

# Senate File 371

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON LOCAL GOVERNMENT  
(SUCCESSOR TO SSB 1017)

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

## A BILL FOR

1 An Act relating to formatting standards for recording documents  
2 or instruments by a county recorder, specifying a recording  
3 fee for certain documents or instruments, and providing an  
4 effective date.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1768SV 80  
7 sc/sh/8

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1 1 Section 1. NEW SECTION. 331.601A DEFINITIONS.  
1 2 As used in this part, unless the context otherwise  
1 3 requires:  
1 4 1. "Document" or "instrument" means a writing or drawing  
1 5 presented to the recorder for recording, consisting of one or  
1 6 more pages of text and attachments.  
1 7 2. "File or submit" means the act of delivering a document  
1 8 or instrument to a recording office for recording into the  
1 9 public records.  
1 10 3. "Grantor and grantee" means the names of the transferor  
1 11 and transferee in the transaction used to create the recording  
1 12 index.  
1 13 4. "Legible" means capable of being read or deciphered  
1 14 without magnification regardless of the recording process.  
1 15 5. "Page" means a writing, printing, or drawing, other  
1 16 than a plat or survey or a drawing related to a plat or  
1 17 survey, occurring on one side only and covering all or part of  
1 18 such side, and not larger than eight and one-half inches in  
1 19 width and fourteen inches in length.  
1 20 6. "Record" means a process whether by manual, mechanical,  
1 21 electronic, optical, magnetic, microfilm, or other methods of  
1 22 storage, after filing or submission, to incorporate a document  
1 23 or instrument into the public record.  
1 24 7. "Transaction" means a specific legal action in the form  
1 25 of or evidenced by one of the following:  
1 26 a. A title or caption including, but not limited to, a  
1 27 deed, deed of trust, mortgage, or power of attorney.  
1 28 b. A subsequent reference to an original document or  
1 29 instrument including, but not limited to, an assignment or  
1 30 release or satisfaction of mortgage.  
1 31 Sec. 2. Section 331.602, subsection 1, Code Supplement  
1 32 2003, is amended by striking the subsection and inserting in  
1 33 lieu thereof the following:  
1 34 1. Record all documents or instruments presented to the  
1 35 recorder's office for recordation upon payment of the proper  
2 1 fees and compliance with other recording requirements as  
2 2 provided by law.  
2 3 Sec. 3. NEW SECTION. 331.606B DOCUMENT OR DOCUMENT  
2 4 FORMATTING STANDARDS.  
2 5 1. Except as otherwise provided in subsection 6, the  
2 6 county recorder shall refuse any document or instrument  
2 7 presented for recording that does not meet the following  
2 8 requirements:  
2 9 a. Each document or instrument shall consist of one or  
2 10 more individual pages not permanently bound or in a continuous  
2 11 form. The document or instrument shall not have any  
2 12 attachment stapled or otherwise affixed to any page except as  
2 13 necessary to comply with statutory requirements. However, the  
2 14 individual pages of a document or instrument may be stapled  
2 15 together for presentation for recording. A label that is  
2 16 firmly attached with a bar code or return address may be  
2 17 accepted for recording.  
2 18 b. All preprinted text shall be at least eight point in  
2 19 size and no more than twenty characters and spaces per inch.  
2 20 All other text typed or computer generated, including but not

2 21 limited to all names of parties to an agreement, shall be at  
2 22 least ten point in size and no more than sixteen characters  
2 23 and spaces per inch. If a document or instrument other than a  
2 24 plat or survey or a drawing related to a plat or survey,  
2 25 presented for recording contains type smaller than eight point  
2 26 type for the preprinted text and ten point type for all other  
2 27 text, the document or instrument shall be accompanied by an  
2 28 exact typewritten or printed copy that meets the requirements  
2 29 of this section.

2 30 c. Each document shall be of sufficient legibility to  
2 31 produce a clear reproduction. If a document or instrument,  
2 32 other than a plat or survey or a drawing related to a plat or  
2 33 survey, is not sufficiently legible to produce a clear  
2 34 reproduction, the document or instrument shall be accompanied  
2 35 by an exact typewritten or printed copy that meets the type  
3 1 size requirements of paragraph "b" and shall be recorded  
3 2 contemporaneously as additional pages of the document or  
3 3 instrument.

3 4 d. Each document or instrument, other than a plat or  
3 5 survey or a drawing related to a plat or survey, shall be on  
3 6 white paper of not less than twenty-pound weight without  
3 7 watermarks or other visible inclusions. All text within the  
3 8 document or instrument shall be of sufficient color and  
3 9 clarity to ensure that the text is readable when reproduced  
3 10 from the record.

3 11 e. All signatures on a document or instrument shall be in  
3 12 black or dark blue ink and of sufficient color and clarity to  
3 13 ensure that the signatures are readable when the document or  
3 14 instrument is reproduced from the record. The corresponding  
3 15 name shall be typed, printed, or stamped beneath the original  
3 16 signature. The typing or printing of a name or the  
3 17 application of an embossed or inked stamp shall not cover or  
3 18 otherwise materially interfere with any part of the document  
3 19 or instrument except where provided by law. Failure to print  
3 20 or type signatures as provided in this paragraph does not  
3 21 invalidate the document or instrument.

3 22 f. The first page of each document or instrument, other  
3 23 than a plat or survey or a drawing related to a plat or  
3 24 survey, shall have a top margin of at least three inches of  
3 25 vertical space from left to right which shall be reserved for  
3 26 the recorder's use. All other margins on the document or  
3 27 instrument shall be a minimum of three-fourths of one inch.  
3 28 Nonessential information including but not limited to form  
3 29 numbers, page numbers, or customer notations may be placed in  
3 30 a margin except the top margin. The recorder shall not incur  
3 31 any liability for not showing a seal or information that  
3 32 extends beyond the margin of the permanent archival record.

3 33 2. Each document or instrument, other than a plat or  
3 34 survey or a drawing related to a plat or survey, that is  
3 35 presented for recording and that contains any of the following  
4 1 information shall have that information on the first page  
4 2 below the three-inch margin:

4 3 a. The name, address, and telephone number of the  
4 4 individual who prepared the document.

4 5 b. The name of the taxpayer and a complete mailing address  
4 6 for any document or instrument of conveyance.

4 7 c. A return address.

4 8 d. The title of the document or instrument.

4 9 e. All grantors' names.

4 10 f. All grantees' names.

4 11 g. Any address required by statute.

4 12 h. The legal description of the property and parcel  
4 13 identification number, if required.

4 14 i. A document or instrument number for statutory  
4 15 requirements, if applicable.

4 16 3. If insufficient space exists on the first page for all  
4 17 of the information described in subsection 2, the page  
4 18 reference of the document or instrument where the information  
4 19 is located shall be noted on the first page.

4 20 4. The recorder may record the following documents or  
4 21 instruments which are exempt from the format requirements of  
4 22 this section:

4 23 a. A document or instrument that was signed before July 1,  
4 24 2004.

4 25 b. A military separation document or instrument.

4 26 c. A document or instrument executed outside the United  
4 27 States.

4 28 d. A certified copy of a document or instrument issued by  
4 29 a governmental agency, including a vital record.

4 30 e. A document or instrument where one of the original  
4 31 parties is deceased or otherwise incapacitated.

4 32 f. A document or instrument formatted to meet court  
4 33 requirements.  
4 34 g. A federal tax lien.  
4 35 h. A filing under the uniform commercial code, chapter  
5 1 554.  
5 2 5. A document or instrument rejected for recording by a  
5 3 recorder shall be returned to the preparer or presenter  
5 4 accompanied by an explanation of the reason for rejection.  
5 5 6. On and after July 1, 2005, a document or instrument  
5 6 that does not conform to the format standards specified in  
5 7 subsections 1 through 3 shall not be recorded except upon  
5 8 payment of an additional recording fee of ten dollars per  
5 9 document or instrument. The requirement applies only to  
5 10 documents or instruments dated on or after July 1, 2005, and  
5 11 does not apply to those documents or instruments specifically  
5 12 exempted in subsection 4.  
5 13 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1,  
5 14 2004.  
5 15 SF 371  
5 16 sc/cc/26