

JAN 23 2003  
LOCAL GOVERNMENT

HOUSE FILE 48  
BY JONES

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

**A BILL FOR**

1 An Act relating to formatting standards for recording documents  
2 or instruments by a county recorder, specifying a recording  
3 fee for certain documents or instruments, and providing an  
4 effective date.

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

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1 Section 1. NEW SECTION. 331.601A DEFINITIONS.

2 As used in this part, unless the context otherwise  
3 requires:

4 1. "Document" or "instrument" means a writing or drawing  
5 presented to the recorder for recording, consisting of one or  
6 more pages of text and attachments.

7 2. "File or submit" means the act of delivering a document  
8 or instrument to a recording office for recording into the  
9 public records.

10 3. "Grantor and grantee" means the names of the transferor  
11 and transferee in the transaction used to create the recording  
12 index.

13 4. "Legible" means capable of being read or deciphered  
14 without magnification regardless of the recording process.

15 5. "Page" means a writing, printing, or drawing, other  
16 than a plat or survey, occurring on one side only and covering  
17 all or part of such side, and not larger than eight and one-  
18 half inches in width and fourteen inches in length.

19 6. "Record" means a process whether by manual, mechanical,  
20 electronic, optical, magnetic, microfilm, or other methods of  
21 storage, after filing or submission, to incorporate a document  
22 or instrument into the public record.

23 7. "Transaction" means a specific legal action in the form  
24 of or evidenced by one of the following:

25 a. A title or caption including, but not limited to, a  
26 deed, deed of trust, mortgage, or power of attorney.

27 b. A subsequent reference to an original document or  
28 instrument including, but not limited to, an assignment or  
29 release or satisfaction of mortgage.

30 Sec. 2. Section 331.602, subsection 1, Code 2003, is  
31 amended by striking the subsection and inserting in lieu  
32 thereof the following:

33 1. Record all documents or instruments presented to the  
34 recorder's office for recordation upon payment of the proper  
35 fees and compliance with other recording requirements as

1 provided by law.

2 Sec. 3. NEW SECTION. 331.606B DOCUMENT OR DOCUMENT  
3 FORMATTING STANDARDS.

4 1. The county recorder may refuse any document or  
5 instrument presented for recording that does not meet the  
6 following requirements:

7 a. Each document or instrument shall consist of one or  
8 more individual pages not permanently bound or in a continuous  
9 form. The document or instrument shall not have any  
10 attachment stapled or otherwise affixed to any page except as  
11 necessary to comply with statutory requirements. However, the  
12 individual pages of a document or instrument may be stapled  
13 together for presentation for recording. A label that is  
14 firmly attached with a code bar or return address may be  
15 accepted for recording.

16 b. All preprinted text shall be at least eight point in  
17 size and no more than twenty characters and spaces per inch.  
18 All other text typed or computer generated, including but not  
19 limited to all names of parties to an agreement, shall be at  
20 least ten point in size and no more than sixteen characters  
21 and spaces per inch. If a document or instrument other than a  
22 plat or survey, presented for recording contains type smaller  
23 than eight point type for the preprinted text and ten point  
24 type for all other text, the document or instrument shall be  
25 accompanied by an exact typewritten or printed copy that meets  
26 the requirements of this section.

27 c. Each document shall be of sufficient legibility to  
28 produce a clear reproduction. If a document or instrument,  
29 other than a plat or survey, is not sufficiently legible to  
30 produce a clear reproduction, the document or instrument shall  
31 be accompanied by an exact typewritten or printed copy that  
32 meets the type size requirements of paragraph "b" and shall be  
33 recorded contemporaneously as additional pages of the document  
34 or instrument.

35 d. Each document or instrument, other than a plat or

1 survey, shall be on white paper of not less than twenty-pound  
2 weight without watermarks or other visible inclusions. All  
3 text within the document or instrument shall be of sufficient  
4 color and clarity to ensure that the text is readable when  
5 reproduced from the record.

6 e. All signatures on a document or instrument shall be in  
7 black or dark blue ink and of sufficient color and clarity to  
8 ensure that the signatures are readable when the document or  
9 instrument is reproduced from the record. The corresponding  
10 name shall be typed, printed, or stamped beneath the  
11 signature. The typing or printing of a name or the  
12 application of an embossed or inked stamp shall not cover or  
13 otherwise materially interfere with any part of the document  
14 or instrument except where provided by law.

15 f. The first page of each document or instrument shall  
16 have a top margin of at least three inches of vertical space  
17 from left to right which shall be reserved for the recorder's  
18 use. All other margins on the document or instrument shall be  
19 a minimum of three-fourths of one inch. Nonessential  
20 information including but not limited to form numbers, page  
21 numbers, or customer notations may be placed in a margin  
22 except the top margin. The recorder shall not incur any  
23 liability for not showing a seal or information that extends  
24 beyond the margin of the permanent archival record.

25 2. Each document or instrument, other than a plat or  
26 survey, that is presented for recording and that contains any  
27 of the following information shall have that information on  
28 the first page below the three-inch margin:

29 a. The name, address, and telephone number of the  
30 individual who prepared the document.

31 b. The name of the taxpayer and a complete mailing address  
32 for any document or instrument of conveyance.

33 c. A return address.

34 d. The title of the document or instrument.

35 e. All grantors' names.

- 1 f. All grantees' names.  
2 g. Any address required by statute.  
3 h. The legal description of the property and parcel  
4 identification number, if required.  
5 i. A document or instrument number for statutory  
6 requirements, if applicable.
- 7 3. If insufficient space exists on the first page for all  
8 of the information described in subsection 2, the page  
9 reference of the document or instrument where the information  
10 is located shall be noted on the first page.
- 11 4. The recorder may record the following documents or  
12 instruments which are exempt from the format requirements of  
13 this section:
- 14 a. A document or instrument that was signed before July 1,  
15 2004.  
16 b. A military separation document or instrument.  
17 c. A document or instrument executed outside the United  
18 States.  
19 d. A certified copy of a document or instrument issued by  
20 a governmental agency, including a vital record.  
21 e. A document or instrument where one of the original  
22 parties is deceased or otherwise incapacitated.  
23 f. A document or instrument formatted to meet court  
24 requirements.  
25 g. A federal tax lien.  
26 h. A filing under the uniform commercial code, chapter  
27 554.
- 28 5. A document or instrument rejected for recording by a  
29 recorder shall be returned to the preparer or presenter  
30 accompanied by an explanation of the reason for rejection.
- 31 6. On and after July 1, 2004, a document or instrument  
32 that does not conform to the format standards specified in  
33 subsections 1 through 3 shall not be recorded except upon  
34 payment of an additional recording fee of ten dollars per  
35 document or instrument. The requirement applies only to

1 documents or instruments dated on or after July 1, 2004, and  
2 does not apply to those documents or instruments specifically  
3 exempted in subsection 4.

4 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1,  
5 2004.

6 EXPLANATION

7 This bill specifies formatting standards for documents or  
8 instruments that are presented for recording by the county  
9 recorder. Each document or instrument, except a survey and  
10 plat, is to be presented for recording with writing, printing,  
11 or drawing only on one side of the page, each page is to be no  
12 larger than eight and one-half inches in width and 14 inches  
13 in length, and each page is to be of white paper of not less  
14 than 20-pound weight without watermarks. All preprinted text  
15 is to be at least eight point in size and no more than 20  
16 characters and spaces per inch. All other text typed or  
17 computer generated, including all names of parties to an  
18 agreement, shall be at least 10 point in size and no more than  
19 16 characters and spaces per inch. If a document or  
20 instrument is presented for recording with preprinted text  
21 smaller than eight point and 10 point type for all other text,  
22 the document or instrument shall be accompanied by an exact  
23 typewritten or printed copy that meets type size requirements.  
24 All signatures on a document or instrument shall be in black  
25 or dark blue ink and of sufficient color and clarity to ensure  
26 that the signatures are readable when the document or  
27 instrument is reproduced. Each document or instrument shall  
28 have a top margin of at least three inches of vertical space  
29 from left to right, which shall be reserved for the recorder's  
30 use. All other margins shall be a minimum of three-fourths of  
31 one inch.

32 Each document or instrument containing any of the following  
33 information shall have that information on the first page of  
34 the document or instrument below the three-inch margin: the  
35 name, address, and telephone number of the preparer, the name

1 and complete address of a taxpayer of any document or  
2 instrument of conveyance, a return address, the title of a  
3 document or instrument, all grantors' or grantees' names, an  
4 address required by statute, the legal description of the  
5 property and parcel identification number, or a document or  
6 instrument number for statutory requirements. If there is  
7 insufficient space on the first page for all of the above  
8 information, the page reference of the document or instrument  
9 where the information is located shall be noted on the first  
10 page.

11 The following documents or instruments are exempt from the  
12 formatting requirements: a document or instrument which is  
13 signed before July 1, 2004; a military separation document or  
14 instrument; a document or instrument executed outside the  
15 United States; a certified copy of a vital record issued by a  
16 governmental agency; a document or instrument where one of the  
17 original parties is deceased or otherwise incapacitated; a  
18 document or instrument formatted to meet court requirements; a  
19 federal tax lien; or a filing under the uniform commercial  
20 code.

21 A document or instrument rejected for recording by the  
22 county recorder shall be returned to the preparer or presenter  
23 with an explanation of the reason for rejection.

24 On or after July 1, 2004, a document or instrument that  
25 does not conform to the format standards shall not be recorded  
26 except upon payment of an additional recording fee of \$10 per  
27 document or instrument. The additional recording fee applies  
28 only to documents or instruments dated on or after July 1,  
29 2004, and does not apply to exempt documents or instruments.

30 The bill takes effect July 1, 2004.

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