

(P. 520X319-93)

March 29, 1993

SENATE FILE 167
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 156)

Passed Senate ^(P. 497) Date 3/4/93 Passed House ^(P. 657) Date 3-16-93
Vote: Ayes 46 Nays 0 Vote: Ayes 98 Nays 0
Approved March 29, 1993

A BILL FOR

1 An Act relating to the statute of limitations for marketable
2 title.

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

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SF 167

1 Section 1. Section 614.15, subsection 2, Code 1993, is
2 amended to read as follows:

3 2. In all cases where the holder of the legal or equitable
4 title or estate to real estate situated within this state,
5 after July 1, ~~1991~~ 1981, conveyed the real estate or any
6 interest in the real estate by deed, mortgage, or other
7 instrument, and the spouse failed to join in the conveyance,
8 the spouse or the heirs at law, personal representative,
9 devisees, grantees, or assignees of the spouse are barred from
10 recovery unless suit is brought for recovery within ten years
11 from the date of the conveyance. However, in the case where
12 the right to the distributive share has not accrued by the
13 death of the spouse executing the instrument, then the party
14 not joining is authorized to file in the recorder's office in
15 the county where the land is situated, a notice with affidavit
16 setting forth the affiant's claim, together with the facts
17 upon which the claim is based, and the residence of the
18 claimants. If the notice is not filed within ten years from
19 the date of the execution of the instrument the claim is
20 barred forever. Any action contemplated in this section may
21 include land situated in different counties by giving notice
22 as provided in section 617.13. The effect of filing the
23 notice with affidavit shall extend for a further period of ten
24 years the time within which the action may be brought.

25 Successive notices may be filed extending this period.

26 Sec. 2. For claims under section 614.15, subsection 2,
27 relating to conveyances between July 1, 1982, and June 30,
28 1984, the period in which the claim must be brought is
29 extended through June 30, 1994.

30 EXPLANATION

31 This bill changes the date after which the 10-year statute
32 of limitations begins to run on certain real estate
33 conveyances and provides additional time, through June 30,
34 1994, for persons with claims arising between July 1, 1982,
35 and June 30, 1984, to file suit on those claims.

VILSACK, CH.
GIANNETTO
PATS

SSB 156
JUDICIARY

SENATE FILE 167
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON STURGEON)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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