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SENATE FILE 2227

FILED MAR 4 1986

BY COMMITTEE ON LOCAL GOVERNMENT
Approved (p. 538)

Passed Senate, Date 3-10-86 (p. 646) Passed House, Date 4-2-86 (p. 1157)
Vote: Ayes 46 Nays 0 Vote: Ayes 94 Nays 0
Approved April 15, 1986 (p. 1245)

A BILL FOR

1 An Act to authorize direct payment of county auditors' transfer
2 fees to county treasurers by county recorders.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2227

1 Section 1. Section 331.902, subsection 3, Code 1985, is
2 amended to read as follows:

3 3. Each elective officer specified in subsection 1 shall
4 make a quarterly report to the board showing, by type, the
5 fees collected during the preceding quarter. The officer
6 shall pay quarterly to the county treasury the fees and
7 charges collected during the preceding quarter, receive
8 duplicate receipts for the payment, and file one of the
9 receipts in the office of the auditor, except for the county
10 auditor's transfer fees, which shall be paid directly to the
11 county treasurer by the county recorder. The officer shall
12 note in the officer's fee book the date and amount of each
13 payment into the county treasury. This subsection does not
14 apply to the county treasurer if the county treasurer credits
15 the fees daily to the county treasury and reports the receipts
16 on the monthly report to the auditor and the board of
17 supervisors.

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

20 Entered upon transfer books and for taxation this
21 day of, 19..... My fee \$..... paid
22 collected by recorder.
23
24 Auditor.

25 Sec. 3. Section 558.58, subsection 1, Code 1985, is
26 amended to read as follows:

27 1. At the time of filing a deed or other instrument
28 mentioned in section 558.57, the recorder shall collect from
29 the person filing the deed or instrument the recording fee
30 provided by law and the auditor's transfer fee, except as
31 provided in subsection 2. The recorder shall deliver the deed
32 or instrument ~~and the transfer fee~~ to the county auditor,
33 after endorsing upon ~~said~~ the instrument the following:
34 Filed for record, indexed, and delivered to the county
35 auditor this day of, 19, at

1 o'clock M. Recorder's and auditor's fee
2 \$..... paid.

3
4 Recorder.

5 Sec. 4. Section 558.66, Code Supplement 1985, is amended
6 to read as follows:

7 558.66 TITLE DECREE -- ENTRY ON TRANSFER BOOKS.

8 Upon receipt of a certificate from the clerk of the
9 district court or an appellate court that the title to real
10 estate has been finally established in any named person by
11 judgment or decree or by will, the auditor shall enter the
12 information in the certificate upon the transfer books, upon
13 payment of a fee in the amount specified in section 331.507,
14 subsection 2, paragraph "a", which fee shall be taxed as court
15 costs, collected by the clerk, and paid to the auditor
16 treasurer by the recorder as provided in section 558.58
17 331.902, subsection 3.

18 Sec. 5. Section 598.21, subsection 2, unnumbered paragraph
19 2, Code Supplement 1985, is amended to read as follows:

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

30 Sec. 6. Section 633.481, Code 1985, is amended to read as
31 follows:

32 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
33 WITHOUT ADMINISTRATION.

34 When an inventory or report is filed under section 450.22,
35 without administration of the estate of the decedent, the

1 clerk shall issue and deliver to the county recorder of the
2 county in which the real estate is situated a certificate
3 pertaining to each parcel of real estate described in the
4 inventory or report. Any fees for certificates or recording
5 fees required by this section or section 533.480 shall be
6 assessed as costs of administration, but the certificates
7 shall be filed whether fees are paid or not. The county
8 recorder shall deliver the certificates ~~and appropriate fees~~
9 to the county auditor as provided in section 558.58.

10 Sec. 7. Sections 558.46 and 558.47, Code 1985, are
11 repealed.

12 EXPLANATION

13 This bill provides for direct payment of county auditors'
14 transfer fees to the county treasurer by the county recorder.

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SENATE FILE 2227

AN ACT

TO AUTHORIZE DIRECT PAYMENT OF COUNTY AUDITORS' TRANSFER FEES TO COUNTY TREASURERS BY COUNTY RECORDERS.

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

Section 1. Section 331.902, subsection 3, Code 1985, is amended to read as follows:

3. Each elective officer specified in subsection 1 shall make a quarterly report to the board showing, by type, the fees collected during the preceding quarter. The officer shall pay quarterly to the county treasury the fees and charges collected during the preceding quarter, receive duplicate receipts for the payment, and file one of the receipts in the office of the auditor, except for the county

auditor's transfer fees, which shall be paid directly to the county treasurer by the county recorder. The officer shall note in the officer's fee book the date and amount of each payment into the county treasury. This subsection does not apply to the county treasurer if the county treasurer credits the fees daily to the county treasury and reports the receipts on the monthly report to the auditor and the board of supervisors.

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

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

.....

Auditor.

Sec. 3. Section 558.58, subsection 1, Code 1985, is amended to read as follows:

1. At the time of filing a deed or other instrument mentioned in section 558.57, the recorder shall collect from the person filing the deed or instrument the recording fee provided by law and the auditor's transfer fee, except as provided in subsection 2. The recorder shall deliver the deed or instrument ~~and the transfer fee~~ to the county auditor, after endorsing upon said the instrument the following:

Filed for record, indexed, and delivered to the county auditor this day of, 19, at o'clock M. Recorder's and auditor's fee \$..... paid.

.....

Recorder.

Sec. 4. Section 558.66, Code Supplement 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 information in the certificate upon the transfer books, upon payment of a fee in the amount specified in section 331.507, subsection 2, paragraph "a", which fee shall be taxed as court costs, collected by the clerk, and paid to the auditor treasurer by the recorder as provided in section 558.58 331.902, subsection 3.

Sec. 5. Section 598.21, subsection 8, unnumbered paragraph 2, Code Supplement 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 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. 6. Section 633.481, Code 1985, is amended to read as follows:

633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES WITHOUT ADMINISTRATION.

When an inventory or report is filed under section 450.22, without administration of the estate of the decedent, the clerk shall issue and deliver to the county recorder of the county in which the real estate is situated a 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. The county recorder shall deliver the certificates ~~and appropriate fees~~ to the county auditor as provided in section 558.58.

Sec. 7. Sections 558.46 and 558.47, Code 1985, are repealed.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2227, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 15, 1986

TERRY E. BRANSTAD
Governor