

*Reprinted*

1-10-95 Local Gov.  
(P. 183) 1/25/95 Amend/Do Pass w/ S3017

FILED JAN 10 1995

SENATE FILE 9  
BY HANSEN

(COMPANION TO LSB 1182HH  
BY RANTS)

Passed Senate, Date 1-30-95 (P. 206) Passed House, Date 4/12/95 (P. 1482)  
Vote: Ayes 48 Nays 0 Vote: Ayes 91 Nays 0  
Approved April 19, 1995

**A BILL FOR**

1 An Act relating to the performance of duties of the office of  
2 recorder on abolition of the office and the filing of  
3 documents and providing an effective date and for retroactive  
4 applicability.

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

6  
7  
8

**SF 9**

**SENATE FILE 9**

**S-3017**

1 Amend Senate File 9 as follows:  
2 1. Page 1, line 13, by adding after the word  
3 "recorder." the following: "However, the board of  
4 supervisors may direct that any of the duties of the  
5 abolished office of recorder prescribed in section  
6 331.602, subsection 9, 10, 11, or 16, or section  
7 331.605, subsection 1, 2, 3, or 4, shall be performed  
8 by other county officers or employees as provided in  
9 section 331.323."

By COMMITTEE ON LOCAL GOVERNMENT  
ALBERT SORENSEN, Chairperson

S-3017 FILED JANUARY 25, 1995

*P. 206 adopted 1-30-95*

21  
22

1 Section 1. Section 331.610, Code 1995, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 331.610 ABOLITION OF OFFICE OF RECORDER -- IDENTIFICATION  
5 OF OFFICE -- PLACE OF FILING.

6 If the office of county recorder is abolished in a county,  
7 the auditor of that county shall be referred to as the county  
8 auditor and recorder. After abolition of the office of county  
9 recorder, references in the Code requiring filing or recording  
10 of documents with the county recorder shall be deemed to re-  
11 quire the filing in the office of the county auditor and re-  
12 corder, and all duties of the abolished office of recorder  
13 shall be performed by the county auditor and recorder.

14 Sec. 2. FILINGS LEGALIZED. Any instrument affecting  
15 interests in real property, fixtures, or personal property  
16 filed with the auditor of Woodbury county, Iowa, between  
17 January 1, 1995, and the effective date of this Act, both  
18 dates inclusive, shall be deemed to be properly filed and  
19 constitute constructive notice as if the office of the  
20 recorder of Woodbury county, Iowa, had not been abolished.

21 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 This bill provides for filing of documents and the  
25 performance of the duties of the office of the recorder if  
26 abolished under section 331.323 and ensures uniformity  
27 throughout the state of the performance of the duties of the  
28 recorder upon abolition of the office.

29 This bill takes effect upon enactment and is retroactive to  
30 January 1, 1995, for instruments filed or recorded between  
31 January 1, 1995, and the effective date of this Act.

32  
33  
34  
35



1 Section 1. Section 331.610, Code 1995, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 331.610 ABOLITION OF OFFICE OF RECORDER -- IDENTIFICATION  
5 OF OFFICE -- PLACE OF FILING.

6 If the office of county recorder is abolished in a county,  
7 the auditor of that county shall be referred to as the county  
8 auditor and recorder. After abolition of the office of county  
9 recorder, references in the Code requiring filing or recording  
10 of documents with the county recorder shall be deemed to re-  
11 quire the filing in the office of the county auditor and re-  
12 corder, and all duties of the abolished office of recorder  
13 shall be performed by the county auditor and recorder.

14 However, the board of supervisors may direct that any of the  
15 duties of the abolished office of recorder prescribed in  
16 section 331.602, subsection 9, 10, 11, or 16, or section  
17 331.605, subsection 1, 2, 3, or 4, shall be performed by other  
18 county officers or employees as provided in section 331.323.

19 Sec. 2. FILINGS LEGALIZED. Any instrument affecting  
20 interests in real property, fixtures, or personal property  
21 filed with the auditor of Woodbury county, Iowa, between  
22 January 1, 1995, and the effective date of this Act, both  
23 dates inclusive, shall be deemed to be properly filed and  
24 constitute constructive notice as if the office of the  
25 recorder of Woodbury county, Iowa, had not been abolished.

26 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
27 immediate importance, takes effect upon enactment.

28  
29  
30  
31  
32  
33  
34  
35

SENATE FILE 9

AN ACT

RELATING TO THE PERFORMANCE OF DUTIES OF THE OFFICE OF RECORDER ON ABOLITION OF THE OFFICE AND THE FILING OF DOCUMENTS AND PROVIDING AN EFFECTIVE DATE AND FOR RETROACTIVE APPLICABILITY.

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

Section 1. Section 331.610, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

331.610 ABOLITION OF OFFICE OF RECORDER -- IDENTIFICATION OF OFFICE -- PLACE OF FILING.

If the office of county recorder is abolished in a county, the auditor of that county shall be referred to as the county auditor and recorder. After abolition of the office of county recorder, references in the Code requiring filing or recording of documents with the county recorder shall be deemed to require the filing in the office of the county auditor and recorder, and all duties of the abolished office of recorder shall be performed by the county auditor and recorder. However, the board of supervisors may direct that any of the duties of the abolished office of recorder prescribed in section 331.602, subsection 9, 10, 11, or 16, or section 331.605, subsection 1, 2, 3, or 4, shall be performed by other county officers or employees as provided in section 331.323.

Sec. 2. FILINGS LEGALIZED. Any instrument affecting interests in real property, fixtures, or personal property filed with the auditor of Woodbury county, Iowa, between January 1, 1995, and the effective date of this Act, both dates inclusive, shall be deemed to be properly filed and constitute constructive notice as if the office of the recorder of Woodbury county, Iowa, had not been abolished.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

---

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 9, Seventy-sixth General Assembly.

Approved  April 17, 1995

---

JOHN F. DWYER  
Secretary of the Senate

---

TERRY E. BRANSTAD  
Governor