

# House Study Bill 252

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

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

## A BILL FOR

1 An Act relating to real property, including acknowledgments of  
2 real property conveyances and limitations on causes of action  
3 concerning real property.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2476HC 80  
6 sc/pj/5

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1 1 Section 1. Section 558.20, Code 2003, is amended to read  
1 2 as follows:  
1 3 558.20 ACKNOWLEDGMENTS WITHIN STATE.  
1 4 The acknowledgment of any deed, conveyance, or other  
1 5 instrument in writing by which real estate in this state is  
1 6 conveyed or encumbered, ~~if whether~~ made within this state,  
1 7 ~~must be before some court having a seal, or some judge or~~  
~~1 8 clerk thereof, or some county auditor, or judicial magistrate~~  
~~1 9 or district associate judge within the county, or notary~~  
~~1 10 public within the state. Each of the officers above named is~~  
~~1 11 authorized to take and certify acknowledgments of all written~~  
~~1 12 instruments, authorized or required by law to be acknowledged~~  
1 13 outside this state, outside the United States, or under  
1 14 federal authority, shall comply with the provisions of chapter  
1 15 9E.

1 16 Sec. 2. Section 558.40, Code 2003, is amended to read as  
1 17 follows:

1 18 558.40 LIABILITY OF OFFICER.  
1 19 Any officer, who knowingly misstates a material fact in  
1 20 ~~either any~~ of the certificates mentioned in this chapter ~~or~~  
1 21 ~~chapter 9E~~, shall be liable for all damages caused thereby,  
1 22 and shall be guilty of a serious misdemeanor.

1 23 Sec. 3. Section 558.42, Code 2003, is amended to read as  
1 24 follows:

1 25 558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.  
1 26 ~~It~~ A document shall not be deemed lawfully recorded, unless  
1 27 it has been previously acknowledged or proved in the manner  
1 28 prescribed in ~~this chapter or~~ chapter 9E, except that  
1 29 affidavits, and certified copies of petitions in bankruptcy  
1 30 with or without the schedules appended, of decrees of  
1 31 adjudication in bankruptcy, and of orders approving trustees'  
1 32 bonds in bankruptcy, and Uniform Commercial Code financing  
1 33 statements and financing statement changes need not be thus  
1 34 acknowledged.

1 35 Sec. 4. Section 602.8102, subsection 78, Code 2003, is  
2 1 amended to read as follows:

2 2 78. Certify an acknowledgment of a written instrument  
2 3 relating to real estate as provided in section 9E.10 or  
2 4 558.20.

2 5 Sec. 5. Section 614.29, unnumbered paragraph 1, Code 2003,  
2 6 is amended to read as follows:

2 7 As used in this ~~division~~ chapter:

2 8 Sec. 6. Section 614.30, Code 2003, is amended to read as  
2 9 follows:

2 10 614.30 CONSTRUCTION LIBERAL.  
2 11 This ~~division~~ chapter shall be liberally construed to  
2 12 effect the legislative purpose of simplifying and facilitating  
2 13 land title transactions by allowing persons to rely on a  
2 14 record chain of title as described in section 614.31, subject  
2 15 only to such limitations as appear in section 614.32.

2 16 Sec. 7. Section 614.36, Code 2003, is amended to read as  
2 17 follows:

2 18 614.36 LESSORS, REVERSIONERS, AND EASEMENTS.  
2 19 This ~~division~~ chapter shall not be applied to bar any  
2 20 lessor or lessor's successor as a reversioner of the lessor's  
2 21 right to possession on the expiration of any lease; or to bar

2 22 or extinguish any easement or interest in the nature of an  
2 23 easement, the existence of which is apparent from or can be  
2 24 proved by physical evidence of its use; or to bar any right,  
2 25 title or interest of the United States, by reason of failure  
2 26 to file the notice herein required.

2 27 Sec. 8. Section 614.37, Code 2003, is amended to read as  
2 28 follows:

2 29 614.37 LIMITATION STATUTES NOT EXTENDED.

2 30 Nothing contained in this ~~division~~ chapter shall be  
2 31 construed to extend the period for the bringing of an action  
2 32 or for the doing of any other required act under any statutes  
2 33 of limitations, nor, except as herein specifically provided,  
2 34 to effect the operation of any statutes governing the effect  
2 35 of the recording or the failure to record any instrument  
3 1 affecting land. It is intended that nothing contained in this  
3 2 division be interpreted to revive or extend the period of  
3 3 filing a claim or bringing an action that may be limited or  
3 4 barred by any other statute.

3 5 Sec. 9. Section 614.38, Code 2003, is amended to read as  
3 6 follows:

3 7 614.38 PERIOD EXTENSION IN CERTAIN CASES.

3 8 If the forty-year period specified in this ~~division~~ chapter  
3 9 shall have expired prior to one year after July 1, 1969, such  
3 10 period shall be extended one year after July 1, 1969.

3 11 Sec. 10. Sections 558.21 through 558.30 and 558.37 through  
3 12 558.39, Code 2003, are repealed.

3 13 EXPLANATION

3 14 This bill repeals the acknowledgment provisions in Code  
3 15 chapter 558 relating to real property conveyances and, by  
3 16 operation of law, makes similar acknowledgment provisions  
3 17 contained in Code chapter 9E, relating to notarial acts, the  
3 18 sole acknowledgment requirements.

3 19 The bill also amends Code chapter 614 relating to  
3 20 limitations of actions to make provisions relating to the Code  
3 21 chapter division on marketable record title applicable to the  
3 22 entire Code chapter. The provisions made applicable to the  
3 23 entire chapter are those relating to definitions, liberal  
3 24 construction, rights upon expiration of a lease, extension of  
3 25 limitation statutes, and 40-year period extension in certain  
3 26 cases.

3 27 LSB 2476HC 80

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