

*Ketting, Chair*  
*Sundbom*  
*Parmenter*

HSB 561

JUDICIARY  
Sponsored By  
SF/HF 2254

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON LARSON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to actions on certain older claims to real  
2 estate.

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

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1 Section 1. Section 614.19, Code 1999, is amended to read  
2 as follows:

3 614.19 INAPPLICABILITY OF PROVISION REGARDING MINORS AND  
4 PERSONS WITH MENTAL ILLNESS.

5 The provisions of section 614.8 as to the rights of minors  
6 and persons with mental illness shall not be applicable  
7 against the provisions of sections 614.17, 614.17A, 614.18,  
8 and 614.20.

9 Sec. 2. Section 614.22, Code 1999, is amended to read as  
10 follows:

11 614.22 ACTION AFFECTING ANCIENT DEEDS.

12 1. An action shall not be maintained to set aside, cancel,  
13 annul, declare void or invalid, or to redeem from a tax deed,  
14 guardian's deed, executor's deed, administrator's deed,  
15 receiver's deed, referee's deed, assignee's deed or sheriff's  
16 deed which has been recorded in the office of the recorder of  
17 the county or counties in this state in which the land  
18 described in the deed is situated prior to January 1, 1980,  
19 unless the action is commenced prior to January 1, 1992, and  
20 if an action to set aside, cancel, annul, declare void or  
21 invalid, or to redeem from the deed is not commenced prior to  
22 January 1, 1992, then the deed and all the proceedings upon  
23 which the deed is based are valid and unimpeachable and  
24 effective to convey title as stated in the deed, without  
25 exception for infancy, mental illness, absence from the state,  
26 or other disability or cause; provided that this section  
27 subsection and section 614.23 do not apply to real property  
28 described in a deed which is not ~~on July 1, 1991~~ in the  
29 possession of those claiming title under the deed.

30 2. On and after January 1, 1992, an action shall not be  
31 maintained to set aside, cancel, annul, ~~or declare void or~~  
32 invalid, or to redeem from a tax deed, and an action shall not  
33 be maintained to redeem from such guardian's deed, executor's  
34 deed, administrator's deed, receiver's deed, referee's deed,  
35 assignee's deed, or sheriff's deed, if the deed has been

1 recorded in the office of the recorder for more than ten  
 2 years. The deed must be recorded in the office of the  
 3 recorder of the county or counties in which the land described  
 4 in the deed is situated. If an action under this subsection  
 5 is not commenced within ten years of the recording of the  
 6 deed, then the deed and all proceedings upon which the deed is  
 7 based are valid and unimpeachable and effective to convey  
 8 title as stated in the deed, without exception for infancy,  
 9 mental illness, absence from the state, or other disability or  
 10 cause. ~~As-used-in-this-subsection-"deed"-means-a-tax-deed,~~  
 11 ~~guardian's-deed,-executor's-deed,-administrator's-deed,~~  
 12 ~~receiver's-deed,-referee's-deed,-assignee's-deed,-or-sheriff's~~  
 13 ~~deed.~~

14 However, this subsection and section 614.23 do not apply to  
 15 real property described in any a deed which is ~~for-more-than~~  
 16 ~~ten-years~~ not in the possession of a ~~person~~ those claiming  
 17 title under the deed.

18 EXPLANATION

19 This bill amends two Code sections relating to certain  
 20 older claims to real estate.

21 The first amendment adds Code section 614.17A to a list of  
 22 related Code sections in Code section 614.19, which together  
 23 address the handling of certain old claims to real estate.  
 24 The amendment negates the applicability of the special statute  
 25 of limitations involving actions by minors and persons with  
 26 mental illness.

27 The second amendment makes certain language consistent in  
 28 the two subsections of Code section 614.22 which addresses  
 29 actions relating to ancient deeds and the possession of those  
 30 claiming title under the deeds.

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FEB 15 2000

Place On Calendar

S. 3/15/00 Judiciary  
S. 3/16/00 Do Pass  
S. 3/23/00 Unfinished Business Calendar

**2254**

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 561)

Passed House, Date <u>(P. 709) 3/14/00</u>	Passed Senate, Date <u>(P. 851) 3-27-00</u>
Vote: Ayes <u>97</u> Nays <u>0</u>	Vote: Ayes <u>47</u> Nays <u>0</u>
Approved <u>4-7-00</u>	

**A BILL FOR**

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**HF 2254**

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3 614.19 INAPPLICABILITY OF PROVISION REGARDING MINORS AND  
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5 The provisions of section 614.8 as to the rights of minors  
6 and persons with mental illness shall not be applicable  
7 against the provisions of sections 614.17, 614.17A, 614.18,  
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9 Sec. 2. Section 614.22, Code 1999, is amended to read as  
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12 1. An action shall not be maintained to set aside, cancel,  
13 annul, declare void or invalid, or to redeem from a tax deed,  
14 guardian's deed, executor's deed, administrator's deed,  
15 receiver's deed, referee's deed, assignee's deed or sheriff's  
16 deed which has been recorded in the office of the recorder of  
17 the county or counties in this state in which the land  
18 described in the deed is situated prior to January 1, 1980,  
19 unless the action is commenced prior to January 1, 1992, and  
20 if an action to set aside, cancel, annul, declare void or  
21 invalid, or to redeem from the deed is not commenced prior to  
22 January 1, 1992, then the deed and all the proceedings upon  
23 which the deed is based are valid and unimpeachable and  
24 effective to convey title as stated in the deed, without  
25 exception for infancy, mental illness, absence from the state,  
26 or other disability or cause; provided that this section  
27 subsection and section 614.23 do not apply to real property  
28 described in a deed which is not ~~on July 1, 1991~~, in the  
29 possession of those claiming title under the deed.

30 2. On and after January 1, 1992, an action shall not be  
31 maintained to set aside, cancel, annul, or declare void or  
32 invalid, or to redeem from a tax deed, and an action shall not  
33 be maintained to redeem from such guardian's deed, executor's  
34 deed, administrator's deed, receiver's deed, referee's deed,  
35 assignee's deed, or sheriff's deed, if the deed has been

1 recorded in the office of the recorder for more than ten  
2 years. The deed must be recorded in the office of the  
3 recorder of the county or counties in which the land described  
4 in the deed is situated. If an action under this subsection  
5 is not commenced within ten years of the recording of the  
6 deed, then the deed and all proceedings upon which the deed is  
7 based are valid and unimpeachable and effective to convey  
8 title as stated in the deed, without exception for infancy,  
9 mental illness, absence from the state, or other disability or  
10 cause. ~~As-used-in-this-subsection-"deed"-means-a-tax-deed,~~  
11 ~~guardian's-deed,-executor's-deed,-administrator's-deed,~~  
12 ~~receiver's-deed,-referee's-deed,-assignee's-deed,-or-sheriff's~~  
13 ~~deed-~~

14 However, this subsection and section 614.23 do not apply to  
15 real property described in any a deed which is ~~for-more-than~~  
16 ~~ten-years~~ not in the possession of ~~a-person~~ those claiming  
17 title under the deed.

18 EXPLANATION

19 This bill amends two Code sections relating to certain  
20 older claims to real estate.

21 The first amendment adds Code section 614.17A to a list of  
22 related Code sections in Code section 614.19, which together  
23 address the handling of certain old claims to real estate.

24 The amendment negates the applicability of the special statute  
25 of limitations involving actions by minors and persons with  
26 mental illness.

27 The second amendment makes certain language consistent in  
28 the two subsections of Code section 614.22 which addresses  
29 actions relating to ancient deeds and the possession of those  
30 claiming title under the deeds.

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HOUSE FILE 2254

AN ACT

RELATING TO ACTIONS ON CERTAIN OLDER CLAIMS TO REAL ESTATE.

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

Section 1. Section 614.19, Code 1999, is amended to read as follows:

614.19 INAPPLICABILITY OF PROVISION REGARDING MINORS AND PERSONS WITH MENTAL ILLNESS.

The provisions of section 614.8 as to the rights of minors and persons with mental illness shall not be applicable against the provisions of sections 614.17, 614.17A, 614.18, and 614.20.

Sec. 2. Section 614.22, Code 1999, is amended to read as follows:

614.22 ACTION AFFECTING ANCIENT DEEDS.

1. An action shall not be maintained to set aside, cancel, annul, declare void or invalid, or to redeem from a tax deed, guardian's deed, executor's deed, administrator's deed,

receiver's deed, referee's deed, assignee's deed or sheriff's deed which has been recorded in the office of the recorder of the county or counties in this state in which the land described in the deed is situated prior to January 1, 1980, unless the action is commenced prior to January 1, 1992, and if an action to set aside, cancel, annul, declare void or invalid, or to redeem from the deed is not commenced prior to January 1, 1992, then the deed and all the proceedings upon which the deed is based are valid and unimpeachable and effective to convey title as stated in the deed, without exception for infancy, mental illness, absence from the state, or other disability or cause; provided that this section subsection and section 614.23 do not apply to real property described in a deed which is not ~~on July 1, 1992~~, in the possession of those claiming title under the deed.

2. On and after January 1, 1992, an action shall not be maintained to set aside, cancel, annul, or declare void or invalid, or to redeem from a tax deed, and an action shall not be maintained to redeem from such guardian's deed, executor's deed, administrator's deed, receiver's deed, referee's deed, assignee's deed, or sheriff's deed, if the deed has been recorded in the office of the recorder for more than ten years. The deed must be recorded in the office of the recorder of the county or counties in which the land described in the deed is situated. If an action under this subsection is not commenced within ten years of the recording of the deed, then the deed and all proceedings upon which the deed is based are valid and unimpeachable and effective to convey title as stated in the deed, without exception for infancy, mental illness, absence from the state, or other disability or cause. ~~As used in this subsection "deed" means a tax deed, guardian's deed, executor's deed, administrator's deed, receiver's deed, referee's deed, assignee's deed, or sheriff's deed.~~

HF 2254

However, this subsection and section 614.23 do not apply to real property described in any a deed which is for-more-than ten-years not in the possession of a-person those claiming title under the deed.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2254, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved April 7, 2000

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THOMAS J. VILSACK  
Governor