

H. 3/31/95 Local Gov.
H. 4/6/95 Do Pass
FILED MAR 16 1995
H. 4/13/95 - unfinished Business
Calendar

SENATE FILE 394
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 314)

(p. 968)
Passed Senate, Date 3-30-95 Passed House, Date 4/20/95 (p. 1744)
Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 1
Approved May 4, 1995

4/25/95 Repassed
Vote 46-0
(p. 1394)

A BILL FOR

1 An Act relating to instruments filed or recorded with the county
2 recorder.

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

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S.F. 394

1 Section 1. Section 331.602, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. Record all instruments presented to the recorder's
4 office for recordation upon payment of the proper fees and
5 compliance with other recording requirements as provided by
6 law. The instruments presented for filing or recordation
7 shall be legible and reproducible, and shall have typed or
8 legibly printed on them the names of all signatories including
9 the names of acknowledging officers and witnesses beneath the
10 original signatures. The instruments shall have typed or
11 legibly printed on them the name, address, and telephone
12 number of the preparer of the instrument. The instruments
13 shall be no larger than eight and one-half inches by fourteen
14 inches and shall provide a space at the top of the instrument
15 at least eight and one-half inches wide by one and three-
16 fourths inches in length for use by the office of recorder,
17 except as otherwise authorized by the recorder.

18 a. However, if an instrument does not contain typed or
19 printed names, the recorder shall accept the instrument for
20 recordation or filing if it is accompanied by an affidavit, to
21 be recorded with the instrument, correctly spelling in legible
22 print or type the signatures appearing on the instrument and
23 the name, address, and telephone number of the preparer of the
24 instrument.

25 b. The requirement of paragraph "a" does not apply to
26 military discharges, military instruments, wills, court
27 records, or to any other instrument dated before July 4, 1959.

28 c. Failure to print or type signatures as provided in this
29 subsection does not invalidate the instrument.

30 EXPLANATION

31 This bill requires that instruments filed or recorded with
32 the office of county recorder are to contain the name,
33 address, and telephone number of the preparer of each
34 instrument. The bill also provides that each instrument is to
35 contain a specified amount of space at the top of the

1 instrument for use by the office of recorder.

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SENATE FILE 394

H-3986

1 Amend Senate File 394, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 10 through 12 and
4 inserting the following: "original signatures. The
5 instruments".

6 2. Page 1, by striking lines 15 and 16 and
7 inserting the following: "at least eight and one-half
8 inches across the page by two inches in length, on
9 which space shall be typed or legibly printed across
10 the page on the bottom one-fourth inch of this space,
11 the name, address, and telephone number of the
12 individual who prepared the instrument. The remaining
13 portion of this space shall be reserved for use by the
14 county recorder,".

15 3. Page 1, by striking lines 22 through 24 and
16 inserting the following: "print or type the
17 signatures appearing on the instrument."

18 4. Page 1, by inserting after line 29 the
19 following:

20 "Sec. ____ . APPLICABILITY. This Act applies to
21 instruments signed or notarized on or after January 1,
22 1996."

23 5. Title page, line 2, by inserting after the
24 word "recorder" the following: "and providing for the
25 Act's applicability".

26 6. By renumbering as necessary.

By VANDE HOEF of Osceola

H-3986 FILED APRIL 19, 1995

Adopted 4/20/95 (p.1744)

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HOUSE AMENDMENT TO
SENATE FILE 394

S-3507

2 follows:

3 1. Page 1, by striking lines 10 through 12 and
4 inserting the following: "original signatures. The
5 instruments".

6 2. Page 1, by striking lines 15 and 16 and
7 inserting the following: "at least eight and one-half
8 inches across the page by two inches in length, on
9 which space shall be typed or legibly printed across
10 the page on the bottom one-fourth inch of this space,
11 the name, address, and telephone number of the
12 individual who prepared the instrument. The remaining
13 portion of this space shall be reserved for use by the
14 county recorder,".

15 3. Page 1, by striking lines 22 through 24 and
16 inserting the following: "print or type the
17 signatures appearing on the instrument."

18 4. Page 1, by inserting after line 29 the
19 following:

20 "Sec. ____ . APPLICABILITY. This Act applies to
21 instruments signed or notarized on or after January 1,
22 1996."

23 5. Title page, line 2, by inserting after the
24 word "recorder" the following: "and providing for the
25 Act's applicability".

26 6. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3507 FILED APRIL 20, 1995

Senate concurred 4/25/95 (p. 1394)

Sorenson, Chair
Judge
Maddox

Succeeded By *SSB 314*
Local Govt
SE/HF *394*
SENATE FILE 394
BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL BY CHAIR-
PERSON SORENSON)

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

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2 amended to read as follows:

3 1. Record all instruments presented to the recorder's
4 office for recordation upon payment of the proper fees and
5 compliance with other recording requirements as provided by
6 law. The instruments presented for filing or recordation
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8 legibly printed on them the names of all signatories including
9 the names of acknowledging officers and witnesses beneath the
10 original signatures. The instruments shall have typed or
11 legibly printed on them the name, address, and telephone
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14 inches and shall provide a space at the top of the instrument
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16 fourths inches in length for use by the office of recorder,
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18 a. However, if an instrument does not contain typed or
19 printed names, the recorder shall accept the instrument for
20 recordation or filing if it is accompanied by an affidavit, to
21 be recorded with the instrument, correctly spelling in legible
22 print or type the signatures appearing on the instrument and
23 the name, address, and telephone number of the preparer of the
24 instrument.

25 b. The requirement of paragraph "a" does not apply to
26 military discharges, military instruments, wills, court
27 records, or to any other instrument dated before July 4, 1959.

28 c. Failure to print or type signatures as provided in this
29 subsection does not invalidate the instrument.

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EXPLANATION

31 This bill requires that instruments filed or recorded with
32 the office of county recorder are to contain the name,
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SENATE FILE 394

AN ACT
RELATING TO INSTRUMENTS FILED OR RECORDED WITH THE COUNTY
RECORDER AND PROVIDING FOR THE ACT'S APPLICABILITY.

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

Section 1. Section 331.602, subsection 1, Code 1995, is amended to read as follows:

1. Record all instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law. The instruments presented for filing or recordation shall be legible and reproducible, and shall have typed or legibly printed on them the names of all signatories including the names of acknowledging officers and witnesses beneath the original signatures. The instruments shall be no larger than eight and one-half inches by fourteen inches and shall provide a space at the top of the instrument at least eight and one-half inches across the page by two inches in length, on which space shall be typed or legibly printed across the page on the bottom one-fourth inch of this space, the name, address, and telephone number of the individual who prepared the instrument. The remaining portion of this space shall be reserved for use by the county recorder, except as otherwise authorized by the recorder.

a. However, if an instrument does not contain typed or printed names, the recorder shall accept the instrument for recordation or filing if it is accompanied by an affidavit, to be recorded with the instrument, correctly spelling in legible print or type the signatures appearing on the instrument.

b. The requirement of paragraph "a" does not apply to military discharges, military instruments, wills, court records, or to any other instrument dated before July 4, 1959.

c. Failure to print or type signatures as provided in this subsection does not invalidate the instrument.

Sec. 2. APPLICABILITY. This Act applies to instruments signed or notarized on or after January 1, 1996.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 394, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 4, 1995

TERRY E. BRANSTAD
Governor

SENATE FILE 394

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President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 394, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *May 4*, 1995

TERRY E. BRANSTAD
Governor