except as otherwise provided, the sheriff
7 shall collect the following fees determined under
8 section 331.401, subsection 4, for performing the
9 following services:

10 a. For serving a notice and returning it, for the
11 ~~first-person-served, six-dollars, and each additional~~
12 ~~person, six-dollars-except-the-fee-for-serving~~
13 ~~additional-persons-in-the-same-household-shall-be~~
14 ~~three-dollars-for-each-additional-service, a fee~~ or if
15 the service of notice cannot be made or several
16 attempts are necessary, the repayment of all necessary
17 expenses actually incurred by the sheriff while
18 attempting in good faith to serve the notice.

19 b. For each warrant served, ~~six-dollars, a fee~~ and
20 the repayment of necessary expenses incurred in
21 executing the warrant, as sworn to by the sheriff, or
22 if service of the warrant cannot be made, the
23 repayment of all necessary expenses actually incurred
24 by the sheriff while attempting in good faith to serve
25 the warrant.

26 c. For serving and returning a subpoena, for each
27 ~~person-served, six-dollars, a fee~~ and the necessary
28 expenses incurred while serving subpoenas in criminal
29 cases or relating to the mentally ill process.

30 d. For summoning a grand or trial jury, all
31 necessary and actual expenses incurred by the sheriff.

32 e. For summoning a jury to assess the damages to
33 the owners of lands taken for works of internal
34 improvement, and attending them, ~~thirty-dollars-per~~
35 ~~day, a fee or per diem~~ and necessary expenses
36 incurred. This subsection does not allow a sheriff to
37 make separate charges for different assessments which
38 can be made by the same jury and completed in one day
39 of ten hours.

40 f. For serving an execution, attachment, order for
41 the delivery of personal property, injunction, or any
42 order of court, and returning it, ~~five-dollars.~~

43 g. For making and executing a certificate or deed
44 for lands sold on execution, or a bill of sale for
45 personal property sold, ~~five-dollars.~~

46 h. For the time necessarily employed in making an
47 inventory of personal property attached or levied
48 upon, ~~three-dollars-per-hour.~~

49 i. For a copy of any paper required by law, made
50 by the sheriff, ~~twenty-five-cents.~~

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1 j. Mileage at the rate specified in section 79.9
2 in all cases required by law, going and returning.
3 Mileage fees do apply where provision is made for
4 expenses, and both mileage and expenses shall not be
5 allowed for the same services and for the same trip.
6 If the sheriff transports one or more persons by auto
7 to a state institution or any other destination
8 required by law or if one or more legal papers are
9 served on the same trip, the sheriff is entitled to
10 one mileage, the mileage cost of which shall be
11 prorated to the persons transported or papers served.
12 However, in serving original notices in civil cases
13 and in serving and returning a subpoena, the sheriff
14 shall be allowed mileage in each action where the
15 original notice or subpoena is served, with a minimum
16 mileage of ~~one-dollar~~ fee for each service. The
17 sheriff may refuse to serve original notices in civil
18 cases until the fees and estimated mileage for service
19 have been paid.

20 k. For each day attending sale of property, ~~three~~
21 dollars.

22 l. For conveying one or more persons to a state,
23 county, or private institution by order of court or
24 commission, necessary expenses for the sheriff and the
25 person conveyed and ~~three-dollars-per-hour~~ an hourly
26 rate for the time necessarily employed in going to and
27 from the institution, the expenses and hourly rate to
28 be charged and accounted for as fees. If the sheriff
29 needs assistance in taking a person to an institution,
30 the assistance shall be furnished at the expense of
31 the county.

32 m. For serving a warrant for the seizure of
33 intoxicating liquors, ~~one-dollar~~ a fee; for the
34 removal and custody of the liquor, actual expenses;
35 for the destruction of the liquor under the order of
36 the court, ~~one-dollar~~ a fee and actual expenses; for
37 posting and leaving notices in these cases, ~~one-dollar~~
38 a fee and actual expenses.

39 n. For each operator's, motorized bicycle or
40 chauffeur's license issued by the sheriff, the fee
41 specified in section 321.192.

42 o. For posting a notice or advertisement, the fee
43 provided in section 618.12.

44 p. For delivering prisoners under a change of
45 venue, the fee authorized under section 815.8."

46 6. Page 1, line 30, by striking the words "in the
47 amount specified" and inserting the following: "as
48 provided".

49 7. Page 2, line 10, by striking the words "in
50 the amount specified" and inserting the following:

S-3889 page 4

- 1 "as provided".
- 2 8. Page 2, lines 26 and 27, by striking the words
- 3 "in the amount specified" and inserting the following:
- 4 "as provided".
- 5 9. Page 3, line 10, by striking the words "in the
- 6 amount specified" and inserting the following: "as
- 7 provided".
- 8 10. Page 4, line 8, by striking the words "in the
- 9 amounts specified" and inserting the following: "as
- 10 provided".
- 11 11. Page 4, by inserting after line 10 the
- 12 following:
- 13 "Sec. ____ . This Act takes effect January 1, 1986."
- 14 12. By renumbering sections as necessary.

S-3889 Filed April 19, 1985

Adopted 4/19/85 (p. 1521)

By C.MILLER, KINLEY, GOODWIN, RIFE,
LIND, HALL, TIEDEN, PRIEBE, WELLS,
A.MILLER, WALDSTEIN & NEIGHBOUR

SENATE AMENDMENT TO HOUSE FILE 589

H-3961

1 Amend House File 589, as passed by the House as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 331.401, Code 1985, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. Except as otherwise provided by
8 law, the amount of each fee collected by a county
9 officer under this chapter shall be determined by
10 ordinance of the board. In determining the amount of
11 a fee, the board shall determine the cost of providing
12 the service for which a fee is charged and set the fee
13 at an amount which will recover the cost of service."

14 2. Page 1, by striking lines 1 and 2 and
15 inserting the following:

16 "Sec. 2. Section 331.507, subsection 2, paragraphs
17 a and b, Code 1985, are amended to read as follows:

18 a. For a transfer of property made in the transfer
19 records, ~~five-dollars~~ a fee for each separate platted
20 lot and five-dollars for each separate parcel of
21 contiguous land lying within one unplatted section and
22 described in one instrument of transfer as determined
23 under section 331.401, subsection 4. However, the fee
24 shall not exceed fifty-dollars for a transfer of
25 platted or unplatted property which is described in
26 one instrument of transfer and which is contiguous or
27 separated only by a public street or highway.

28 b. For indexing a change of name for each parcel
29 of real estate owned in the county, ~~three-dollars~~ as
30 determined under section 331.401, subsection 4."

31 3. Page 1, line 4, by striking the words "three
32 ~~five dollars~~" and inserting the following: "three
33 dollars a fee determined by the board under section
34 331.401, subsection 4".

35 4. Page 1, by inserting after line 4 the
36 following:

37 "Sec. ____ . Section 331.552, subsection 23, Code
38 1985, is amended to read as follows:

39 23. Collect ~~a fee of three-dollars~~ as determined
40 under section 331.401, subsection 4, for issuing a
41 certificate for land sold for nonpayment of taxes or a
42 certificate of redemption of land sold for taxes.

43 Sec. ____ . Section 331.604, Code 1985, is amended
44 to read as follows:

45 331.604 GENERAL RECORDING AND FILING FEE.

46 Except as otherwise provided by state law or
47 section 331.605, the recorder shall collect a fee of
48 ~~five-dollars~~ as determined under section 331.401,
49 subsection 4, for each page or fraction of a page of
50 an instrument which is filed or recorded in the

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Page Two

1 recorder's office."

2 5. Page 1, by inserting after line 6 the

3 following:

4 "Sec. ____ . Section 331.655, subsection 1, Code

5 1985, is amended to read as follows:

6 1. The Except as otherwise provided, the sheriff

7 shall collect the following fees determined under

8 section 331.401, subsection 4, for performing the

9 following services:

10 a. For serving a notice and returning it, for the

11 first-person-served, six-dollars, and each additional

12 person, six-dollars-except-the-fee-for-serving

13 additional-persons-in-the-same-household-shall-be

14 three-dollars-for-each-additional-service, a fee or if

15 the service of notice cannot be made or several

16 attempts are necessary, the repayment of all necessary

17 expenses actually incurred by the sheriff while

18 attempting in good faith to serve the notice.

19 b. For each warrant served, six-dollars, a fee and

20 the repayment of necessary expenses incurred in

21 executing the warrant, as sworn to by the sheriff, or

22 if service of the warrant cannot be made, the

23 repayment of all necessary expenses actually incurred

24 by the sheriff while attempting in good faith to serve

25 the warrant.

26 c. For serving and returning a subpoena, for each

27 person-served, six-dollars, a fee and the necessary

28 expenses incurred while serving subpoenas in criminal

29 cases or relating to the mentally ill process.

30 d. For summoning a grand or trial jury, all

31 necessary and actual expenses incurred by the sheriff.

32 e. For summoning a jury to assess the damages to

33 the owners of lands taken for works of internal

34 improvement, and attending them, thirty-dollars-per

35 day, a fee or per diem and necessary expenses

36 incurred. This subsection does not allow a sheriff to

37 make separate charges for different assessments which

38 can be made by the same jury and completed in one day

39 of ten hours.

40 f. For serving an execution, attachment, order for

41 the delivery of personal property, injunction, or any

42 order of court, and returning it, five-dollars.

43 g. For making and executing a certificate or deed

44 for lands sold on execution, or a bill of sale for

45 personal property sold, five-dollars.

46 h. For the time necessarily employed in making an

47 inventory of personal property attached or levied

48 upon, three-dollars-per-hour.

49 i. For a copy of any paper required by law, made

50 by the sheriff, twenty-five-cents.

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Page Three

1 j. Mileage at the rate specified in section 79.9
2 in all cases required by law, going and returning.
3 Mileage fees do apply where provision is made for
4 expenses, and both mileage and expenses shall not be
5 allowed for the same services and for the same trip.
6 If the sheriff transports one or more persons by auto
7 to a state institution or any other destination
8 required by law or if one or more legal papers are
9 served on the same trip, the sheriff is entitled to
10 one mileage, the mileage cost of which shall be
11 prorated to the persons transported or papers served.
12 However, in serving original notices in civil cases
13 and in serving and returning a subpoena, the sheriff
14 shall be allowed mileage in each action where the
15 original notice or subpoena is served, with a minimum
16 mileage of one-dollar fee for each service. The
17 sheriff may refuse to serve original notices in civil
18 cases until the fees and estimated mileage for service
19 have been paid.

20 k. For each day attending sale of property, three
21 dollars.

22 l. For conveying one or more persons to a state,
23 county, or private institution by order of court or
24 commission, necessary expenses for the sheriff and the
25 person conveyed and three-dollars-per-hour an hourly
26 rate for the time necessarily employed in going to and
27 from the institution, the expenses and hourly rate to
28 be charged and accounted for as fees. If the sheriff
29 needs assistance in taking a person to an institution,
30 the assistance shall be furnished at the expense of
31 the county.

32 m. For serving a warrant for the seizure of
33 intoxicating liquors, one-dollar a fee; for the
34 removal and custody of the liquor, actual expenses;
35 for the destruction of the liquor under the order of
36 the court, one-dollar a fee and actual expenses; for
37 posting and leaving notices in these cases, one-dollar
38 a fee and actual expenses.

39 n. For each operator's, motorized bicycle or
40 chauffeur's license issued by the sheriff, the fee
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42 o. For posting a notice or advertisement, the fee
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46 6. Page 1, line 30, by striking the words "in the
47 amount specified" and inserting the following: "as
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49 7. Page 2, line 10, by striking the words "in
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Page Four

- 1 "as provided".
- 2 8. Page 2, lines 26 and 27, by striking the words
- 3 "in the amount specified" and inserting the following:
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- 6 amount specified" and inserting the following: "as
- 7 provided".
- 8 10. Page 4, line 8, by striking the words "in the
- 9 amounts specified" and inserting the following: "as
- 10 provided".
- 11 11. Page 4, by inserting after line 10 the
- 12 following:
- 13 "Sec. ____ . This Act takes effect January 1, 1986."
- 14 12. By renumbering sections as necessary.

H-3961 FILED APRIL 23, 1985

RECEIVED FROM THE SENATE

House referred to committee 4/25/85 (p. 1894)
Senate recorded 4/29 (p. 1736)

HOUSE FILE 589

AN ACT

RELATING TO FEES COLLECTED BY COUNTY OFFICERS.

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

Section 1. Section 331.507, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. For indexing a change of name for each parcel of real estate owned in the county, three five dollars.

Sec. 2. Section 331.605, subsections 5, 6, and 7, Code 1985, are amended by striking the subsections.

Sec. 3. Section 523A.2, subsection 1, paragraphs d and e, Code 1985, are amended to read as follows:

d. The seller under an agreement referred to in section 523A.1 shall give file notice to with the county recorder for the county in which the trust agreement is filed of each receipt of funds held in trust under section 523A.1. This notice shall be given filed on forms furnished by the seller, and shall be given filed not later than March 1 of each year. Each notice shall contain the required information for all receipts of the seller during the previous calendar year.

e. A financial institution referred to in paragraph "a" of this subsection shall give file notice to with the county recorder for the county in which the trust agreement is filed of all funds deposited under the trust agreement. This notice shall be on forms furnished by the seller and shall be given filed not later than March 1 of each year. Each notice shall contain the required information for all deposits made during the previous calendar year. The seller shall furnish the financial institution with the appropriate forms.

Sec. 4. Section 547.3, Code 1985, is amended to read as follows:

547.3 FEE FOR RECORDING.

The county recorder shall be entitled to charge and receive a fee of three-dollars in the amount specified in section

331.604 for each verified statement filed under the provisions of this chapter.

Sec. 5. Section 554.9405, subsection 2, unnumbered paragraph 2, Code 1985, is amended by striking the unnumbered paragraph and inserting the following:

For financing statements covering fixture filings, changes in the filings, and termination of the filings, an additional fee shall be charged for recording in an amount specified in section 331.604.

Sec. 6. Section 557.24, Code 1985, is amended to read as follows:

557.24 FEE.

Any A person having the name of the person's farm recorded as provided in section 557.22 shall first pay to the county recorder a fee of three-dollars in the amount specified in section 331.604, which fee shall be paid to the county treasurer as other fees are paid to the county treasurer by such the recorder.

Sec. 7. Section 557.26, Code 1985, is amended to read as follows:

557.26 CANCELLATION -- FEE.

When any if the owner of a registered farm desires to cancel the registered name thereof of the farm, the owner shall state on the margin of the record of the register of such name the following: ~~---"This name is canceled and I hereby release all rights thereunder", which shall be signed by the person canceling such name and attested by the county recorder~~ acknowledge cancellation of the name by execution of an instrument in writing referring to the farm name, and shall record the instrument. For such the latter service the county recorder shall charge a fee of fifty-cents in the amount specified in section 331.604, which shall be paid to the county treasurer as other fees are paid to the county treasurer by the recorder.

Sec. 8. Section 558.57, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Entered upon transfer books and for taxation this day of, 19, My fee one-dollar \$..... paid by recorder.

..... Auditor.

Sec. 9. Section 558.66, Code 1985, is amended to read as follows:

558.66 TITLE DECREE -- ENTRY ON TRANSFER BOOKS.

Upon receipt of a certificate from the clerk of the district court or an appellate court that the title to real estate has been finally established in any named person by judgment or decree or by will, the auditor shall enter the same information in the certificate upon the transfer books, upon payment of a fee of one-dollar in the amount specified in section 331.507, subsection 2, paragraph "a", which fee shall be taxed as court costs in the cause, collected by the clerk, and paid to the auditor at the time of filing such certificate by the recorder as provided in section 558.50, subsection 1.

Sec. 10. Section 598.21, subsection 8, unnumbered paragraph 2, Code 1985, is amended to read as follows:

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. The county recorder shall deliver the certificates and appropriate fees to the county auditor as provided in section 558.58, subsection 1.

Sec. 11. Section 655.5, Code 1985, is amended to read as follows:

655.5 INSTRUMENT OF SATISFACTION.

When the judgment is fully paid and satisfied upon the judgment docket of such the court, the clerk shall file with the recorder an instrument in writing, referring to the

mortgage and duly acknowledging a satisfaction of such the mortgage, and for such service the sum of twenty-five cents will be allowed to be taxed as part of the costs of the case. The instrument shall be filed without fee.

Sec. 12. Section 674.14, Code 1985, is amended to read as follows:

674.14 INDEXING IN REAL PROPERTY RECORD.

The county recorder and county auditor of each county wherein in which the petitioner owns real property may shall charge one-dollar fees in the amounts specified in sections 331.604 and 331.507, subsection 2, paragraph "b", for indexing a change of name for each parcel of real estate.

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 589, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 20, 1985

TERRY E. BRANSTAD
Governor