

Senate Study Bill 1219

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON QUIRMBACH)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to county recorders by making changes to fees
2 charged by the county recorder, information required to be
3 endorsed on certain recorded documents and instruments, and
4 standards for indexes maintained by the county recorder.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1760SC 83
7 md/sc/5

PAG LIN

1 1 Section 1. Section 10A.108, subsections 4 through 6, Code
1 2 2009, are amended to read as follows:
1 3 4. The county recorder of each county shall prepare and
1 4 maintain in the recorder's office an index of liens of debts
1 5 established based upon benefits or provider payments
1 6 inappropriately obtained from and owed the department of human
1 7 services, ~~which provides containing the applicable entries~~
1 8 ~~specified in sections 558.49 and 558.52, and providing~~
1 9 appropriate columns for all of the following data, under the
1 10 names of debtors, arranged alphabetically:
1 11 a. The name of the debtor.
1 12 b. "State of Iowa, Department of Human Services" as
1 13 claimant.
1 14 c. The time that the notice of the lien was ~~received~~ filed
1 15 for recording.
1 16 d. The date of notice.
1 17 e. The amount of the lien currently due.
1 18 f. The date of the assessment.
1 19 g. The date of satisfaction of the debt.
1 20 h. Any extension of the time period for application of the
1 21 lien and the date that the notice for extension was filed.
1 22 5. The recorder shall endorse on each notice of lien the
1 23 day and time ~~received~~ filed for recording and the document
1 24 reference number, and shall preserve the notice. The recorder
1 25 shall index the notice and shall record the lien in the manner
1 26 provided for recording real estate mortgages. The lien ~~shall~~
1 27 ~~be is~~ effective from the time of the indexing.
1 28 6. The department shall pay, from moneys appropriated to
1 29 the department for this purpose, ~~a recording fee fees~~ as
1 30 provided in section 331.604, for the recording of the lien, or
1 31 for satisfaction of the lien.
1 32 Sec. 2. Section 96.14, subsection 3, paragraphs c through
1 33 e, Code 2009, are amended to read as follows:
1 34 c. The county recorder of each county shall prepare and
1 35 keep in the recorder's office an index ~~to show containing the~~
2 1 applicable entries specified in sections 558.49 and 558.52 and
2 2 showing the following data, under the names of employers,
2 3 arranged alphabetically:
2 4 (1) The name of the employer.
2 5 (2) The name "State of Iowa" as claimant.
2 6 (3) Time notice of lien was ~~received~~ filed for recording.
2 7 (4) Date of notice.
2 8 (5) Amount of lien then due.
2 9 (6) When satisfied.
2 10 d. The recorder shall endorse on each notice of lien the
2 11 day, hour, and minute when ~~received~~ filed for recording and
2 12 the document reference number, and shall index the notice in
2 13 the index and shall record the lien in the manner provided for
2 14 recording real estate mortgages, ~~and the~~. The lien ~~shall be~~
2 15 is effective from the time of the indexing of the lien.
2 16 e. The department shall pay ~~a recording fee fees~~ as

2 17 provided in section 331.604, for the recording of the lien, or
2 18 for its satisfaction.

2 19 Sec. 3. Section 124C.4, subsection 3, Code 2009, is
2 20 amended to read as follows:

2 21 3. Each notice of lien shall be endorsed with the day,
2 22 hour, and minute when the notice was ~~received~~ filed for
2 23 recording and the document reference number, and the notice
2 24 shall be preserved, indexed, and recorded in the manner
2 25 provided for recording real estate mortgages. The lien ~~shall~~
2 26 be is effective from the time of its indexing. The department
2 27 shall pay ~~a~~ recording ~~fee~~ fees as provided by section 331.604
2 28 for the recording of the lien or for its satisfaction.

2 29 Sec. 4. Section 331.602, subsections 8 and 37, Code 2009,
2 30 are amended to read as follows:

2 31 8. Endorse on each notice of an unemployment contribution
2 32 lien the day, hour, and minute that the lien is ~~received from~~
2 33 the department of workforce development filed for recording
2 34 and the document reference number, index the notice of lien,
2 35 and record the lien as provided in section 96.14, subsection
3 1 3.

3 2 37. Carry out duties relating to the indexing of name
3 3 changes, and the recorder shall charge ~~a fee~~ fees for indexing
3 4 as provided in section 331.604.

3 5 Sec. 5. Section 331.603, subsection 4, Code 2009, is
3 6 amended to read as follows:

3 7 4. The recorder may, in lieu of maintaining separate index
3 8 books ~~as required by law~~, prepare and maintain a combined
3 9 index record or system which shall contain the same data and
3 10 information as required to be kept in the separate index
3 11 books.

3 12 Sec. 6. Section 331.604, Code 2009, is amended to read as
3 13 follows:

3 14 331.604 ~~GENERAL~~ RECORDING AND FILING ~~FE~~ FEES.

3 15 1. Except as otherwise provided by state law, subsection 2
3 16 4, or section 331.605, the recorder shall collect a fee of
3 17 five dollars for each page or fraction of a page of an
3 18 instrument which is filed or recorded in the recorder's
3 19 office. If a page or fraction of a page contains more than
3 20 one transaction, the recorder shall collect the fee for each
3 21 transaction.

3 22 2. a. The recorder shall also collect a fee of one dollar
3 23 for each recorded transaction for which a fee is paid pursuant
3 24 to subsection 1 to be used exclusively for the purpose of
3 25 preserving and maintaining public records. The treasurer, on
3 26 behalf of the recorder, shall establish and maintain a county
3 27 recorder's records management fund into which all moneys
3 28 collected pursuant to this subsection shall be deposited.
3 29 Interest earned on moneys deposited in the fund shall be
3 30 credited to the county recorder's records management fund.
3 31 The recorder shall use the moneys deposited in the fund to
3 32 produce and maintain public records that meet archival
3 33 standards, and to enhance the technological storage,
3 34 retrieval, and transmission capabilities related to archival
3 35 quality records. The recorder may cooperate with other
4 1 entities, boards, and agencies to establish methods of records
4 2 management, and participate in other joint ventures which
4 3 further the purposes of this subsection.

4 4 b. Fees collected pursuant to this subsection shall be
4 5 used to accomplish the following purposes:

4 6 (1) Preserve and maintain public records.

4 7 (2) Assist counties in reducing record preservation costs.

4 8 (3) Encourage and foster maximum access to public records

4 9 maintained by county recorders at locations throughout the
4 10 state.

4 11 (4) Establish plans for anticipated and possible future
4 12 needs, including the handling and preservation of vital
4 13 statistics.

4 14 3. a. The county recorder shall also collect a fee of one
4 15 dollar for each recorded transaction, regardless of the number
4 16 of pages, for which a fee is paid pursuant to subsection 1 to
4 17 be used for the purpose set forth in paragraph "c".

4 18 b. The county treasurer, on behalf of the recorder, shall
4 19 establish and maintain a county recorder's electronic
4 20 transaction fund into which all moneys collected pursuant to
4 21 paragraph "a" shall be deposited. Interest earned on moneys
4 22 deposited in this fund shall be computed based on the average
4 23 monthly balance in the fund and shall be credited to the
4 24 county recorder's electronic transaction fund.

4 25 c. The local government electronic transaction fund is
4 26 established in the office of the treasurer of state under the
4 27 control of the treasurer of state. Moneys deposited into the

4 28 fund are not subject to section 8.33. Notwithstanding section
4 29 12C.7, interest or earnings on moneys in the local government
4 30 electronic transaction fund shall be credited to the fund.
4 31 Moneys in the local government electronic transaction fund are
4 32 not subject to transfer, appropriation, or reversion to any
4 33 other fund, or any other use except as provided in this
4 34 paragraph "c". On a monthly basis, the county treasurer shall
4 35 pay each fee collected pursuant to paragraph "a" to the
5 1 treasurer of state for deposit into the local government
5 2 electronic transaction fund. Moneys credited to the local
5 3 government electronic transaction fund are appropriated to the
5 4 treasurer of state to be used for the purpose of planning and
5 5 implementing electronic recording and electronic transactions
5 6 in each county and developing county and statewide internet
5 7 websites to provide electronic access to records and
5 8 information and to pay the ongoing costs of integrating and
5 9 maintaining the statewide internet website.
5 10 d. The recorder shall make available any information
5 11 required by the county auditor or auditor of state concerning
5 12 the fees collected under this subsection for the purposes of
5 13 determining the amount of fees collected and the uses for
5 14 which such fees are expended.

5 15 ~~2- 4.~~ A county shall not be required to pay a fee to the
5 16 recorder for filing or recording instruments. However, a
5 17 county treasurer is required to pay recording fees pursuant to
5 18 section 437A.11.

5 19 Sec. 7. Section 331.605B, subsection 1, Code 2009, is
5 20 amended to read as follows:

5 21 1. The recorder shall make available any information
5 22 required by the county or state auditor concerning the fees
5 23 collected under section ~~331.605A~~ 331.604, subsection 2, for
5 24 the purposes of determining the amount of fees collected and
5 25 the uses for which such fees are expended.

5 26 Sec. 8. Section 331.606B, subsection 2, paragraph b, Code
5 27 2009, is amended to read as follows:

5 28 b. ~~The~~ For any instrument of conveyance, the name of the
5 29 taxpayer and a complete mailing address for any document or
5 30 instrument of conveyance.

5 31 Sec. 9. Section 331.606B, subsection 6, Code 2009, is
5 32 amended to read as follows:

5 33 6. a. On and after July 1, 2005, a document or instrument
5 34 that does not conform to the format standards specified in
5 35 subsections 1 through 3 shall not be recorded accepted for
6 1 recording except upon payment of an additional recording fee
6 2 of ten dollars per document or instrument. The requirement
6 3 applies only to documents or instruments dated on or after
6 4 July 1, 2005, and does not apply to those documents or
6 5 instruments specifically exempted in subsection 4.

6 6 b. On and after July 1, 2009, a document or instrument
6 7 that does not conform to the format standards specified in
6 8 subsection 1, paragraphs "c" and "e", or subsection 2,
6 9 paragraph "b", shall not be accepted for recording. This
6 10 paragraph applies only to documents or instruments dated on or
6 11 after July 1, 2009, and does not apply to those documents or
6 12 instruments specifically exempted in subsection 4.

6 13 Sec. 10. Section 331.607, subsection 5, Code 2009, is
6 14 amended by striking the subsection and inserting in lieu
6 15 thereof the following:

6 16 5. An index for records of private drainage systems as
6 17 provided in section 468.623.

6 18 Sec. 11. Section 331.609, subsection 4, Code 2009, is
6 19 amended to read as follows:

6 20 4. The fee fees for filing or recording, and indexing each
6 21 notice of lien or certificate or notice affecting the lien
6 22 shall be as provided in section 331.604. The officer shall
6 23 bill the internal revenue service or any other appropriate
6 24 federal agency on a monthly basis for fees for documents filed
6 25 or recorded by it.

6 26 Sec. 12. Section 359A.10, Code 2009, is amended to read as
6 27 follows:

6 28 359A.10 ENTRY AND RECORD OF ORDERS.

6 29 Such orders, decisions, notices, and returns shall be
6 30 entered of record at length by the township clerk, and a copy
6 31 thereof certified by the township clerk to the county
6 32 recorder, who shall record the same in the recorder's office
6 33 in a book kept for that purpose, and index such record in the
6 34 name of each adjoining owner as grantor to the other. The
6 35 county recorder shall collect fees specified in section

7 1 331.604.

7 2 Sec. 13. Section 359A.12, Code 2009, is amended to read as
7 3 follows:

7 4 359A.12 DIVISION BY AGREEMENT == RECORD.

7 5 The several owners may, in writing, agree upon the portion
7 6 of partition fences between their lands which shall be erected
7 7 and maintained by each, which writing shall describe the lands
7 8 and the parts of the fences so assigned, be signed and
7 9 acknowledged by them, and filed and recorded in the office of
7 10 the recorder of deeds of the county or counties in which they
7 11 are situated. The county recorder shall collect fees
7 12 specified in section 331.604.

7 13 Sec. 14. Section 422.26, subsections 4 and 5, Code 2009,
7 14 are amended to read as follows:

7 15 4. The county recorder of each county shall keep in the
7 16 recorder's office an index ~~and record to show~~ containing the
7 17 applicable entries in sections 558.49 and 558.52 and showing
7 18 the following data, under the names of taxpayers, arranged
7 19 alphabetically:

- 7 20 a. The name of the taxpayer.
- 7 21 b. The name "State of Iowa" as claimant.
- 7 22 c. Time notice of lien was ~~received~~ filed for recording.
- 7 23 d. Date of notice.
- 7 24 e. Amount of lien then due.
- 7 25 f. Date of assessment.
- 7 26 g. When satisfied.

7 27 The recorder shall endorse on each notice of lien the day,
7 28 hour, and minute when ~~received and filed for recording and the~~
7 29 document reference number, shall preserve the same, and shall
7 30 index the notice in the index and shall record the lien in the
7 31 manner provided for recording real estate mortgages, and the
7 32 The lien shall be is effective from the time of the indexing
7 33 of the lien.

7 34 5. The department shall pay ~~a~~ recording fee fees as
7 35 provided in section 331.604, for the recording of the lien, or
8 1 for its satisfaction.

8 2 Sec. 15. Section 424.11, unnumbered paragraphs 4 and 5,
8 3 Code 2009, are amended to read as follows:

8 4 The recorder shall endorse on each notice of lien the day,
8 5 hour, and minute when ~~received~~ filed for recording and the
8 6 document reference number, and shall preserve the notice, and,
8 7 The recorder shall also immediately index the notice and
8 8 record the lien in the manner provided for recording real
8 9 estate mortgages, and the. The lien shall be is effective
8 10 from the time of its indexing.

8 11 The department shall pay ~~a~~ recording fee fees as provided
8 12 in section 331.604, for the recording of the lien, or for its
8 13 satisfaction.

8 14 Sec. 16. Section 428A.4, unnumbered paragraph 2, Code
8 15 2009, is amended to read as follows:

8 16 The county recorder shall refuse to record any deed,
8 17 instrument, or writing by which any real property in this
8 18 state shall be granted, assigned, transferred, or otherwise
8 19 conveyed, except those transfers exempt from tax under section
8 20 428A.2, subsections 2 ~~to through~~ 5, ~~and 7 to through~~ 13, ~~and~~
8 21 ~~16 through 21,~~ or under section 428A.2, subsection 6, except
8 22 in the case of a federal agency or instrumentality, until the
8 23 declaration of value has been submitted to the county
8 24 recorder. A declaration of value shall not be required with a
8 25 deed given in fulfillment of a recorded real estate contract
8 26 provided the deed has a notation that it is given in
8 27 fulfillment of a contract.

8 28 Sec. 17. Section 428A.5, Code 2009, is amended to read as
8 29 follows:

8 30 428A.5 DOCUMENTATION OF PAYMENT.

8 31 The amount of tax imposed by this chapter shall be paid to
8 32 the county recorder in the county where the real property is
8 33 located and the amount received ~~and the initials of the county~~
8 34 ~~recorder~~ shall appear on the face of the document or
8 35 instrument. The method of documentation of a transfer tax
9 1 shall be approved by the department of revenue.

9 2 Sec. 18. Section 437A.11, unnumbered paragraph 2, Code
9 3 2009, is amended to read as follows:

9 4 The county recorder of each county shall ~~prepare and keep~~
9 5 ~~in the recorder's office an index~~ each lien showing the
9 6 applicable entries specified in sections 558.49 and 558.52 and
9 7 record to show showing, under the names of taxpayers arranged
9 8 alphabetically, all of the following:

9 9 Sec. 19. Section 437A.11, subsection 3, Code 2009, is
9 10 amended to read as follows:

9 11 3. Time the notice of lien was ~~received~~ filed for
9 12 recording.

9 13 Sec. 20. Section 437A.11, unnumbered paragraphs 3 through
9 14 5, Code 2009, are amended to read as follows:

9 15 The recorder shall endorse on each notice of lien the day,
9 16 hour, and minute when ~~received and preserve such notice, and~~
9 17 ~~filed for recording and the document reference number, shall~~
9 18 ~~preserve such notice, shall index the notice in the index, and~~
9 19 ~~shall promptly record the lien in the manner provided for~~
9 20 recording real estate mortgages. The lien is effective from
9 21 the time of the indexing of the lien.

9 22 The county treasurer or chief financial officer of the city
9 23 shall pay a recording fee fees as provided in section 331.604,
9 24 for the recording of the lien, or for its satisfaction.

9 25 Upon the payment of the replacement tax as to which a
9 26 county treasurer or chief financial officer of a city has
9 27 filed notice with a county recorder, the county treasurer or
9 28 chief financial officer of the city shall promptly file with
9 29 the recorder a satisfaction of the replacement tax. The
9 30 recorder shall ~~enter the satisfaction on the record the notice~~
9 31 ~~on file in the recorder's office and indicate that fact on the~~
9 32 ~~index of satisfaction showing the applicable entries specified~~
9 33 ~~in sections 558.49 and 558.52.~~

9 34 Sec. 21. Section 437A.22, unnumbered paragraph 3, Code
9 35 2009, is amended to read as follows:

10 1 The county recorder of each county shall ~~prepare and keep~~
10 2 ~~in the recorder's office an index each lien showing the~~
10 3 ~~applicable entries specified in sections 558.49 and 558.52 and~~
10 4 ~~record to show showing, under the names of taxpayers arranged~~
10 5 ~~alphabetically, all of the following:~~

10 6 Sec. 22. Section 437A.22, subsection 3, Code 2009, is
10 7 amended to read as follows:

10 8 3. Time the notice of lien was ~~received~~ filed for
10 9 recording.

10 10 Sec. 23. Section 437A.22, unnumbered paragraphs 4 and 5,
10 11 Code 2009, are amended to read as follows:

10 12 The recorder shall endorse on each notice of lien the day,
10 13 hour, and minute when ~~received and~~ filed for recording and the
10 14 document reference, shall preserve such notice, and shall
10 15 promptly record the lien in the manner provided for recording
10 16 real estate mortgages. The lien is effective from the time of
10 17 the indexing of the lien.

10 18 The director, from moneys appropriated to the department of
10 19 revenue for this purpose, shall pay a recording fee fees as
10 20 provided in section 331.604 for the recording of the lien, or
10 21 for its satisfaction.

10 22 Sec. 24. Section 468.623, Code 2009, is amended to read as
10 23 follows:

10 24 468.623 PRIVATE DRAINAGE SYSTEM == RECORD.

10 25 1. Any person who has provided a system of drainage on
10 26 land owned by the person may have the same made a matter of
10 27 record in the office of the county recorder of the county in
10 28 which the drainage system is located, provided any drainage
10 29 system constructed after July 1, 1969, shall be made a matter
10 30 of record, ~~as is hereinafter provided. The record shall~~
10 31 ~~contain the applicable entries specified in sections 558.49~~
10 32 ~~and 558.52.~~

10 33 2. ~~Records under subsection 1 may be used to give the~~
10 34 ~~owner's name, description of tracts of land drained, stating~~
10 35 ~~the time when the drainage system was established, the kind,~~
11 1 ~~quality, and brand of tile used, the name and place of the~~
11 2 ~~manufacturing plant, the name of contractors who laid the~~
11 3 ~~tile, the name of the engineer in charge of the survey and~~
11 4 ~~installation, the cost of tile, delivery, installation, and~~
11 5 ~~engineering expense, depths, grades, outlets, connections,~~
11 6 ~~contracts for agreements with adjoining landowners as to~~
11 7 ~~connections, and any other matters or information that may be~~
11 8 ~~considered of value, and such information may be furnished by~~
11 9 ~~the landowner or the engineer having charge of the~~
11 10 ~~installation and certified to under oath.~~

11 11 Sec. 25. Section 468.626, Code 2009, is amended to read as
11 12 follows:

11 13 468.626 ORIGINAL PLAT FILED.

11 14 In lieu of making the record as herein provided any
11 15 landowner may file with the county recorder the original plat
11 16 used in the establishment of ~~said~~ the drainage system, or a
11 17 copy thereof of the plat, which shall be certified by the
11 18 engineer having made the same. If practicable, a plat filed
11 19 under this section shall be made a matter of record and shall
11 20 contain the applicable entries specified in sections 558.49
11 21 and 558.52.

11 22 Sec. 26. Section 468.628, Code 2009, is amended to read as
11 23 follows:

11 24 468.628 FEES FOR ~~RECORD AND COPIES~~ RECORDING.

11 25 ~~The county~~ When information is filed with the county

~~11 26 recorder pursuant to section 468.623 or 468.626, the recorder
11 27 shall be entitled to collect recording fees for the filing and
11 28 information heretofore provided for, and for the making of
11 29 copies of such records the same as is provided for other work
11 30 of a similar nature in the amounts specified in section
11 31 331.604.~~

11 32 Sec. 27. Section 499A.1, unnumbered paragraph 1, Code
11 33 2009, is amended to read as follows:

11 34 Any two or more persons of full age, a majority of whom are
11 35 citizens of the state, may organize themselves for the
12 1 following or similar purposes: Ownership of residential,
12 2 business property on a cooperative basis. A corporation is a
12 3 person within the meaning of this chapter. The organizers
12 4 shall adopt, and sign and acknowledge the articles of
12 5 incorporation, stating the name by which the cooperative shall
12 6 be known, the location of its principal place of business, its
12 7 business or objects, the number of directors to conduct the
12 8 cooperative's business or objects, the names of the directors
12 9 for the first year, the time of the cooperative's annual
12 10 meeting, the time of the annual meeting of its directors, and
12 11 the manner in which the articles may be amended. The articles
12 12 of incorporation shall be filed with the secretary of state
12 13 who shall, if the secretary approves the articles, endorse the
12 14 secretary of state's approval on the articles, record the
12 15 articles, and forward the articles to the county recorder of
12 16 the county where the principal place of business is to be
12 17 located, and there the articles shall be recorded, and upon
12 18 recording be returned to the cooperative. The articles shall
12 19 not be filed by the secretary of state until a filing fee of
12 20 five dollars together with a recording fee of fifty cents per
12 21 page is paid, and upon the payment of the fees and the
12 22 approval of the articles by the secretary of state, the
12 23 secretary shall issue to the cooperative a certificate of
12 24 incorporation as a cooperative not for pecuniary profit. The
12 25 county recorder shall collect recording fees pursuant to
12 26 section 331.604 for articles forwarded for recording under
12 27 this section.

12 28 Sec. 28. Section 499B.3, unnumbered paragraph 1, Code
12 29 2009, is amended to read as follows:

12 30 When the sole owner or all of the owners, or the sole
12 31 lessee or all of the lessees of a lease desire to submit a
12 32 parcel of real property upon which a building is located or to
12 33 be constructed to the horizontal property regime established
12 34 by this chapter, a declaration to that effect shall be
12 35 executed and acknowledged by the sole owner or lessee or all
13 1 of such owners or lessees and shall be recorded in the office
13 2 of the county recorder of the county in which such property
13 3 lies. The county recorder shall collect recording fees
13 4 pursuant to section 331.604.

13 5 Sec. 29. Section 499B.5, subsection 1, Code 2009, is
13 6 amended to read as follows:

13 7 1. Description of land as provided in section 499B.4,
13 8 including the ~~book, page~~ document reference number and date of
13 9 recording of the declaration.

13 10 Sec. 30. Section 501.105, subsection 6, Code 2009, is
13 11 amended to read as follows:

13 12 6. The secretary of state shall forward for recording a
13 13 copy of each original, amended, and restated articles,
13 14 articles of merger, articles of consolidation, and articles of
13 15 dissolution to the recorder of the county in which the
13 16 cooperative has its principal place of business, or in the
13 17 case of a merger or consolidation, to the recorders of each of
13 18 the counties in which the merging or consolidating
13 19 cooperatives have their principal offices. The county
13 20 recorder shall collect recording fees pursuant to section
13 21 331.604 for documents forwarded for recording under this
13 22 subsection.

13 23 Sec. 31. Section 547.3, Code 2009, is amended to read as
13 24 follows:

13 25 547.3 FEE FOR RECORDING.

13 26 The county recorder shall ~~charge and receive a fee collect~~
13 27 fees in the amount specified in section 331.604 for each

13 28 verified statement recorded under this chapter. The recorder
13 29 may return the original instrument to the sender or dispose of
13 30 the instrument if the sender does not wish to have the
13 31 instrument returned. An instrument filed in the recorder's
13 32 office before July 1, 1990, may be returned to the sender or
13 33 disposed of if the sender does not wish to have the instrument
13 34 returned and if there is an official copy of the instrument in
13 35 the recorder's office.

14 1 Sec. 32. Section 557.24, Code 2009, is amended to read as

14 2 follows:

14 3 557.24 FEE.

14 4 A person having the name of the person's farm recorded as
14 5 provided in section 557.22 shall first pay to the county
14 6 recorder ~~a fee in the amount the fees~~ specified in section
14 7 331.604, which ~~fee~~ shall be paid to the county treasurer as
14 8 other fees are paid to the county treasurer by the recorder.

14 9 Sec. 33. Section 557.26, Code 2009, is amended to read as
14 10 follows:

14 11 557.26 CANCELLATION == FEE.

14 12 If the owner of a registered farm desires to cancel the
14 13 registered name of the farm, the owner shall acknowledge
14 14 cancellation of the name by execution of an instrument in
14 15 writing referring to the farm name, and shall record the
14 16 instrument. For the latter service the county recorder shall
14 17 ~~charge a fee in collect~~ the ~~amount fees~~ specified in section
14 18 331.604, which shall be paid to the county treasurer as other
14 19 fees are paid to the county treasurer by the recorder.

14 20 Sec. 34. Section 558.55, Code 2009, is amended to read as
14 21 follows:

14 22 558.55 FILING AND INDEXING == CONSTRUCTIVE NOTICE.

14 23 The recorder must endorse upon every instrument properly
14 24 filed for ~~record recording~~ in the recorder's office, the day,
14 25 hour, and minute ~~of the filing when filed for recording and~~
14 26 ~~the document reference number~~, and enter in the index the
14 27 entries required to be entered pursuant to sections 558.49 and
14 28 558.52, ~~and the filing. The recording~~ and indexing shall
14 29 constitute constructive notice to all persons of the rights of
14 30 the grantees conferred by the instruments.

14 31 Sec. 35. Section 558.66, unnumbered paragraph 1, Code
14 32 2009, is amended to read as follows:

14 33 Upon receipt of a certificate issued by the clerk of the
14 34 district court or clerk of the supreme court indicating that
14 35 the title to real estate has been finally established in any
15 1 named person by judgment or decree or by will or by affidavit
15 2 of or on behalf of a surviving spouse that has been recorded
15 3 by the recorder, the auditor shall enter the information in
15 4 the certificate upon the transfer books, upon payment of a fee
15 5 in the amount specified in section 331.507, subsection 2,
15 6 paragraph "a". In the case of the affidavit filed with the
15 7 recorder, the fee set forth in section 331.507, subsection 2,
15 8 paragraph "a", and the ~~fee fees~~ set forth in section 331.604,
15 9 shall be collected by the recorder and paid to the treasurer
15 10 as provided in section 331.902, subsection 3.

15 11 Sec. 36. Section 598.21, subsection 2, Code 2009, is
15 12 amended to read as follows:

15 13 2. DUTIES OF COUNTY RECORDER. The county recorder shall
15 14 record each quitclaim deed or change of title and shall
15 15 collect the ~~fee fees~~ specified in section 331.507, subsection
15 16 2, paragraph "a", and the fee specified in section 331.604,
15 17 ~~subsection 1.~~

15 18 Sec. 37. Section 633.481, Code 2009, is amended to read as
15 19 follows:

15 20 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
15 21 WITHOUT ADMINISTRATION.

15 22 When an inventory or report is filed under section 450.22,
15 23 without administration of the estate of the decedent, the heir
15 24 or heir's attorney shall prepare and deliver to the county
15 25 recorder of the county in which the real estate is situated a
15 26 certificate pertaining to each parcel of real estate described
15 27 in the inventory or report. Any fees for certificates or
15 28 recording fees required by this section or section 633.480
15 29 shall be assessed as costs of administration. The ~~fee fees~~
15 30 for recording and indexing the instrument shall be as provided
15 31 in section 331.604. The county recorder shall deliver the
15 32 certificates to the county auditor as provided in section
15 33 558.58.

15 34 Sec. 38. Section 674.14, Code 2009, is amended to read as
15 35 follows:

16 1 674.14 INDEXING IN REAL PROPERTY RECORD.

16 2 The county recorder and county auditor of each county in
16 3 which the petitioner owns real property shall ~~charge collect~~
16 4 fees in the amounts specified in sections 331.604 and 331.507,
16 5 subsection 2, paragraph "b", for indexing a change of name for
16 6 each parcel of real estate.

16 7 Sec. 39. Sections 331.605A, 331.605C, 468.624, and
16 8 468.625, Code 2009, are repealed.

16 9 EXPLANATION

16 10 This bill makes changes relating to the office of county
16 11 recorder.

16 12 The bill makes changes relating to certain documents filed

16 13 with the county recorder and specifies that the county
16 14 recorder must endorse upon each document or instrument, in
16 15 addition to other information, the document reference number.
16 16 The bill incorporates the document management fee in Code
16 17 section 331.605A and the electronic transaction fee in Code
16 18 section 331.605C into the other existing recording and filing
16 19 fee provisions under Code section 331.604.

16 20 The bill requires certain indexes under the control of the
16 21 county recorder to include applicable entries required to be
16 22 made for conveyances of property. The bill repeals Code
16 23 sections 468.624 and 468.625 pertaining to private drainage
16 24 system plat books and record books and directs those records
16 25 to be maintained in accordance with the index requirements of
16 26 other indexes maintained by the county recorder.

16 27 The bill allows a county recorder to refuse to record a
16 28 document or instrument that does not conform to the format
16 29 standards pertaining to legibility, signatures, and the
16 30 printing of names on the document or instrument.

16 31 The bill exempts certain documents relating to conveying
16 32 property from the county recorder's duty to refuse to record
16 33 such documents until a declaration of value has been
16 34 submitted.

16 35 The bill provides that a county recorder shall collect
17 1 recording fees for recording a declaration of a horizontal
17 2 property regime and shall collect recording fees upon the
17 3 recording of certain articles of incorporation.

17 4 The bill allows a county recorder to collect recording fees
17 5 for orders, decisions, and notices made by a fence viewer and
17 6 written agreements between adjoining landowners.

17 7 LSB 1760SC 83

17 8 md/sc/5.2