

HOUSE LOCAL GOV.  
20 P 33 4-1-89 (p.135)

FILED MAR 07 1989

SENATE FILE 367  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 298)

Passed Senate, Date 3-17-89 (p.185) Passed House, Date 1-12-89 (p.1476)  
Vote: Ayes 42 Nays 0 Vote: Ayes 97 Nays 0  
Approved 3-2-89 (p.185)

A BILL FOR

1 An Act relating to the powers and duties of county recorders.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 367

1 Section 1. Section 106.52, Code 1989, is amended to read  
2 as follows:

3 106.52 FEES REMITTED TO COMMISSION.

4 Within ten days after the end of each month, each a county  
5 recorder shall remit to the commission all fees collected by  
6 the recorder during the previous month. Before May 10 in odd-  
7 numbered years, each a county recorder shall remit to the  
8 commission all unused license blanks for the previous  
9 biennium. ~~Before May 10 of each year, each county recorder~~  
10 ~~shall make a final accounting for all registration fees and~~  
11 ~~penalties received during the previous year.~~ All fees  
12 collected for the registration of vessels shall be forwarded  
13 by the commission to the treasurer of the state, who shall  
14 place such the money in a special conservation fund. The  
15 money so collected is hereby appropriated to the commission  
16 solely for the administration and enforcement of navigation  
17 laws and water safety.

18 Sec. 2. Section 321G.7, unnumbered paragraph 1, Code 1989,  
19 is amended to read as follows:

20 Within ten days after the end of each month, each a county  
21 recorder shall remit to the commission all snowmobile fees  
22 collected by the recorder during the previous month. Before  
23 January 10 of odd-numbered years, each a recorder shall remit  
24 unused license forms from the previous biennium to the  
25 commission. ~~Before January 10 of each year, each recorder~~  
26 ~~shall summarize the transactions of the registration fees and~~  
27 ~~penalties collected during the previous year.~~

28 Sec. 3. Section 547.1, Code 1989, is amended to read as  
29 follows:

30 547.1 USE OF TRADE NAME -- VERIFIED STATEMENT REQUIRED.

31 ~~It shall be unlawful for any~~ A person or copartnership to  
32 shall not engage in or conduct a business under any a trade  
33 name, or any an assumed name of any a character other than the  
34 true surname of each person ~~or persons~~ owning or having any an  
35 interest in such the business, unless such the person or

1 ~~persons shall~~ first file records with the county recorder of  
2 the county in which the business is to be conducted a verified  
3 statement showing the name, post-office address, and residence  
4 address of each person owning or having an interest in the  
5 business, and the address where the business is to be  
6 conducted.

7 Sec. 4. Section 547.2, Code 1989, is amended to read as  
8 follows:

9 547.2 CHANGE IN STATEMENT.

10 A like verified statement shall be ~~filed~~ recorded of any  
11 change in ownership of the business, or persons interested  
12 ~~therein in the business~~ and the original owners ~~shall be~~ are  
13 liable for all obligations until ~~such~~ the certificate of  
14 change is ~~filed~~ recorded.

15 Sec. 5. Section 547.3, Code 1989, is amended to read as  
16 follows:

17 547.3 FEE FOR RECORDING.

18 The county recorder shall charge and receive a fee in the  
19 amount specified in section 331.604 for each verified  
20 statement ~~filed~~ recorded under this chapter.

21 Sec. 6. Section 598.21, subsection 8, unnumbered paragraph  
22 2, Code 1989, is amended to read as follows:

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

33 Sec. 7. Section 600.16, subsection 2, Code 1989, is  
34 amended to read as follows:

35 2. The permanent termination of parental rights record of

1 the juvenile court under chapter 600A and the permanent  
2 adoption record of the court shall be sealed by the clerk of  
3 the juvenile court and the clerk of court, as appropriate,  
4 when they are complete and after the time for appeal has  
5 expired. All papers and records pertaining to a termination  
6 of parental rights under chapter 600A and to an adoption,  
7 whether a part of the permanent termination and adoption  
8 records of the juvenile court and of the court or on file with  
9 a guardian, guardian ad litem, custodian, person who placed a  
10 minor person, or the department shall not be open to  
11 inspection and the identity of the natural parents of an  
12 adopted person shall not be revealed. However, an agency  
13 involved in placement shall contact the adopting parents or  
14 the adult adopted child regarding eligibility of the adopted  
15 child for benefits based on entitlement of benefits or  
16 inheritance from the terminated natural parents. Also, the  
17 clerk of the court or county recorder shall, upon application  
18 to and order of the court for good cause shown, open the  
19 permanent adoption record of the court for the adopted person  
20 who is an adult and reveal the names of either or both of the  
21 natural parents.

22 PARAGRAPH DIVIDED. A natural parent may file an affidavit  
23 requesting that the court reveal or not reveal the parent's  
24 name. The court shall consider any such affidavit in  
25 determining whether there is good cause to order opening of  
26 the records. If the adopted person who applies for revelation  
27 of the natural parents' name has a sibling who is a minor and  
28 who has been adopted by the same parents, the court may deny  
29 such the application on the grounds that revelation to the  
30 applicant may also indirectly and harmfully permit the same  
31 revelation to the applicant's minor sibling. To facilitate  
32 the natural parents in filing such an affidavit, the  
33 department shall, upon request of such a natural parent, file  
34 an affidavit in the court in which the adoption records have  
35 been sealed.

1 Sec. 8. Section 624.23, subsection 2, Code 1989, is  
2 amended to read as follows:

3 2. Judgment liens described in subsection 1 shall do not  
4 remain a lien upon real estate of the defendant, platted as a  
5 homestead pursuant to section 561.4, unless execution is  
6 levied within thirty days of the time the defendant or the  
7 defendant's agent has served written demand on the owner of  
8 the judgment. The demand shall state that the lien and all  
9 benefits derived ~~therefrom~~ from the lien as to the real estate  
10 platted as a homestead shall be forfeited unless the owner of  
11 the judgment levies execution against that real estate within  
12 thirty days from the date of service of the demand. Written  
13 demand shall be served in any manner authorized for service of  
14 original notice under the Iowa rules of civil procedure. A  
15 copy of the written demand and proof of service ~~thereof~~ of the  
16 written demand shall be ~~filed~~ recorded in the office of the  
17 county recorder of the county where the real estate platted as  
18 a homestead is located.

19 EXPLANATION

20 This bill makes a number of changes which are considered  
21 technical corrections relating to the powers and duties of the  
22 county recorder.

23 Sections 1 and 2 of the bill remove a requirement that the  
24 county recorder make an annual accounting for registration  
25 fees for vessels and snowmobiles. The registration fees are  
26 also accounted for monthly; therefore, the annual accounting  
27 is considered unnecessary.

28 Sections 3, 4, 5, and 8 provide that documentation and  
29 instruments relating to trade names and judgment liens are  
30 recorded by the county recorder in lieu of being filed in the  
31 office of county recorder.

32 Section 6 removes a phrase which allows the recording of  
33 transfer of titles to real estate by court order whether the  
34 recording fees are paid or not.

35 Section 7 recognizes that adoption records were recorded in

1 the county recorder's office at one time. Therefore, the  
2 recorder may be subject to court order to reveal adoption  
3 records as well as the clerk of the district court.

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MILLER, CH.  
FRAISE  
GOODWIN

SSB 298  
LOCAL GOVERNMENT

SENATE FILE 367  
BY (PROPOSED COMMITTEE ON LOCAL  
GOVERNMENT BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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SENATE FILE 367

AN ACT

RELATING TO THE POWERS AND DUTIES OF COUNTY RECORDERS.

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

Section 1. Section 106.52, Code 1989, is amended to read as follows:

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Within ten days after the end of each month, each a county recorder shall remit to the commission all snowmobile fees collected by the recorder during the previous month. Before January 10 of odd-numbered years, each a recorder shall remit unused license forms from the previous biennium to the commission. ~~Before-January-10-of-each-year, each-recorder shall-summarize-the-transactions-of-the-registration-fees-and penalties-collected-during-the-previous-year.~~

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Sec. 7. Section 600.16, subsection 2, Code 1989, is amended to read as follows:

2. The permanent termination of parental rights record of the juvenile court under chapter 600A and the permanent adoption record of the court shall be sealed by the clerk of the juvenile court and the clerk of court, as appropriate, when they are complete and after the time for appeal has expired. All papers and records pertaining to a termination of parental rights under chapter 600A and to an adoption, whether a part of the permanent termination and adoption records of the juvenile court and of the court or on file with a guardian, guardian ad litem, custodian, person who placed a minor person, or the department shall not be open to inspection and the identity of the natural parents of an adopted person shall not be revealed. However, an agency involved in placement shall contact the adopting parents or the adult adopted child regarding eligibility of the adopted child for benefits based on entitlement of benefits or inheritance from the terminated natural parents. Also, the

clerk of the court or county recorder shall, upon application to and order of the court for good cause shown, open the permanent adoption record of the court for the adopted person who is an adult and reveal the names of either or both of the natural parents.

PARAGRAPH DIVIDED. A natural parent may file an affidavit requesting that the court reveal or not reveal the parent's name. The court shall consider any such affidavit in determining whether there is good cause to order opening of the records. If the adopted person who applies for revelation of the natural parents' name has a sibling who is a minor and who has been adopted by the same parents, the court may deny such the application on the grounds that revelation to the applicant may also indirectly and harmfully permit the same revelation to the applicant's minor sibling. To facilitate the natural parents in filing such an affidavit, the department shall, upon request of such a natural parent, file an affidavit in the court in which the adoption records have been sealed.

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2. Judgment liens described in subsection 1 shall do not remain a lien upon real estate of the defendant, platted as a homestead pursuant to section 561.4, unless execution is levied within thirty days of the time the defendant or the defendant's agent has served written demand on the owner of the judgment. The demand shall state that the lien and all benefits derived therefrom from the lien as to the real estate platted as a homestead shall be forfeited unless the owner of the judgment levies execution against that real estate within thirty days from the date of service of the demand. Written demand shall be served in any manner authorized for service of original notice under the Iowa rules of civil procedure. A copy of the written demand and proof of service thereof of the

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 367, Seventy-third General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved 5/2, 1989

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TERRY E. BRANSTAD  
Governor

SF 367