

**House Study Bill 724 - Introduced**

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

**A BILL FOR**

1 An Act relating to notarial acts, recording of instruments  
2 affecting real property, quiet title proceedings, and  
3 providing penalties.

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

unofficial

1 Section 1. NEW SECTION. **9B.6A Failure to require personal**  
2 **appearance — penalties.**

3 1. A notarial officer who performs a notarial act without  
4 requiring the personal appearance of the individual as required  
5 under section 9B.6, or requiring the use of communication  
6 technology in the case of a remotely located individual as  
7 provided in section 9B.14A, commits a serious misdemeanor.

8 2. If the notarial act involves the transfer of real property  
9 or an interest in real property, a violation of this section is a  
10 class "D" felony.

11 3. It is an affirmative defense to a prosecution under  
12 this section that the individual appeared before the notarial  
13 officer and knowingly presented apparently valid proof of  
14 identification, even if the individual was not in fact the person  
15 identified in the proof of identification, or if the remotely  
16 located individual provided apparently valid identity proofing  
17 information in the case of a notarial act performed under section  
18 9B.14A.

19 Sec. 2. Section 22.7, Code 2026, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 78. Any copy of photo identification  
22 submitted to a county recorder pursuant to section 558.11.

23 Sec. 3. Section 558.11, Code 2026, is amended to read as  
24 follows:

25 **558.11 Record — constructive notice.**

26 1. The evidence of title shall be filed with the recorder  
27 of deeds of the county in which the real estate is situated,  
28 who shall record the same, and place an abstract thereof upon  
29 the index of deeds. The recording thereof shall be constructive  
30 notice to all persons, as provided in other cases of entries upon  
31 said index, and the recorder shall receive the same fees therefor  
32 as for recording other instruments.

33 2. An instrument affecting real estate shall not be accepted  
34 for recording unless one of the following applies:

35 a. If the instrument is filed for recording by a trusted

1 filer, all of the following apply:

2 (1) The instrument is signed by the grantor.

3 (2) The instrument is acknowledged or sworn to by the grantor  
4 before and certified by a notarial officer, or in the presence of  
5 two or more credible subscribing witnesses.

6 b. If the instrument is filed for recording by an individual  
7 other than a trusted filer, all of the following apply:

8 (1) The instrument is signed by the grantor.

9 (2) The instrument is acknowledged or sworn to by the grantor  
10 in the presence of two or more credible subscribing witnesses.

11 (3) The instrument is acknowledged or sworn to by the  
12 grantor, the grantee, and each subscribing witness before and  
13 certified by a notarial officer.

14 (4) The instrument is accompanied by a copy of a valid  
15 photo identification for the grantor and the grantee filing the  
16 instrument for recording.

17 3. If an individual advises the recorder that an instrument  
18 affecting real estate filed for recording is fraudulent, the  
19 recorder shall notify the county attorney with jurisdiction over  
20 the area in which the real property is located and shall provide  
21 the county attorney with any photo identification submitted  
22 pursuant to subsection 2, paragraph "b", subparagraph (4).

23 4. For purposes of this section, "trusted filer" means an  
24 attorney; a title agent; a title company; an escrow company that  
25 provided closing, settlement, or other comparable transaction  
26 services in connection with the transfer of real property; a  
27 public utility; a governmental entity; or a person acting on  
28 behalf of any such entity.

29 Sec. 4. Section 649.6, Code 2026, is amended to read as  
30 follows:

31 **649.6 Equitable proceedings.**

32 1. In all other respects, the action contemplated in this  
33 chapter shall be conducted as other actions by equitable  
34 proceedings, so far as the same may be applicable, with the  
35 modifications prescribed.

1     2. The clerk of the district court shall make available  
2 a simplified form and instructions for filing a petition to  
3 quiet title based on an allegation of a fraudulent attempted  
4 conveyance.

5     3. In an action to determine and quiet title to real  
6 property, if the court finds that a fraudulent attempted  
7 conveyance occurred, the court shall quiet title in the plaintiff  
8 and restore the plaintiff to the title and rights held  
9 immediately prior to the attempted conveyance.

10    4. Notwithstanding any limitations imposed by court rule  
11 relating to a maximum amount of damages or that limits the  
12 grounds for which an expedited civil action may be brought, an  
13 action under this section may be brought as an expedited civil  
14 action if the petition includes a specific allegation that a  
15 fraudulent instrument or attempted conveyance affects the title  
16 to the real property.

17    Sec. 5. Section 714.1, Code 2026, is amended by adding the  
18 following new subsection:

19    NEW SUBSECTION. 9A. A person commits theft if the person  
20 does any of the following:

21    a. Brings about, or attempts to bring about, a transfer or  
22 purported transfer of real property, title to real property, or  
23 a nonpossessory interest in real property to a transferee or  
24 intended transferee without the effective consent of the owner  
25 of the real property or nonpossessory interest and with the  
26 intent to deprive the owner of the real property or nonpossessory  
27 interest.

28    b. Sells, transfers, or encumbers, or attempts to sell,  
29 transfer, or encumber, real property, title to real property,  
30 or a nonpossessory interest in real property with respect to a  
31 person in exchange for a benefit from any person, without the  
32 effective consent of the owner of the benefit and with the intent  
33 to deprive the owner of the benefit.

34    Sec. 6. Section 714.8, Code 2026, is amended by adding the  
35 following new subsection:



1 than one year and a fine of at least \$430 but not more than  
2 \$2,560. A class "D" felony is punishable by confinement for no  
3 more than five years and a fine of at least \$1,025 but not more  
4 than \$10,245.

5 The bill amends Code section 558.11 to modify recording  
6 requirements for instruments affecting real estate. The bill  
7 establishes different recording requirements depending on whether  
8 an instrument is submitted by a trusted filer or by an individual  
9 who is not a trusted filer. For instruments submitted by  
10 individuals who are not trusted filers, the bill requires  
11 additional acknowledgments before a notarial officer and requires  
12 the submission of copies of valid photo identification for the  
13 grantor and the grantee. The bill provides that copies of  
14 photo identification submitted for the recording of certain  
15 instruments affecting real property are confidential records  
16 under the state's open records law. The bill defines "trusted  
17 filer" to include attorneys, title agents and title companies,  
18 escrow companies providing settlement services, public utilities,  
19 governmental entities, and persons acting on behalf of such  
20 entities. The bill requires the recorder to notify the county  
21 attorney and provide copies of submitted photo identification if  
22 an allegation is made that a recorded instrument is fraudulent.

23 The bill requires the clerk of the district court to make  
24 available a simplified form for filing a petition to quiet title  
25 when a fraudulent attempted conveyance is alleged. If the court  
26 finds that a fraudulent attempted conveyance occurred, the bill  
27 requires the court to quiet title in the plaintiff and restore  
28 the plaintiff to the title and property rights held immediately  
29 prior to the attempted conveyance. The bill authorizes such  
30 actions to be brought as expedited civil actions and provides  
31 that certain procedural requirements under the Iowa rules of  
32 civil procedure do not apply to those actions.

33 The bill expands the definition of theft to include conduct  
34 involving the fraudulent transfer, attempted transfer, sale, or  
35 encumberment of real property or an interest in real property

1 without the effective consent of the owner and with the intent to  
2 deprive the owner of the property or interest. The bill also  
3 includes theft involving benefit-based transactions related to  
4 real property conducted without effective consent and with intent  
5 to deprive. Penalties for theft range from a class "C" felony to  
6 a simple misdemeanor based upon the value of property involved.

7 The bill creates additional fraudulent practices including  
8 intentionally or knowingly making materially false or misleading  
9 written statements for the purpose of obtaining real property or  
10 an interest in real property, causing another person to execute  
11 a document affecting real property without effective consent, and  
12 causing a public servant to file or record fraudulent documents  
13 purporting to establish title to, or a lien or claim against,  
14 real property or an interest in real property. Penalties for  
15 fraudulent practices range from a class "C" felony to a simple  
16 misdemeanor based upon the amount of money or value of property  
17 or services involved.