

House Study Bill 614 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON CARLSON)

A BILL FOR

1 An Act relating to filing requirements applicable to extensions
2 of real estate conveyances or transactions under specified
3 circumstances.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.21, subsection 2, Code 2020, is
2 amended to read as follows:

3 2. The date of maturity, when different than as appears by
4 the record of the instrument, and the date of maturity of any
5 extension of the instrument or of said indebtedness or part
6 thereof, may be shown at any time prior to the expiration of
7 the periods of limitation specified in subsection 1 by the
8 holder of the debt or the owner or assignee of the instrument
9 by filing an extension agreement, duly acknowledged as the
10 original instrument was required to be acknowledged, in
11 the office of the recorder where the instrument is recorded
12 an extension agreement or other documentation evidencing
13 a modification of the maturity date, an extension of the
14 instrument, or an extension of said indebtedness. By
15 authorizing or becoming bound under an existing mortgage, a
16 mortgagor authorizes the filing by a mortgagee under this
17 subsection.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 Current law provides that when the date of maturity of a
22 real estate mortgage, bond for deed, or contract for the sale
23 or conveyance of real estate is different from the date of
24 maturity shown on the record of the instrument itself, and so
25 long as the limitations period contained in Code section 614.21
26 has yet to expire, the owner or assignee of the instrument may
27 show a modification of the maturity date, an extension of the
28 maturity date, or an extension of any associated indebtedness
29 by filing a duly acknowledged extension agreement in the office
30 of the recorder where the instrument was recorded.

31 This bill removes the requirement that an extension
32 agreement be duly acknowledged as the original instrument was
33 required to be acknowledged when a filing of the agreement in
34 the county recorder's office takes place. Instead, the bill
35 provides that the filing of an extension agreement or other

1 documentation evidencing a modification of the maturity date,
2 extension of the instrument, or extension of indebtedness by
3 the holder of the debt or owner or assignee of the instrument
4 is sufficient.

5 In addition, the bill provides that a mortgagor, by
6 authorizing a mortgage or becoming bound under an existing
7 mortgage, authorizes the mortgagee to make the filings
8 specified in the bill.