

MAR 18 2004

WAYS & MEANS CALENDAR

HOUSE FILE 2544

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2329)

(SUCCESSOR TO HF 2183)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act requiring identification numbers for all parcels of real
2 estate, additional real estate transaction recordings, and
3 making a fee applicable.

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

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HF 2544

1 Section 1. Section 331.507, subsection 2, paragraph a,
2 Code 2003, is amended to read as follows:

3 a. For a transfer of property made in the transfer
4 records, five dollars for each separate ~~parcel~~ of real estate
5 ~~described-in-a-deed~~ transaction described in section 558.57,
6 or transfer of title certified by the clerk of the district
7 court. However, the fee shall not exceed fifty dollars for a
8 transfer of property which is described in one instrument of
9 transfer.

10 Sec. 2. Section 441.29, Code 2003, is amended to read as
11 follows:

12 441.29 PLAT BOOK -- INDEX SYSTEM.

13 The county auditor shall furnish to each assessor a plat
14 book on which shall be platted the lands and lots in the
15 assessor's assessment district, showing on each subdivision or
16 part thereof, written in ink or pencil, the name of the owner,
17 the number of acres, or the boundary lines and distances in
18 each, and showing as to each tract the number of acres to be
19 deducted for railway right of way and for roads and for rights
20 of way for public levees and open public drainage
21 improvements.

22 The auditor, or the auditor's designee, of any county with
23 ~~the-approval-of-the-board-of-supervisors-may~~ shall establish a
24 permanent real estate index number system with related tax
25 maps for all real estate tax administration purposes,
26 including the assessment, levy and collection of such taxes.
27 Wherever in real property tax administration the legal
28 description of tax parcels is required, such permanent number
29 system ~~may~~ shall be adopted in addition thereto or in lieu
30 thereof. ~~If-established, the-permanent-real-estate-index~~
31 ~~number-system-shall-describe-real-estate-by-township, section,~~
32 ~~quarter-section, block-series-and-parcel, and-the-auditor~~
33 ~~shall-prepare-and-maintain-permanent-real-estate-index-number~~
34 ~~tax-maps, which-shall-carry-such-numbers-and-reflect-the-legal~~
35 ~~description-of-each-parcel-of-real-estate-and-delineate-it~~

1 ~~graphically, and the auditor shall prepare and maintain cross~~
2 ~~indexes of the numbers assigned under said system, with legal~~
3 ~~description of the real estate to which such numbers relate.~~
4 The permanent real estate index numbers shall begin with the
5 two-digit county number and be a unique identifying number for
6 each parcel within the county. These numbers shall follow the
7 property, not the owner, and can be an alphanumeric system.
8 In the event of a division of an existing parcel, the original
9 permanent parcel index number shall be retired and new numbers
10 assigned. The auditor shall prepare and maintain permanent
11 real estate index number tax maps, which shall carry such
12 numbers. The auditor shall prepare and maintain cross indexes
13 of the numbers assigned under this system, with legal
14 description of the real estate to which such numbers relate.
15 Indexes and tax maps established as provided herein shall be
16 open to public inspection.

17 Sec. 3. Section 558.41, Code 2003, is amended to read as
18 follows:

19 558.41 RECORDING.

20 1. EFFECT OF RECORDING. An instrument affecting real
21 estate is of no validity against subsequent purchasers for a
22 valuable consideration, without notice, or against the state
23 or any of its political subdivisions during and after
24 condemnation proceedings against the real estate, unless the
25 instrument is filed and recorded in the county in which the
26 real estate is located, as provided in this chapter.

27 2. PRIORITY. An interest in real estate evidenced by an
28 instrument so filed shall have priority over any lien that is
29 given equal precedence with ordinary taxes under chapter 260E
30 or 260F, or its successor provisions, except for a lien under
31 chapter 260E or 260F upon the real estate described in an
32 instrument or job training agreement filed in the office of
33 the recorder of the county in which the real estate is located
34 prior to the filing of a conflicting instrument affecting the
35 real estate, and a subordinate lien under chapter 260E or 260F

1 may be divested or discharged by judicial sale or by other
2 available legal remedy notwithstanding any provision to the
3 contrary contained in chapter 260E or 260F, or its successor
4 provisions. Nothing in this section shall abrogate the
5 collection of, or any lien for, unpaid property taxes which
6 have attached to real estate pursuant to chapter 445,
7 including taxes levied against tangible property that is
8 assessed and taxed as real property pursuant to chapter 427A,
9 or the collection of, or any lien for, unpaid taxes for which
10 notice of lien has been properly recorded pursuant to section
11 422.26.

12 3. PROHIBITIONS AGAINST RECORDING UNENFORCEABLE. A
13 provision contained in a residential real estate installment
14 sales contract which prohibits the recording of the contract,
15 or the recording of a memorandum of the contract, is
16 unenforceable by any party to the contract.

17 4. TERMINATION OF LIFE ESTATE. Upon the termination of a
18 life estate interest through the death of the holder of the
19 life estate, any surviving holder or successor in interest
20 shall prepare a change of title for tax purposes and delivery
21 of the deed or change of title to the county recorder of the
22 county in which each parcel of real estate is located.

23 Sec. 4. Section 558.57, Code 2003, is amended to read as
24 follows:

25 558.57 ENTRY ON AUDITOR'S TRANSFER BOOKS.

26 The recorder shall not record any deed, real estate
27 installment contract, or other instrument unconditionally
28 conveying real estate or altering a real estate contract by
29 assigning the buyer's or seller's interest, changing the name
30 of the buyer or seller, changing the legal description of the
31 property, forfeiting or canceling the contract, or making
32 other significant changes until the proper entries have been
33 made upon the transfer books in the auditor's office, and
34 endorsement made upon the deed, real estate installment
35 contract, or other instrument properly dated and officially

1 signed, in substantially the following form:

2 Entered upon transfer books and for taxation this .. day of
3 (month), .. (year). My fee \$.... collected by recorder.

4
5 Auditor.

6 EXPLANATION

7 Current law authorizes the county auditor to collect a \$5
8 fee for each property transfer described in a deed. This bill
9 expands this fee to cover any instrument that unconditionally
10 conveys real estate. The bill also requires that each county
11 adopt a numbering and indexing system for each parcel of real
12 property located in that county that assigns a unique number
13 for each parcel within the county. This number will follow
14 the parcel, not the owner. The bill also requires that in the
15 situation where a life estate is terminated, a change of title
16 shall be provided to the county recorder where the parcel of
17 real estate is located.

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HOUSE FILE 2544

S-5258

1 Amend House File 2544, as passed by the House, as
2 follows:
3 1. Page 1, lines 29 and 30, by striking the words
4 "or in lieu thereof" and inserting the following: "~~or~~
5 ~~in lieu thereof~~".

By ROGER STEWART

S-5258 FILED APRIL 5, 2004
ADOPTED

**SENATE AMENDMENT TO
HOUSE FILE 2544**

H-8385

1 Amend House File 2544, as passed by the House, as
2 follows:
3 1. Page 1, lines 29 and 30, by striking the words
4 "or in lieu thereof" and inserting the following: "~~or~~
5 ~~in lieu thereof~~".

RECEIVED FROM THE SENATE

H-8385 FILED APRIL 5, 2004

HOUSE FILE 2544

AN ACT

REQUIRING IDENTIFICATION NUMBERS FOR ALL PARCELS OF REAL ESTATE, ADDITIONAL REAL ESTATE TRANSACTION RECORDINGS, AND MAKING A FEE APPLICABLE.

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

Section 1. Section 331.507, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. For a transfer of property made in the transfer records, five dollars for each separate parcel of real estate described in a deed transaction described in section 558.57, or transfer of title certified by the clerk of the district court. However, the fee shall not exceed fifty dollars for a transfer of property which is described in one instrument of transfer.

Sec. 2. Section 441.29, Code 2003, is amended to read as follows:

441.29 PLAT BOOK -- INDEX SYSTEM.

The county auditor shall furnish to each assessor a plat book on which shall be platted the lands and lots in the assessor's assessment district, showing on each subdivision or part thereof, written in ink or pencil, the name of the owner, the number of acres, or the boundary lines and distances in each, and showing as to each tract the number of acres to be deducted for railway right of way and for roads and for rights of way for public levees and open public drainage improvements.

The auditor, or the auditor's designee, of any county with the approval of the board of supervisors may shall establish a permanent real estate index number system with related tax

maps for all real estate tax administration purposes, including the assessment, levy and collection of such taxes. Wherever in real property tax administration the legal description of tax parcels is required, such permanent number system may shall be adopted in addition thereto or in lieu thereof. ~~if established, the permanent real estate index number system shall describe real estate by township, section, quarter section, block series and parcel, and the auditor shall prepare and maintain permanent real estate index number tax maps, which shall carry such numbers and reflect the legal description of each parcel of real estate and delineate it graphically, and the auditor shall prepare and maintain cross indexes of the numbers assigned under said system, with legal description of the real estate to which such numbers relate.~~ The permanent real estate index numbers shall begin with the two-digit county number and be a unique identifying number for each parcel within the county. These numbers shall follow the property, not the owner, and can be an alphanumeric system. In the event of a division of an existing parcel, the original permanent parcel index number shall be retired and new numbers assigned. The auditor shall prepare and maintain permanent real estate index number tax maps, which shall carry such numbers. The auditor shall prepare and maintain cross indexes of the numbers assigned under this system, with legal description of the real estate to which such numbers relate. Indexes and tax maps established as provided herein shall be open to public inspection.

Sec. 3. Section 558.41, Code 2003, is amended to read as follows:

558.41 RECORDING.

1. EFFECT OF RECORDING. An instrument affecting real estate is of no validity against subsequent purchasers for a valuable consideration, without notice, or against the state or any of its political subdivisions during and after condemnation proceedings against the real estate, unless the instrument is filed and recorded in the county in which the real estate is located, as provided in this chapter.

2. PRIORITY. An interest in real estate evidenced by an instrument so filed shall have priority over any lien that is given equal precedence with ordinary taxes under chapter 260E or 260F, or its successor provisions, except for a lien under chapter 260E or 260F upon the real estate described in an instrument or job training agreement filed in the office of the recorder of the county in which the real estate is located prior to the filing of a conflicting instrument affecting the real estate, and a subordinate lien under chapter 260E or 260F may be divested or discharged by judicial sale or by other available legal remedy notwithstanding any provision to the contrary contained in chapter 260E or 260F, or its successor provisions. Nothing in this section shall abrogate the collection of, or any lien for, unpaid property taxes which have attached to real estate pursuant to chapter 445, including taxes levied against tangible property that is assessed and taxed as real property pursuant to chapter 427A, or the collection of, or any lien for, unpaid taxes for which notice of lien has been properly recorded pursuant to section 422.26.

3. PROHIBITIONS AGAINST RECORDING UNENFORCEABLE. A provision contained in a residential real estate installment sales contract which prohibits the recording of the contract, or the recording of a memorandum of the contract, is unenforceable by any party to the contract.

4. TERMINATION OF LIFE ESTATE. Upon the termination of a life estate interest through the death of the holder of the life estate, any surviving holder or successor in interest shall prepare a change of title for tax purposes and delivery of the deed or change of title to the county recorder of the county in which each parcel of real estate is located.

Sec. 4. Section 558.57, Code 2003, is amended to read as follows:

558.57 ENTRY ON AUDITOR'S TRANSFER BOOKS.

The recorder shall not record any deed, real estate installment contract, or other instrument unconditionally conveying real estate or altering a real estate contract by

assigning the buyer's or seller's interest, changing the name of the buyer or seller, changing the legal description of the property, forfeiting or canceling the contract, or making other significant changes until the proper entries have been made upon the transfer books in the auditor's office, and endorsement made upon the deed, real estate installment contract, or other instrument properly dated and officially signed, in substantially the following form:

Entered upon transfer books and for taxation this .. day of ... (month), .. (year). My fee \$.... collected by recorder.

 Auditor.

CHRISTOPHER C. RANTS
 Speaker of the House

JEFFREY M. LAMBERTI
 President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2544, Eightieth General Assembly.

MARGARET THOMSON
 Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
 Governor