

Senate Study Bill 3009 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

A BILL FOR

1 An Act relating to preservation of claims to mineral rights in
2 or on land.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **614.24A Reservation or granting of**
2 **mineral rights in or on land — preservation.**

3 1. No action based upon any claim arising or existing
4 by reason of the provisions of any deed, lease, conveyance,
5 contract, will, or other document reserving or granting any
6 mineral rights in or on the land therein described shall be
7 maintained in any court in this state to recover or establish
8 any interest in or claim to such real estate, legal or
9 equitable, against the holder of record title to such real
10 estate after twenty-one years from the recording of such
11 deed, lease, conveyance, contract, or other document or after
12 twenty-one years from the admission of such will to probate
13 unless the claimant shall, personally, or by the claimant's
14 attorney or agent, or if the claimant is a minor or under legal
15 disability, by the claimant's guardian, trustee, or either
16 parent or next friend, file a verified claim for such mineral
17 rights with the recorder of the county where the real estate
18 is located within the twenty-one-year period. In the event
19 that such deed, lease, conveyance, contract, or other document
20 was recorded, or will was admitted to probate, more than twenty
21 years prior to July 1, 2010, then such claim may be filed on or
22 before three years after July 1, 2010.

23 2. Claims for mineral rights filed shall set forth the
24 nature of the claim, the time and manner in which the interest
25 claimed was acquired, the name and address of the affiant
26 making the claim, the present owner or owners of the claim, and
27 that the claim was mailed to the assessor of the county where
28 the real estate is located by certified mail, return receipt
29 requested.

30 3. For the purposes of this section, "*mineral rights*"
31 includes but is not limited to interests in minerals as defined
32 in section 556.1, and any inanimate substance which may be
33 present in or on real estate, and any other substance defined
34 as a mineral by a law of this state, except coal.

35 4. For the purposes of this section, a claimant may be any

1 person or persons claiming any interest in or to such mineral
2 rights, whether the same is a present interest or an interest
3 which would come into existence if the happening or contingency
4 provided in the deed, lease, conveyance, contract, will, or
5 other document were to happen at once. A claimant may also be
6 any member of a class of persons entitled to or claiming such
7 rights or interests.

8 5. Nothing in this section shall be interpreted or construed
9 to revive or extinguish interests in coal described in chapter
10 557C.

11 6. The limitations of this section shall not run in respect
12 of any period in which the mineral rights are being separately
13 assessed for taxation under chapter 441 as against the person
14 who has paid the taxes so assessed.

15 7. This section shall not impair the validity of an
16 environmental covenant established pursuant to chapter 455I.

17 8. Nothing in this section shall be interpreted or construed
18 to revive any interest which has terminated or expired under
19 the terms of the instrument creating the interest.

20 Sec. 2. Section 614.25, Code 2009, is amended to read as
21 follows:

22 **614.25 Effect of filing ~~claim~~ claims.**

23 The filing of ~~such~~ a claim pursuant to section 614.24 or
24 614.24A shall extend for a further period of twenty-one years
25 the time within which such action may be brought by any person
26 entitled thereto, and successive claims for further like
27 extensions may be filed.

28 Sec. 3. Section 614.28, Code 2009, is amended to read as
29 follows:

30 **614.28 Barred claims.**

31 The provisions of sections 614.24 to 614.27, inclusive, or
32 the filing of a claim or claims, hereunder, shall not revive or
33 permit an action to be brought or maintained upon any claim or
34 cause of action which is barred by any other statute. Provided
35 further, that nothing contained in these sections shall affect

1 litigation pending on ~~July 4, 1965~~ July 1, 2010.

2 EXPLANATION

3 New Code section 614.24A relates to the preservation of
4 claims to mineral rights reserved or granted in or on land.
5 This bill provides that no action on a claim for such mineral
6 rights granted by the provisions of a deed, lease, conveyance,
7 contract, will, or other document can be maintained in a court
8 in this state against the holder of record title to the land
9 after 21 years from the recording of such a document unless
10 the claimant or claimant's representative has filed a verified
11 claim for such mineral rights with the county recorder where
12 the land is located within that 21-year period. If such a
13 deed, lease, conveyance, contract, or other document was
14 recorded, or will was admitted to probate, more than 20 years
15 prior to July 1, 2010, then a claim for such mineral rights may
16 be filed on or before three years after July 1, 2010.

17 Claims for mineral rights filed pursuant to new Code section
18 614.24A must set forth the nature of the claim, the time and
19 manner in which the interest claimed was acquired, the present
20 owner or owners of the claim, and that the claim was mailed
21 to the assessor of the county where the land is located by
22 certified mail, return receipt requested.

23 "Minerals" are defined as in Code section 556.1(7), except
24 not including coal. Code section 614.25 relating to filing
25 and extensions of claims, Code section 614.26 relating to
26 indexing of claims by the county recorder, Code section 614.27
27 relating to the inapplicability of extended time limitations
28 for minors and persons with mental illness, and Code section
29 614.28 relating to the revival or barring of claims, are also
30 applicable to new Code section 614.24A.