

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Audubon News-Advocate, a newspaper published in Audubon, Iowa, and in the Lake Mills Graphic, a newspaper published in Lake Mills, Iowa.

Approved April 15, 1986

I hereby certify that the foregoing Act, Senate File 2212, was published in the Audubon News-Advocate, Audubon, Iowa, on April 24, 1986, and in the Lake Mills Graphic, Lake Mills, Iowa, on April 24, 1986.

MARY JANE ODELL, Secretary of State

CHAPTER 1079
COUNTY AUDITOR'S TRANSFER FEES
S.F. 2227

AN ACT to authorize direct payment of county auditors' transfer fees to county treasurers by county recorders.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 331.902, subsection 3, Code 1985, is amended to read as follows:

3. Each elective officer specified in subsection 1 shall make a quarterly report to the board showing, by type, the fees collected during the preceding quarter. The officer shall pay quarterly to the county treasury the fees and charges collected during the preceding quarter, receive duplicate receipts for the payment, and file one of the receipts in the office of the auditor, except for the county auditor's transfer fees, which shall be paid directly to the county treasurer by the county recorder. The officer shall note in the officer's fee book the date and amount of each payment into the county treasury. This subsection does not apply to the county treasurer if the county treasurer credits the fees daily to the county treasury and reports the receipts on the monthly report to the auditor and the board of supervisors.

Sec. 2. Section 558.57, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

Entered upon transfer books and for taxation this day of, 19
My fee \$ paid collected by recorder.
.....
Auditor.

Sec. 3. Section 558.58, subsection 1, Code 1985, is amended to read as follows:

1. At the time of filing a deed or other instrument mentioned in section 558.57, the recorder shall collect from the person filing the deed or instrument the recording fee provided by law and the auditor's transfer fee, except as provided in subsection 2. The recorder shall deliver the deed or instrument and the transfer fee to the county auditor, after endorsing upon said the instrument the following:

Filed for record, indexed, and delivered to the county auditor this day of,
19....., at o'clock M. Recorder's and auditor's fee \$ paid.
.....
Recorder.

Sec. 4. Section 558.66, Code Supplement 1985, is amended to read as follows:

558.66 TITLE DECREE — ENTRY ON TRANSFER BOOKS.

Upon receipt of a certificate from the clerk of the district court or an appellate court that the title to real estate has been finally established in any named person by judgment or decree

or by will, the auditor shall enter the information in the certificate upon the transfer books, upon payment of a fee in the amount specified in section 331.507, subsection 2, paragraph "a", which fee shall be taxed as court costs, collected by the clerk, and paid to the ~~auditor~~ treasurer by the recorder as provided in section ~~558.58~~ 331.902, subsection ~~±~~ 3.

Sec. 5. Section 598.21, subsection 8, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

If the court orders a transfer of title to real property, the clerk of court shall issue a certificate under chapter 558 relative to each parcel of real estate affected by the order and immediately deliver the certificate for recording to the county recorder of the county in which the real estate is located. Any fees assessed shall be included as part of the court costs; however, the certificates shall be recorded whether the costs are paid or not. The county recorder shall deliver the certificates and ~~appropriate~~ fees to the county auditor as provided in section 558.58, subsection 1.

Sec. 6. Section 633.481, Code 1985, is amended to read as follows:

633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES WITHOUT ADMINISTRATION.

When an inventory or report is filed under section 450.22, without administration of the estate of the decedent, the clerk shall issue and deliver to the county recorder of the county in which the real estate is situated a certificate pertaining to each parcel of real estate described in the inventory or report. Any fees for certificates or recording fees required by this section or section 633.480 shall be assessed as costs of administration, but the certificates shall be filed whether fees are paid or not. The county recorder shall deliver the certificates and ~~appropriate~~ fees to the county auditor as provided in section 558.58.

Sec. 7. Sections 558.46 and 558.47, Code 1985, are repealed.

Approved April 15, 1986

CHAPTER 1080

APPROVAL OF LEGAL DESCRIPTIONS OF LAND

S.F. 2262

AN ACT relating to the approval of legal descriptions of parcels of land.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 409.1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A proprietor of a parcel of land of any size who divides the property into two parts, either of which is described by a metes and bounds description and is ten acres or less, shall have a survey made of the subdivision, unless the county ~~recorder~~ auditor determines that this description is adequate and a survey is not necessary. The survey shall be prepared and recorded in accordance with sections 355.4, 355.7 and 355.16. A proprietor of a parcel of land of any size who divides the property into three or more parts, any of which are described by a metes and bounds description and are ten acres or less, shall have a plat made of the subdivision. The plat shall be made by a registered land surveyor holding a certificate under chapter 114. The plat shall make reference to monuments of record or permanent control monuments and shall give bearing and distance from a corner of the plat to two corners of the congressional division of which it is a part. The plat shall accurately describe each part of the subdivision by giving its dimensions, length, and breadth and shall number the parts by progressive number.

Approved April 15, 1986