

CHAPTER 17

RELEASE OF LIENS

S. F. 287.

AN ACT to repeal section three thousand three hundred eight (3308) of the supplemental supplement to the code, 1915, (C. C. 7832), relating to the release of liens by executors, administrators, guardians, trustees, receivers, referees, assignees or commissioners, or anyone acting in a fiduciary capacity, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Release by foreign executors, etc. Judgments ren-
2 dered by any court in the state of Iowa, and mortgages or deeds of
3 trust executed as mortgages, on property in this state, and belong-
4 ing to an estate, trust or to a person under guardianship may, in
5 whole or in part as to any particular property, be released and dis-
6 charged by an executor, administrator, guardian, trustee, receiver,
7 referee, assignee or commissioner, or any one acting in a fiduciary
8 capacity appointed by the courts of any foreign state or country,
9 when no resident executor, administrator, guardian, receiver, referee,
10 assignee, commissioner or person acting in a fiduciary capacity has
11 been appointed or qualified in this state. Such release, satisfaction or
12 discharge may be made in any manner or by any instrument which
13 would have been valid and effective if made by a like officer qualified
14 under the law of this state.

1 SEC. 2. Certificate of appointment. Before a release, satisfac-
2 tion or discharge by such foreign officer shall be effective, a certificate
3 executed by the judge or clerk of the court making the appointment,
4 with seal attached, shall be recorded. Said certificate shall show the
5 name of the court making the appointment, the date of the same, and
6 that such foreign officer has not been discharged at the time of the
7 execution of the release, satisfaction or discharge.

1 SEC. 3. Filing of certificate. The certificate aforesaid shall be
2 filed for record:

3 1. In case of judgments, in the office of the clerk of the court in
4 which the judgment is of record or in which it has been filed, or

5 2. In case of mortgages, or deeds of trust, in the office of the county
6 recorder of the county in which the mortgage or deed of trust is of
7 record.

1 SEC. 4. Recording of certificate. Such certificate shall be re-
2 corded by the proper officer in the judgment records of the court in
3 which the same appears of record, or in the chattel or real estate mort-
4 gage records, as the case may be, and the record of such release, satis-
5 faction or discharge shall be properly indexed.

1 SEC. 5. Repeal. Section thirty-three hundred eight (3308) sup-
2 plemental supplement to the code, 1915 (C. C. 7832) is hereby re-
3 pealed.

Approved March 8, A. D. 1921.