

CHAPTER 1052**REAL PROPERTY — CONVEYANCES AND OTHER TRANSFERS
— MARKETABLE RECORD TITLE***H.F. 2450*

AN ACT relating to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property.

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

Section 1. Section 558.20, Code 2003, is amended to read as follows:
558.20 ACKNOWLEDGMENTS WITHIN STATE.

The acknowledgment of any deed, conveyance, or other instrument in writing by which real estate in this state is conveyed or encumbered, ~~if whether~~ made within this state, ~~must be before some court having a seal, or some judge or clerk thereof, or some county auditor, or judicial magistrate or district associate judge within the county, or notary public within the state. Each of the officers above named is authorized to take and certify acknowledgments of all written instruments, authorized or required by law to be acknowledged outside this state, outside the United States, or under federal authority, shall comply with the provisions of chapter 9E.~~

Sec. 2. Section 558.40, Code 2003, is amended to read as follows:
558.40 LIABILITY OF OFFICER.

Any officer, who knowingly misstates a material fact in ~~either~~ any of the certificates mentioned in this chapter ~~or chapter 9E~~, shall be liable for all damages caused thereby, and shall be guilty of a serious misdemeanor.

Sec. 3. Section 558.42, Code 2003, is amended to read as follows:
558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.

~~It~~ A document shall not be deemed lawfully recorded, unless it has been previously acknowledged or proved in the manner prescribed in ~~this chapter or~~ chapter 9E, except that affidavits, and certified copies of petitions in bankruptcy with or without the schedules appended, of decrees of adjudication in bankruptcy, and of orders approving trustees' bonds in bankruptcy, and Uniform Commercial Code financing statements and financing statement changes need not be thus acknowledged.

Sec. 4. Section 602.8102, subsection 78, Code 2003,¹ is amended to read as follows:
78. Certify an acknowledgment of a written instrument relating to real estate as provided in section 9E.10 or 558.20.

Sec. 5. Section 614.29, unnumbered paragraph 1, Code 2003, is amended to read as follows:

As used in this ~~division~~ chapter:

Sec. 6. Section 614.30, Code 2003, is amended to read as follows:
614.30 CONSTRUCTION LIBERAL.

This ~~division~~ chapter shall be liberally construed to effect the legislative purpose of simplifying and facilitating land title transactions by allowing persons to rely on a record chain of title as described in section 614.31, subject only to such limitations as appear in section 614.32.

Sec. 7. Section 614.36, Code 2003, is amended to read as follows:
614.36 LESSORS, REVERSIONERS, AND EASEMENTS.

This ~~division~~ chapter shall not be applied to bar any lessor or lessor's successor as a reversioner of the lessor's right to possession on the expiration of any lease; or to bar or extinguish

¹ "Code Supplement 2003" probably intended

any easement or interest in the nature of an easement, the existence of which is apparent from or can be proved by physical evidence of its use; or to bar any right, title or interest of the United States, by reason of failure to file the notice herein required.

Sec. 8. Section 614.37, Code 2003, is amended to read as follows:

614.37 LIMITATION STATUTES NOT EXTENDED.

Nothing contained in this ~~division~~ chapter shall be construed to extend the period for the bringing of an action or for the doing of any other required act under any statutes of limitations, nor, except as herein specifically provided, to effect the operation of any statutes governing the effect of the recording or the failure to record any instrument affecting land. It is intended that nothing contained in this division² be interpreted to revive or extend the period of filing a claim or bringing an action that may be limited or barred by any other statute.

Sec. 9. Section 614.38, Code 2003, is amended to read as follows:

614.38 PERIOD EXTENSION IN CERTAIN CASES.

If the forty-year period specified in this ~~division~~ chapter shall have expired prior to one year after July 1, 1969, such period shall be extended one year after July 1, 1969.

Sec. 10. Sections 558.21 through 558.30 and 558.37 through 558.39, Code 2003, are repealed.

Approved April 8, 2004

CHAPTER 1053

UNUSED PROPERTY MARKETS — REGULATION OF SALES

H.F. 2493

AN ACT relating to regulation of sales at unused property markets and providing penalties.

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

Section 1. NEW SECTION. 546B.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Baby food" or "infant formula" means any food manufactured, packaged, and labeled specifically for sale for consumption by a child under two years of age.
2. "Cosmetic" means any of the following, but does not include soap:
 - a. An article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part of a human body for cleaning, beautifying, promoting attractiveness, or altering the appearance.
 - b. An article intended for use as a component of an article defined in paragraph "a".
3. "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, tool, or other similar or related article, including any component, part, or accessory, to which either of the following applies:
 - a. The article is required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician".
 - b. The article is defined by federal law as a medical device, and is intended for use in one of the following:
 - (1) The diagnosis of disease or other conditions.

² See chapter 1175, §387 herein