

Sen. Ways Means Do Pass 3/1 (p. 238)

FEB 7 1990

Place On Calendar

HOUSE FILE 2322

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 510)

Passed House, Date 2/19/90 (p. 434) Passed Senate, Date 3/19/90 (p. 1162)

Vote: Ayes 95 Nays 0 Vote: Ayes 48 Nays 0

Approved March 27, 1990 (p. 1501)

A BILL FOR

1 An Act relating to the duties of the county recorder by imposing  
2 a fee for recording and indexing certain instruments, and by  
3 providing for the issuance of certain transcripts.

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

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HF 2322

1 Section 1. Section 331.602, subsection 42, Code 1989, is  
2 amended to read as follows:

3 42. Carry out duties relating to the indexing of name  
4 changes, and the recorder may charge a fee for indexing as  
5 provided in section ~~674.14~~ 331.604.

6 Sec. 2. Section 558.12, Code 1989, is amended to read as  
7 follows:

8 558.12 TRANSCRIPT OF INSTRUMENTS.

9 Any A person interested therein in a parcel of real estate  
10 may procure from any a county recorder in this state a  
11 transcript of any instrument affecting real estate which is of  
12 record in that recorder's office. ~~Such~~ The transcript shall  
13 be certified by the recorder, ~~and the clerk of the district~~  
14 ~~court shall certify under the seal of the clerk's office to~~  
15 ~~the signature of such recorder and the recorder's official~~  
16 character.

17 Sec. 3. Section 602.8102, subsection 77, Code Supplement  
18 1989, is amended by striking the subsection.

19 Sec. 4. Section 633.481, Code 1989, is amended to read as  
20 follows:

21 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES  
22 WITHOUT ADMINISTRATION.

23 When an inventory or report is filed under section 450.22,  
24 without administration of the estate of the decedent, the  
25 clerk shall issue and deliver to the county recorder of the  
26 county in which the real estate is situated a certificate  
27 pertaining to each parcel of real estate described in the  
28 inventory or report. Any fees for certificates or recording  
29 fees required by this section or section 633.480 shall be  
30 assessed as costs of administration, ~~but the certificates~~  
31 ~~shall be filed whether fees are paid or not.~~ The fee for  
32 recording and indexing the instrument shall be as provided in  
33 section 331.604. The county recorder shall deliver the  
34 certificates to the county auditor as provided in section  
35 558.58.

1 Sec. 5. Section 655.4, Code 1989, is amended to read as  
2 follows:

3 655.4 ENTRY OF FORECLOSURE.

4 When a judgment of foreclosure is entered in any court, the  
5 clerk shall ~~file~~ record with the recorder an instrument in  
6 writing referring to the mortgage and duly acknowledging that  
7 the mortgage was foreclosed and giving the date of the decree.

8 ~~The instrument shall be filed without fee for recording and~~  
9 ~~indexing an instrument shall be as provided in section~~  
10 331.604.

11 Sec. 6. Section 655.5, Code 1989, is amended to read as  
12 follows:

13 655.5 INSTRUMENT OF SATISFACTION.

14 When the judgment is fully paid and satisfied upon the  
15 judgment docket of the court, the clerk shall ~~file~~ record with  
16 the recorder an instrument in writing, referring to the  
17 mortgage and duly acknowledging a satisfaction of the  
18 mortgage. ~~The instrument shall be filed without fee for~~

19 ~~recording and indexing an instrument shall be as provided in~~  
20 section 331.604.

21 EXPLANATION

22 This bill changes the procedure for issuing a transcript of  
23 an instrument affecting real estate in a county by removing  
24 the requirement that the clerk of the district court certify  
25 to the signature of the county recorder and the recorder's  
26 official character when a transcript of a real estate  
27 instrument is obtained from the county recorder.

28 The bill also changes a reference relating to the fee for  
29 recording and indexing name changes. The change in Code  
30 reference does not change the five-dollar fee per page.

31 The bill also imposes a recording and indexing per page fee  
32 of five dollars for certain instruments which are currently  
33 filed without fee.

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HSB 510

LOCAL GOVERNMENT

HOUSE FILE

*now*  
2300

BY (PROPOSED COMMITTEE ON LOCAL GOVERNMENT BILL BY FOGARTY)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the duties of the county recorder by imposing  
2 a fee for recording and indexing certain instruments, and by  
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4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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28 inventory or report. Any fees for certificates or recording  
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34 certificates to the county auditor as provided in section  
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1     Sec. 5. Section 655.5, Code 1989, is amended to read as  
2 follows:

3     655.5 INSTRUMENT OF SATISFACTION.

4     When the judgment is fully paid and satisfied upon the  
5 judgment docket of the court, the clerk shall file with the  
6 recorder an instrument in writing, referring to the mortgage  
7 and duly acknowledging a satisfaction of the mortgage. The  
8 ~~instrument shall be filed without fee~~ for recording and  
9 indexing an instrument shall be as provided in section  
10 331.604.

11                                   EXPLANATION

12     This bill changes the procedure for issuing a transcript of  
13 an instrument affecting real estate in a county by removing  
14 the requirement that the clerk of the district court certify  
15 to the signature of the county recorder and the recorder's  
16 official character when a transcript of a real estate  
17 instrument is obtained from the county recorder.

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HOUSE FILE 2322

AN ACT

RELATING TO THE DUTIES OF THE COUNTY RECORDER BY IMPOSING A FEE FOR RECORDING AND INDEXING CERTAIN INSTRUMENTS, AND BY PROVIDING FOR THE ISSUANCE OF CERTAIN TRANSCRIPTS.

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

Section 1. Section 331.602, subsection 42, Code 1989, is amended to read as follows:

42. Carry out duties relating to the indexing of name changes, and the recorder may charge a fee for indexing as provided in section ~~674:14~~ 331.604.

Sec. 2. Section 558.12, Code 1989, is amended to read as follows:

558.12 TRANSCRIPT OF INSTRUMENTS.

Any A person interested therein in a parcel of real estate may procure from any a county recorder in this state a transcript of any instrument affecting real estate which is of record in that recorder's office. Such ~~The~~ transcript shall be certified by the recorder, ~~and the clerk of the district court shall certify under the seal of the clerk's office to the signature of such recorder and the recorder's official~~ character.

Sec. 3. Section 602.8102, subsection 77, Code Supplement 1989, is amended by striking the subsection.

Sec. 4. Section 633.481, Code 1989, 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 fee for recording and indexing the instrument shall be as provided in section 331.604. The county recorder shall deliver the certificates to the county auditor as provided in section 558.58.

Sec. 5. Section 655.4, Code 1989, is amended to read as follows:

655.4 ENTRY OF FORECLOSURE.

When a judgment of foreclosure is entered in any court, the clerk shall ~~file~~ record with the recorder an instrument in writing referring to the mortgage and duly acknowledging that the mortgage was foreclosed and giving the date of the decree. ~~The instrument shall be filed without fee for recording and indexing an instrument shall be as provided in section~~ 331.604.

Sec. 6. Section 655.5, Code 1989, is amended to read as follows:

655.5 INSTRUMENT OF SATISFACTION.

When the judgment is fully paid and satisfied upon the judgment docket of the court, the clerk shall ~~file~~ record with the recorder an instrument in writing, referring to the mortgage and duly acknowledging a satisfaction of the mortgage. ~~The instrument shall be filed without fee for~~

recording and indexing an instrument shall be as provided in section 331.604.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2322, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved \_\_\_\_\_, 1990

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TERRY E. BRANSTAD  
Governor