Recorder's Manual

Iowa County Recorders Association
Iowa
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Preface

The Recorders Manual is designed as a resource for all recorders in Iowa. The Manual is designed to draw together all the requirements of the County Recorder and to help explain these requirements. The focus of the manual is dual purpose: to provide a comprehensive introduction to the duties of the County Recorder's office, and to serve as convenient reference work.

Iowa County Recorders Association is to provide ongoing support and continuing education for elected County Recorders, Deputy Recorders and staff, and to encourage the application of best practices and standards which will result in high-quality services for customers and constituents.

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Organization and Administration of the Iowa County Recorders Association

Office of the Iowa County Recorders Association

The Iowa County Recorders Association is a private domestic non-profit organization established on October 31, 1967. The Iowa County Recorders Association was established as an association that consists of membership from the 99 county recorders and deputy recorders. The Association is governed through a governing board and various committees.

- Legislative Committee
- Vital Records Committee
- DNR Liaison Committee
- Certification Committee
- Recorders Manual Committee

ICRA Executive Board Committee

The Association establishes by-laws to provide for its governance and operation, which may be updated and amended as necessary. The officers of the Association Executive Board shall be: PRESIDENT, VICE-PRESIDENT, SECRETARY, TREASURER, ISAC DIRECTOR, LEGISLATIVE CO-CHAIRPERSONS AND IMMEDIATE PAST PRESIDENT. The current ICRA by-laws are published in Chapter 11 of this manual.

ESS Committees

Iowa Land Records was established in 2005 as an electronic county information land management system. Its aim is to electronically record all real estate transactions in Iowa. In 2021, a statewide agreement was reached that established a 28E organization known as the "Electronic Service System". The ESS committees are composed of members from the six districts of the statewide Iowa County Recorder's Association and representatives of key stakeholder groups. The committees and subcommittees make a variety of decisions in relation to the state-wide Iowa Land Records system. Iowa County Recorders are represented in the following Electronic Services System (ESS) Committees and Subcommittees.

- ESS Executive Committee
- ESS Coordinating Committee
- ESS Finance Subcommittee
- ESS Standards Subcommittee
- ESS Marketing and Communications Subcommittee

Chapter 1 – The Office of the County Recorder

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Role of the Recorder

The office of the County Recorder was created by the first Legislative Assembly of the Territory of Iowa in 1839. The basic duty of the county recorder is much the same today as it was during that time; to protect innocent third parties by maintaining official records of documents affecting title to real estate by preserving a true and reliable account of all transactions. Unlike 1839, more than half of all the real estate records are now submitted electronically through the Recorder's Iowa Land Records site established in 2005. The timeliness and accuracy of real estate recordings is vital to the economy of this state, and in 2020 the duties of this office were deemed essential. In 1994, the county recorder acquired the responsibility of preserving vital records of human events, births, deaths and marriages, from the Clerk of Court's office. The recorder is also responsible for issuing certified copies of these records to entitled parties, accept applications and issue marriage licenses for the Iowa Department of Public Health. Recorders collect revenue taxes on certain real estate and recreational vehicle transfers for the Iowa Department of Revenue, provide access to all public records, insure entitlement to others, both historic and current, issue user permits and registrations for recreational vehicles,

and maintain title and lien records for these vehicles for the Iowa Department of Natural Resources.

Primary Functions of the County Recorder

The primary function of the county recorder's office is to record various legal documents. Detailed records are kept for various legal instruments including, but not limited to deeds, mortgages, condemnations, affidavits, powers of attorney, plats, trade names, state, and federal tax liens. Other records include birth, marriage and death certificates, marriage licenses, military discharges, recreational vehicle registrations, titles, and user permits. Optional duties include selling hunting and fishing licenses or becoming a passport application acceptance facility for the US Department of State. [Iowa Code 331 Part 3]

Basics of the Office – Election, Removal, Vacancy

The county recorder is elected to a four-year term at every non-presidential general election. [Sec. 39.17] Resignation of the recorder's office is made to the county auditor. [Sec. 69.4(4)] A county recorder may be removed from office by the district court for any of the following reasons: [Sec. 66.1A]

1. Willful or habitual neglect or refusal to perform the duties of the office.
2. Willful misconduct or maladministration in office.
3. Corruption.
4. Extortion.
5. Upon conviction of a felony.
6. Intoxication, or upon conviction of being intoxicated.
7. Upon conviction of violating the provisions of Chapter 68A, campaign finance.

A petition for removal may be filed by the state attorney general, by the county attorney, or by not less than five eligible electors of the county. The petition must be filed in the district court of the county involved, according to the provisions of Chapter 66 of the Code, and the district court determines whether the recorder will be removed from the office. [Sec. 66.2-66.25]

The recorder's office is declared vacant for any of the reasons outlined in Sec. 69.2 of the Code. When a vacancy exists in an elected county office, the board of supervisors shall publish notice as provided in Sec. 331.305 indicating the method, appointment, or special election, by which the board intends to fill the vacancy. If an appointment is selected by the board, the appointment shall be made within forty days after the vacancy occurs. However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, a petition requesting a special election to fill vacancy, the appointment is temporary, and a special election shall be called as provided by Sec 69.14A(b). The petition shall meet the requirements of Section 331.306 (69.14A).

The board of supervisors may, on its own motion, or shall, upon receipt of a petition as provided in this Section, call for a special election to fill the vacancy in lieu of appointment. The supervisors shall order the special election at the earliest practicable date but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county. [Sec. 69.14A(2b)]

Compensation

The annual compensation of the county recorder is based upon a recommendation by the county compensation board. This recommendation must be approved by the county board of supervisors, which may authorize a lower, but not a higher, salary than that recommended by the compensation board. [Secs. 331.322(6); 331.905; 331.907] In addition to the regular compensation, the county board of supervisors may establish group insurance, health, or medical plans for the elected county officers, including the county recorder. [Sec. 331.301]

Deputies, Clerks, Assistants

The recorder may, with the approval of the board of supervisors, appoint one or more deputies, assistants, or clerks. The number of deputies, assistants or clerks is set by the board by resolution. [Sec. 331.323(2g)] Each appointment must be approved by the board by resolution, after which the recorder must issue a certificate of appointment, which is filed with the county auditor. The certificate of appointment may be revoked at any time by the recorder, and the revocation must be filed with the auditor. [Sec. 331.903(1) 331.903(2)]

Each deputy appointed must give a bond in the amount fixed by the board of supervisors, and the board must approve the bond. Any loss of moneys caused by a deputy shall be paid by the deputy or the surety on the deputy's bond and the deputy's principal is not liable for the loss. The reasonable cost of the bonds required of deputy county officers, clerks, and cashiers employed by county officers shall be paid by the county where the bond is filed. [Sec. 64.15]

The deputy must also take the oath that the recorder is required to take, and the oath must be endorsed upon the certificate of appointment. [Secs. 331.903(3); 63.10 and 64.19] The deputies, assistants and clerks perform the duties assigned to them by the recorder. During the absence or disability of the recorder, the deputy(s) perform the duties of the recorder. [Sec. 331.904(4)]

The recorder must remember that any deputies, assistants, and clerks are under his or her direction, and thus the recorder is responsible for their actions when they are acting in an official capacity. [Sec. 331.903(1)] The annual base salary of the first and second deputies shall be an amount not to exceed the percentage stated in [Sec 331.904(1)].

Office Space and Supplies

The board of supervisors must supply the recorder's office space located in the county seat. The board must also furnish the recorder office supplies necessary to carry out official duties. [Sec. 331.322(5)] If the recorder is required to submit reports to a state officer or agency, the report must be submitted on standardized forms devised by and distributed to the recorder, by the state officer or agency that will receive the report. [Sec. 331.901(6)]

Combining County Offices

The duties of the county recorder may be combined with one or more of the following county offices: sheriff, treasurer, auditor, medical examiner, general assistance director, county care facility administrator, commission on veteran's affairs, director of social welfare, assessor, or weed commissioner. Before any such offices may be combined, an election must be held on the proposal, under the procedure outlined in Section 331.323(1) of the Code.

If the office of the County Recorder is abolished in a county, then the duties pre-scribed by law to the office of recorder relating to the filing or recording of instruments affecting real estate shall be performed by the County Auditor. [Sec. 331.610]

Annual Budget

On or before January 15 of each year, each elective or appointive officer or board, except tax certifying boards as defined in Sec. 24.2, subsection 2, having charge of a county office or department, shall prepare and submit to the auditor or other official designated by the board an estimate, itemized in the detail required by the board and consistent with existing county accounts, showing all of the following:

1. The proposed expenditures of the office or department for the next fiscal year.
2. An estimate of the revenues, except property taxes, to be collected for the county by the office during the next fiscal year.

On or before January 20 of each year, the auditor or other designated official shall compile the various office and department estimates and submit them to the board. In the preparation of the county budget the board may consult with any officer or department concerning the estimates and requests and may adjust the requests for any county office or department. [Sec. 331.433]

The board shall appropriate, by resolution, the amounts deemed necessary for each of the different county officers and departments during the ensuing fiscal year. [Sec. 331.434(6)] Increases or decreases in these appropriations do not require a budget amendment but may be provided by resolution at a regular meeting of the board, as long as each class of proposed expenditures contained in the budget summary published under subsection 3 of this section is not increased. However, decreases in appropriations for a county office or department or more than ten percent or five thousand dollars, whichever is greater, shall not be effective

unless the board sets a time and place for a public hearing on the proposed decrease and publishes notice of the hearing not less than ten nor more than twenty days prior to the hearing in the county newspapers selected under Chapter 349.

It is unlawful for a county official, the expenditures of whose office come under this part, to authorize the expenditure of a sum for the official's department larger than the amount which has been appropriated for that department by the board. A county official in charge of a department or office who violates this law is guilty of a simple misdemeanor. The penalty in this section is in addition to the liability imposed in Sec. 331.476 & Sec. 331.437.

> **According to a 1985 Attorney General's opinion:**
> "We, therefore, conclude that a county board of supervisors may require line-item budgeting, but it may not disapprove claims submitted by elected county officers because the claims exceed the appropriation for the particular line item category that claim falls within. The supervisors may exercise a significant degree of control over elected county officers' budgets prior to adoption of the final budget, see Sec. 331.433(2), but once the budget is final, the supervisors' authority is significantly curtailed. The board may increase or decrease appropriations subject to the provisions of Sec. 331.434(6) and may allow increases in expenditures pursuant to Sec. 331.435, but there is no authority to exercise more than this general authority in overseeing the budgets of elected county officers. The supervisors may only disapprove a claim when that claim exceeds the total amount budgeted for that county office or when that claim is for an unlawful item or purpose."
> [Op. Atty. Gen. June 19, 1985 (Weeg to Schouton, Sioux County Attorney)]

Collection and Accounting Fees

All fees and charges collected by the county recorder must be paid to the county. [Sec. 331.902(1)] The recorder shall maintain a record in the county system of each fee and charge collected. The record shall show the date, amount, payor, and type of service, and, when the fee is for recording an instrument, the names of the parties to the instrument, The record of the fees collected shall be retained for seven years after audit of the county pursuant to Sec. 11.6[Sec. 331.902(2)]

The recorder shall make a quarterly report to the board of supervisors showing, by type, the fees collected during the preceding quarter. The recorder shall pay, at least quarterly, to the county treasurer the fees and charges collected. The recorder shall receive a receipt and maintain a record of the date and amount of each payment made to the county treasurer. [Sec 331.902(3)]

Upon failure to file a report of the fees collected with the board of supervisors, the board must employ an accountant to audit the books of the recorder. The cost of this audit is charged to the recorder, and may be collected upon the official bond of the recorder. [Secs. 331.322(13) &

331.901(3)] Fees charged for recordation of documents is outlined in Sec. 331.604. Other fees collected are outlined in Secs. 331.605 & 331.605A thru 331.605C.

The recorder shall retain overpayments of fees of $5 or less and other charges paid to the county in the amount specified in Sec. 331.902(5), unless the payor has requested a refund of the overpayment.

Sources of Assistance

For the new county recorder, many problems, of both a practical and a technical nature, will arise before he or she becomes fully familiarized with the position. In addition, changing laws and changing conditions will create many new problems. However, there are many sources of assistance to which the recorder may turn to find answers to these problems. This section will introduce the recorder to several of these sources.

The terms of county officers are now staggered, thus insuring that some county officers will have at least two years of experience in their positions when the remainder begins their terms. The new recorder may turn to these officers for information and suggestions. The deputies and assistants in the recorder's office will also be a valuable source of assistance, as some of these have considerable experience in that office.

The county attorney must give an opinion in writing on any matter of interest to the county upon request from any county officer. [Sec. 331.756(7)]

The Iowa State Association of Counties [ISAC] is another source of information. The association provides a variety of services to counties and county officers, including:
The recorder shall retain overpayments of fees of $5 or less and other charges paid to the county in the amount specified in Sec. 331.902(5) unless the payor has requested a refund of the overpayment.

1. Bulletins on urgent matters.
2. Research on individual requests for information.
3. Legislative assistance.
4. Developing model programs.
5. Expansion of manuals for county officers.
6. Establishment of select committees to study ways of improving government.
7. Aid in processing applications for federal or state funds (if desired), and acquiring surplus federal equipment.
8. Association-wide group insurance programs to reduce premiums to officers and counties.
9. Assistance in recruitment of technical personnel.
10. Association sponsored health care plans.

11. Association sponsored life insurance programs.
12. Continuing education program.

ISAC publishes The Iowa County, a monthly magazine which includes current information of concern to counties and county officers. The website for ISAC is https://www.iowacounties.org/ .

The Iowa County Recorder's Association, affiliated with ISAC, is another important source of assistance for the recorder. The Recorder's Association serves as a forum for the discussion of mutual problems and of new and proposed legislation affecting county government in general and county recorders. Activities of the association include annual workshops, schools for newly elected recorders, and special meetings on acute problems. Membership in the recorder's association is open to all county recorders in the state. Find out which Recorder is the current President of the Association and contact them.

Sources of Assistance

Iowa Land Records (ILR) is a state-wide system created, owned and governed by the Iowa County Recorder's Association. The Iowa Land Records website is one of the greatest resource tools available to county recorders.

The recorder shall collect a fee of one dollar for each recorded transaction for which a fee is paid to be used exclusively for the purpose of preserving and maintaining public records. The treasurer shall establish and maintain a county recorder's management fund. Sec 331.604(2a)

{See Chapter 4 of this manual for ESS Policies and Procedures}

Contact details of state departments

There are various state and federal departments you may contact: (see Table 1 for the latest contact numbers).

Natural Resources	Point of Contact	Telephone	E-mail Address
Program Manager	Rich Smith	515-725-8271	richard.smith@dnr.iowa.gov
Customer Support/Licensing Supervisor	Mark Warren	515-336-2918	mark.warren@dnr.iowa.gov
Landowner/Tenant and Special Hunts	Denise Roberg	515-350-8434	denise.roberg@dnr.iowa.gov
Account Manager/ Boating	Karmen Klingenberg	515-326-0430	karmin.klingenberg@dnr.iowa.gov

Account Manager/ Dealer, County Recorders	Lori Smith	515-419-3102	lori.smith@dnr.iowa.gov
Boating Law Admin/ Education Coordinator	Susan Stocker	515-313-6439	susan.stocker@dnr.iowa.gov
DNR Customer Service	Main Phone / FAX	515-725-8200 / 515-725-8201	webmaster@dnr.iowa.gov
Brandt Help Desk		833-426-0141	webmaster@dnr.iowa.gov

Department of Revenue	Contact Name	Phone Number	Email Address
Transfer Tax	Susan Chambers	515-474-4002	susan.chambers@iowa.gov
	Jon Wolfe	515-661-7709	jon.wolfe@iowa.gov
Sales/ Use/ LOST	Barb Lewison	515-314-5936	barbara.lewison@iowa.gov
	Adam Floyd	515-601-4229	adam.floyd@iowa.gov

Secretary of State	Contact Name	Phone Number	Email Address
Condemnation Filings	Carl Dietz	515-725-2338	Carl.Dietz@sos.iowa.gov

Health Services Contacts

Bureau of Health Statistics – Vital Records	Contact Name	Phone Number	Email Address
General Customer Line	Vital Records Staff	(515) 281-4944	*Not Available*
Bureau Chief	Melissa Bird	(515) 281-6762	Melissa.Bird@idph.iowa.gov
Administrative Assistant-Issuance: Manage Daily Issuance Operations and Escalations; Order Safety paper, Forward to State	Lori Hedstrand	(515) 281-7221	Lori.Hedstrand@idph.iowa.gov
Administrative Assistant-Legal Actions: Manage Daily Operations and Escalations for Legal Actions; Fraud Investigations, County Verifications	Abby Gwyin	(515) 281-5133	Abby.Gwyin@idph.iowa.gov
Management Analyst: Supports IVES and provides oversite for Help Desk operations. Manages	Josh Jungling	(515) 281-4945	Josh.Jungling@idph.iowa.gov

VR
statistics and annual reports

IVES Help Desk: IVES Technical Support (Do Not Provide to Customers and Do No Use For Customer Service)	Mike Gaskill Allison Binder	(866) 309-0831IVESHelpDesk@idph.iowa.gov
Death Records: Disinterment, corrections to death records **within the first year**, burial transit permits, home burials	Michele Houston Jennifer Caskey	(515) 281-5153Michele.Houston@idph.iowa.gov (515) 281-7996Jennifer.Caskey@idph.iowa.gov
Field Services: Liaison to external partners and counties; escalations, training	Sam Nichols Jeri Southwick	(515) 281-5002Sammui.Nichols@idph.iowa.gov (515) 725-2963Jeri.Southwick@idph.iowa.gov
Fraud & Security	Abby Gwyin Melissa Bird	(515) 281-5133Abby.Gwyin@idph.iowa.gov (515) 281-6762Melissa.Bird@idph.iowa.gov
Legal Actions: Adoptions, Amendments, delayed Records, court orders **over 1 year old**	Vacant Sonia Hocking	(515) 242-6759Lori.Hedstrand@idph.iowa.gov (515) 281-6263Sonia.Hocking@idph.iowa.gov
Marriage: Marriage Returns**,** and **c**orrections to marriage records **within the first year**	Lainda Drake	(515) 281-4507Lainda.Drake@idph.iowa.gov
Newborn Birth Registration: under 1 year old	LaCherea Buckner Laura Shirk	(515) 242-6332LaCherea.Buckner@idph.iowa.gov (515) 281-3266Laura.Shirk@idph.iowa.gov
Paternity: Processing affidavits, recessions, court order paternity	Julio Ferreris LaCherea Buckner	(515) 281-6687Julio.Ferreris@idph.iowa.gov (515) 242-6332LaCherea.Buckner@idph.iowa.gov
Request for Records/ Verifications	Lainda Drake	(515) 281-4507Lainda.Drake@idph.iowa.gov
VitalChek: Online Call Center for customers to Order Vital Records Hours 6am-7pm	Call Center Agent	(866) 809-0290*Not Available*
ACH Adjustments/Weekly Transmittals	IVES Help Desk	(866) 309-0831ACH@idph.iowa.gov

New Laws – Department of Public Health, Federal, Internal Revenue Service, Passport Services

The recorder must keep informed of the changes in the law. The Iowa Code is published every two years, and thus two sessions of the General Assembly will have met before the Code is updated and reprinted. Changes in the law may be obtained from several sources. Supplements to the Iowa Code Annotated are published periodically during the legislative session. The Des Moines Register publishes a list of bills being considered daily throughout the legislative session, pertaining to county government. Copies of individual bills may be obtained from the Legislative Service Bureau in Des Moines. In addition, session laws, containing all of

the laws passed during the legislative session, are published after the close of the session, or are accessible via internet at http://www2.legis.state.ia.us/IowaLaw.html.

The recorder must also be familiar with the Iowa Administrative Code, which contains the rules and regulations adopted by the various state departments and agencies. New regulations are published when they are proposed, and again after they have been adopted.

General Duties – Pursuant to Sec. 331.602, the recorder shall:

1. Record all documents or instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law.

2. Re-record an instrument without fee upon presentation of the original instrument by the owner if an error is made in recording the instrument. The recorder shall also note on the new record a reference to the original record and on the original record a reference to the new record.

3. If an error is made in indexing an instrument, re-index the instrument without fee.

4. Reserved.

5. Reserved.

6. Carry out duties as a member of a nomination appeals commission as provided in Sec. 44.7.

7. Carry out duties relating to the recordation of oil and gas leases as provided in Secs. 458A.22 and 458A.24.

8. Endorse on each notice of an unemployment contribution lien the day, hour, and minute that the lien is filed for recording and the document reference number, index the notice of lien, and record the lien as provided in Sec. 96.14(3).

9. Carry out duties relating to the registration of vessels as provided in Secs. 462A.5, 462A.23, 462A.51, 462A.52, 462A.54, and 462A.55.

10. Carry out duties relating to the issuance of hunting, fishing, and fur harvester licenses as provided in Secs. 483A.10, 483A.12, 483A.13, 483A.14, 483A.15, and 483A.22. Record all documents or instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law.

11. Re-record an instrument without fee upon presentation of the original instrument by the instrument by the owner if an error is made in recording the instrument. The

recorder shall also note on the new record a reference to the original record and on the original record a reference to the new record.

12. If an error is made in indexing an instrument, re-index the instrument without fee.

13. Reserved.

14. Reserved.

15. Carry out duties as a member of a nomination appeals commission as provided in Sec. 44.7.

16. Carry out duties relating to the recordation of oil and gas leases as provided in Secs. 458A.22 and 458A.24.

17. Endorse on each notice of an unemployment contribution lien the day, hour, and minute that the lien is filed for recording and the document reference number, index the notice of lien, and record the lien as provided in Sec. 96.14(3).

18. Carry out duties relating to the registration of vessels as provided in Secs. 462A.5, 462A.23, 462A.51, 462A.52, 462A.54, and 462A.55.

19. Carry out duties relating to the issuance of hunting, fishing, and fur harvester licenses as provided in Secs. 483A.10, 483A.12, 483A.13, 483A.14, 483A.15, and 483A.22.

20. Collect migratory game bird fees as provided in Chapter 484A.

21. Record the orders and decisions of the fence viewers and index the record in the name of each adjoining owner of land affected by the order or decision as provided in Sec. 359A.10. The recorder shall also note that a judgment has been rendered on an appeal of an order or decision of the fence viewers as provided in Sec. 359A.24.

22. Reserved.

23. Reserved.

24. Record without fee a sheriff's deed for land under foreclosure procedures as provided in Sec. 257B.35.

25. Issue snowmobile and all-terrain vehicle registrations and user permits as provided in Secs. 321G.4, 321G.4A, 321G.6, 321G.21, 321I.4, 321I.5, 321I.7, and 321I.22.
26. Record the measure and plat of a zoning district, building line, or fire limit adopted by a city as provided in Sec. 380.11.

27. Carry out duties relating to the platting of land as provided in Chapter 354.

28. Submit monthly to the director of revenue a report of the real property transfer tax received.

29. Record all documents or instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law. Re-record an instrument without fee upon presentation of the original instrument by the owner if an error is made in recording the instrument. The recorder shall also note on the new record a reference to the original record and on the original record a reference to the new record. If an error is made in indexing an instrument, re-index the instrument without fee.

30. Reserved.

31. Reserved.

32. Carry out duties as a member of a nomination appeals commission as provided in Sec. 44.7.

33. Carry out duties relating to the recordation of oil and gas leases as provided in Secs. 458A.22 and 458A.24.

34. Endorse on each notice of an unemployment contribution lien the day, hour, and minute that the lien is filed for recording and the document reference number, index the notice of lien, and record the lien as provided in Sec. 96.14(3).

35. Carry out duties relating to the registration of vessels as provided in Secs. 462A.5, 462A.23, 462A.51, 462A.52, 462A.54, and 462A.55.

36. Carry out duties relating to the issuance of hunting, fishing, and fur harvester licenses as provided in Secs. 483A.10, 483A.12, 483A.13, 483A.14, 483A.15, and 483A.22.

37. Collect migratory game bird fees as provided in Chapter 484A.

38. Record the orders and decisions of the fence viewers and index the record in the name of each adjoining owner of land affected by the order or decision as provided in Sec. 359A.10. The recorder shall also note that a judgment has been rendered on an appeal of an order or decision of the fence viewers as provided in Sec. 359A.24.

39. Reserved.

40. Reserved.

41. Record without fee a sheriff's deed for land under foreclosure procedures as provided in Sec. 257B.35.

42. Issue snowmobile and all-terrain vehicle registrations and user permits as provided in Secs. 321G.4, 321G.4A, 321G.6, 321G.21, 321I.4, 321I.5, 321I.7, and 321I.22.

43. Record the measure and plat of a zoning district, building line, or fire limit adopted by a city as provided in Sec. 380.11.

44. Carry out duties relating to the platting of land as provided in Chapter 354.

45. Submit monthly to the director of revenue a report of the real property transfer tax received.

46. Carry out duties relating to the endorsement, indexing, and recording of income tax liens as provided in Sec. 422.26.

47. Carry out duties relating to the taxation of real estate transfers as provided in Chapter 428A.

48. Carry out duties relating to the recording and indexing of affidavits and claims affecting real estate as provided in Sec. 448.17.

49. Forward to the director of revenue a copy of any deed, bill of sale, or other transfer which shows that it is made or intended to take effect at or after the death of the person executing the instrument as provided in Sec. 450.81.

50. Record papers, statements, and certificates relating to the condemnation of property as provided in Sec. 6B.38, and carry out duties related to the filing of certain condemnation documents with the office of secretary of state.

51. Carry out duties relating to the recordation of articles of incorporation and other instruments for state banks as provided in Chapter 524.

52. Carry out duties relating to the recordation of articles of incorporation and other instruments for credit unions as provided in Chapter 533.

53. Reserved.

54. Carry out duties relating to the filing of financing statements or instruments as provided in Chapter 554.9501, article 9, part 5.

55. Record the name and description of a farm as provided in Secs. 557.22 thru 557.26.

56. Record a statement of claim provided in Chapter 557C relating to mineral interests in coal.

57. Record conveyances and leases of agricultural land as provided in Sec. 558.44.

58. Collect the recording fee and the auditor's transfer fee for real property being conveyed as provided in Sec. 558.58.

59. Reserved.

60. Record and index a notice of title interest in land as provided in Sec. 614.35.

61. Designate the newspapers in which the notices pertaining to the office of recorder shall be published as provided in Sec. 618.7.

62. Record a conveyance of property presented by a commissioner appointed by the district court as provided in Sec. 624.35.

63. Carry out duties relating to the indexing of name changes, and the recorder shall charge a fee for indexing as provided in Sec. 331.604.

64. Report to the board the fees collected as provided in Sec. 331.902.

65. Offices that are passport offices may accept applications for passports.

66. Carry out other duties as provided by law and duties assigned pursuant to Sec. 331.323.

General Powers - Pursuant to Sec 331.603 the recorder may:

1. Administer oaths and take affirmations on matters relating to the business of the office of recorder as provided in section 63A.2.

2. Subject to the requirements of section 331.903, the recorder may appoint and remove deputies, assistants, and clerks.

3. The recorder may reproduce in miniature on a durable medium any instrument to be recorded. When a recorded instrument involves a release, assignment, or other subsequent reference to an original document, the separate instrument filed acknowledging the release, assignment, or other subsequent reference shall be reproduced. In lieu of marginal entries, the recorder shall cross-reference the release, assignment, or other subsequent reference with the record of the original document. When an official record is produced in miniature, a security copy shall be reproduced at the same time and kept outside of the courthouse.

4. The recorder may, in lieu of maintaining separate index books, prepare and maintain a combined index record or system which shall contain the same data and information as required to be kept in the separate index books.

5. (a) The governing board of the county land record information system shall not enter into an agreement to provide access to electronic documents or records on a batch basis…

   b) Electronic documents and records made available under this subsection shall not include personally identifiable information…

Chapter 2 – Management of Public Records

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Although the County Recorder has various duties as a county officer, the major duty, as the name suggests, is the management of public records. The various types of instruments handled in the office of the County Recorder are specified in the Iowa Code, and will be treated in greater detail in subsequent chapters This chapter will outline the basic requirements of the Recorder in handling public records.

Recording and Filing Distinguished

The statute requires that an instrument be recorded with the County Recorder, with only a few items being filed. It is important to distinguish between the two terms, as the procedures and duties involved differ. The distinction may be made as follows:

Recording consists of leaving an instrument with the proper officer to be kept in his/ her care and custody for the purpose of a record, while offering an instrument for recording is to leave it to be entered upon the record.

In general, recording involves greater duties than filing. The Recorder must insure that each type of instrument is either filed or recorded according to the procedures specified in the Code for that type of document.

Document Formatting Standards

In order to comply with national standards, Iowa has adopted Document Formatting Standards. All documents presented for recording (except those listed below) MUST meet the following requirements [Sec. 331.606B]:

1. Except as otherwise provided in subsection 6, the county recorder shall refuse any document or instrument presented for recording that does not meet the following requirements:

    (a) Each document or instrument shall consist of one or more individual pages not permanently bound or in a continuous form. The document or instrument shall not have any attachment stapled or otherwise affixed to any page except as necessary to comply with statutory requirements. However, the individual pages of a document or instrument may be stapled together for presentation for recording. A label that is firmly attached with a bar code or return address may be accepted for recording.

    (b) All preprinted text shall be at least eight point in size and no more than twenty characters and spaces per inch. All other text typed or computer generated, including but not limited to all names of parties to an agreement, shall be at least ten point in size and no more than sixteen characters and spaces per inch. If a document or instrument, other than a plat or survey or a drawing related to a plat or survey, presented for recording contains type smaller than eight-point type for the preprinted text and ten point type for all other text, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets the requirements of this section.

    (c) Each document shall be of sufficient legibility to produce a clear reproduction. If a document or instrument, other than a plat or survey or a drawing related to a plat or survey, is not sufficiently legible to produce a clear reproduction, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets the type size requirements of paragraph “b” and shall be recorded contemporaneously as additional pages of the document or instrument.

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

    (e) All signatures on a document or instrument shall be in black or dark blue ink and of sufficient color and clarity to ensure that the signatures are readable when the document or instrument is reproduced from the record. The corresponding name shall be typed, printed, or stamped beneath the original signature. The typing or printing of a name or the application of an embossed or inked stamp shall not cover

or otherwise materially interfere with any part of the document or instrument except where provided by law. Failure to print or type signatures as provided in this paragraph does not invalidate the document or instrument.

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

(g) Each document or instrument presented for recording shall meet the requirements of section 331.606A, subsection 2.

2. Each document or instrument, other than a plat or survey or a drawing related to a plat or survey, that is presented for recording shall contain the following information on the first page below the three-inch margin:

(a) The name, address, and telephone number of the individual who prepared the document.

(b) For any instrument of conveyance, the name of the taxpayer and a complete mailing address.

(c) A return address.

(d) The title of the document or instrument.

(e) All grantors' names.

(f) All grantees' names.

(g) Any address required by statute.

(h) The legal description of the property and parcel identification number, if required.

(i) A document or instrument number for statutory requirements, if applicable.

3. If insufficient space exists on the first page for all of the information described in subsection 2.

4. The page reference of the document or instrument where the information is located shall be noted on the first page.

5. The recorder may record the following documents or instruments which are exempt from the format requirements of this section:
    (a) A document or instrument that was signed before July 1, 2005.

    (b) A military separation document or instrument.

    (c) A document or instrument executed outside the United States.

    (d) A certified copy of a document or instrument issued by a governmental agency, including a vital record.

    (e) A document or instrument where one of the original parties is deceased or otherwise incapacitated.

    (f) A document or instrument formatted to meet court requirements.

    (g) A federal tax lien.

    (h) A filing under the uniform commercial code, chapter 554.

    (i) A groundwater hazard statement pursuant to section 558.69.

    (j) Each document or certificate prepared by a licensed professional land surveyor and presented for recording, including a plat of survey or a drawing related to a plat of survey, shall contain an index legend. However, this requirement shall not apply to a United States public land survey corner certificate described in section 355.11.

    (k) Each document or certificate prepared by a licensed professional land surveyor and presented for recording, including a plat of survey or a drawing related to a plat of survey, shall include a blank rectangular space three and three-fourth inches in width and two and one-half inches in height reserved and delineated for the county recorder's use, unless the document is attached to a cover sheet approved by the governing board of the county land record information system.

General Filing Requirements. (331.606)

1. The statute requires that an instrument be recorded with the County Recorder, with only a few items being filed. It is important to distinguish between the two terms, as the procedures and duties involved differ. The distinction may be made as follows: In addition to other requirements specified by law, the Recorder shall note in the County system the date of filing of each instrument, the number and character of the

instrument, and the name of each grantor and grantee named in the instrument. In numbering the instruments, the Recorder may start with the number one immediately following the date of annual settlement with the board and continue to number them consecutively until the next annual settlement with the board or the Recorder may start with number one on the first working day of the calendar year and continue to number the instruments consecutively until the last working day of the calendar year.

2. The Recorder shall also note in the index the exact time of the filing of each instrument. A document or instrument rejected for recording by a recorder shall be returned to the preparer or presenter accompanied by an explanation of the reason for rejection. [Sec 331.606B(5)]
    a) On and after July 1, 2005 a document or instrument that does not conform to the format standards specified in subsections 1 through 3 shall not be accepted for recording except upon payment of an additional recording fee of ten dollars per document or instrument. The requirement applies only to documents or instruments dated on or after July 1, 2005, and does not apply to those documents or instruments specifically exempted in subsection 5.
    b) On and after July 1, 2009, a document or instrument that does not con- form to the format standards specified in subsection 1, paragraphs "C" and "e", or subsection 2, paragraph "b", shall not be accepted for recording. This paragraph applies only to documents or instruments dates on or after July 1, 2009, and does not apply to those documents or instruments specifically exempted in subsection 5.

3. The County Recorder may give the county sheriff the records filed under this chapter or chapter 695, Code 1977, pertaining to the sale and registration of weapons or may dispose of those records if the sheriff does not wish to receive the records.

4. The Recorder shall permanently archive an unaltered version of each recorded document or instrument. A document or instrument may be archived in it's original format, as an electronic document, or in another format suitable for preserving information in the document or instrument. A person may view a copy an original or unaltered document or instrument in the office of the recorder.

Document Content - Social Security Number and Account Information Prohibited

The preparer of a document shall not include an individual's federal social security number in a document that is prepared for recording in the office of the County Recorder. In addition, checking, savings, or share account number, credit, debit or charge card number shall not be included.

This section does not apply to a preparer of a state or federal tax lien or a military separation, discharge record that is prepared for recording in the office of the County Recorder or a death certificate. If a military separation or discharge record is recorded in the office of the County

Recorder, the military separation or discharge record shall not be accessible through the Internet. See Iowa Code section 331.606A.

Notary Seals & Corporate Seals

Notary Seals & signatures are required under Chapter 9B.
Corporate seals are no longer required. (Except for governmental bodies - See Iowa Code section 558.34.)

Correction of Errors

If the Recorder makes an error in recording an instrument for which the recording fee has already been paid, the Recorder must re-record the document upon presentation by the owner of the original instrument, without requiring that an additional fee be paid.

Re-record an instrument without fee upon presentation of the original instrument by the owner if an error is made in recording the instrument. The recorder shall also note on the new record a reference to the original record and on the original record a reference to the new record. If an error has been made by the Recorder in the indexing of an instrument, the Recorder must re-index the document without further fee. [Sec. 331.602(3)]

Note: The alteration of instruments filed for record is forbidden, See Chapter 14, Unnumbered Opinion Letters, and Appendix L.

Non Statutory Liens

A person claiming a common law lien, an equitable servitude lien, or a lien of similar nature which is other than a statutory lien, shall first give notice to any legal and equitable owners and persons in possession of the real or personal property against which the lien is sought. If the lien is filed by an owner of the real or personal property, notice shall first be given to any person with a lien or other interest in the property.

The notice shall be given pursuant to the Iowa rules of civil procedure. Prior to the filing of the lien in any office of record in the county where the real or personal property is located, the district court in such county shall hold a hearing to determine the validity of the lien.

Pendency of such a proceeding shall not be indexed under Section 617.10 and shall not constitute lis pendens or constructive notice to third persons under Sections 617.11 through 617.15. A bona fide purchaser takes title to the real or personal property free of any claims arising from such proceeding unless proper filing is made in the office of the County Recorder as provided in this section. The person claiming the lien is required to prove the validity of the lien by a preponderance of the evidence. If the court determines the person claiming the lien has willfully and maliciously proceeded, a judgement may be entered against the person

claiming the lien in favor of any resisting party for reasonable damages, including actual damages, costs, and reasonable attorney fees incurred by the resisting party.

A lien, as described in this section, shall not be filed in any office of record other than as provided in this section and if such lien is filed other than as provided in this section, the lien shall be null and void and of no force or effect. If, after the hearing, the district court enters an order determining the lien to be valid, the person claiming the lien shall file a certified copy of the order in the office of the County Recorder where the real or personal property is located. An appeal from the district court arising from such proceeding is by certiorari. [Sec. 575.1]

Duplication Systems & Combined Indexing

The Recorder may reproduce in miniature on a durable medium any instrument to be recorded. When a recorded instrument involves a release, assignment, or other sub- sequent reference to an original document, the separate instrument filed acknowledging the release, assignment, or other subsequent reference shall be reproduced. In lieu of marginal entries, the Recorder shall cross-reference the release, assignment, or other subsequent reference with the record of the original document. When an official record is produced in miniature, a security copy shall be reproduced at the same time and kept outside of the courthouse. [Sec 331.603(3)]

Original records, reports, books, and registers [Sec. 331.101(4)] that have been on file for more than ten years and that are not required to be kept as permanent records may be destroyed. Approval of the county board of supervisors is necessary before such destruction may take place. [Sec 331.323(2)(d)] Alternatively, records on file for more than ten years may be placed in the custody of a museum or historical society willing to accept them, but approval of the board should be obtained prior to such disposal. [See Record Retention Schedule - Appendix A]

The Recorder may in lieu of maintaining separate index books as required by law pre- pare and maintain a combined index record or system which shall contain the same data and information as required to be kept in the separate index books. [Sec. 331.603(4)]

Fees

The Recorder collects certain fees for the filing and recording of documents. The recording fee for recording each instrument is based on a charge for each page or fraction thereof, [Sec 331.604] a record management fee [Sec 331.604 (2a)] and an electronic transaction fee [Sec 331.604 (3b{3})] for each transaction.

In the case of deeds, a transfer fee also must be collected for the auditor for each separate parcel described in any one instrument. [Secs. 558.58, 331.507(2)(a), 331.602(37)] However, specified papers may be recorded free. [Sec 331.608]

The Recorder should note that fees are charged on the basis of both pages and "instruments." An "instrument" or "document" is defined as "a writing or drawing presented to the Recorder for recording, consisting of one or more pages of text and attachments." Therefore, there may be more than one instrument on a single page. If so, the Recorder should charge a separate fee for each instrument recorded. For example, if a single instrument is more than one page long, the per page fee is charged. If, however, a single document assigns or releases several contracts, mortgages, etc., each assignment or release should be treated as a separate instrument. [Secs. 331.604, 331.604 (2a), 331.604b (3b{b})]

For certain types of instruments, separate fees are set. The required fees, where different from those outlined above, will be discussed in later sections dealing with those specific instruments; see the separate fee schedule in Appendix B.

Right To Examine Public Records - Exceptions (Sec 22.2)
Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record. All rights under this section are in addition to the right to obtain a certified copy of a public record under Section 622.46.

Supervision - Fees (Sec 22.3)
The examination and copying of public records shall be done under the supervision of the lawful custodian of the records or the custodian's authorized designee. The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means. Fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of expenses to be incurred in fulfilling the request and such estimated expenses shall be communicated to the requester upon receipt of the request. The lawful custodian may adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for the examination and copying of the records, but if it is impracticable to do the examination and copying of the records in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for the examination and copying.

All expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful

custodian or the custodian's authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any per- son a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian.

Records Retention

A records retention table has been developed to assist county officials in managing the retention of records that are produced by county business. It is intended to be a working document, and it has been compiled with the assistance of county officials. If there is a specific question as to the retention of a record, contact your County Attorney for advice. County offices do not have the space to store all records for all time so this reference table is intended to assist county officials by outlining a schedule for destroying records that are no longer required to be retained. Not all records may be identified in this document and not all county offices are represented. The recommended retention periods take into account the Code of Iowa and the Iowa Administrative Code. There is not a law concerning all records and in that case, state and county officials were consulted to determine what is considered “best practice.”

The records retention table is provided as Appendix A.

Chapter 3 – Real Estate Conveyance

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The basic duty of the county recorder, and the duty which historically gave rise to the office of the recorder, is the recording of real estate conveyances. The purpose of such recording is to allow persons to have the public knowledge of all actions affecting a specified parcel of real estate, to insure a clear title to the property. This chapter will outline those duties relating to real estate conveyances. It will also outline the real estate transfer tax process.

Plats of Survey & Subdivision Plats – Definition (Iowa Code 354)

i. "Affidavit" A written statement of facts confirmed by the oath of the party making it, before a notary or officer having authority to administer oaths.
    a. "Appeal" A request made after a trial, asking another court (usually the court of appeals) to decide whether the trial was conducted properly. To make such a request is "to appeal" or "to take an appeal." One who appeals is called the appellant.
    b. Arrest: Taking physical custody of a person by lawful authority.

ii. "Attachment" A procedure by which a person's property is seized to pay judgments levied by the court.

iii. "Contract" A legal written agreement that becomes binding when signed.

iv. "Conveyance" means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.

v. "Deed" The legal instrument used to transfer title in real property from one person to another.

vi. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.

vii. "Grantor" The person who establishes a trust and places property into it.

viii. "Lien" A claim against real or personal property in satisfaction of a debt.

ix. "Mortgage" The written agreement pledging property to a creditor as collateral for a loan.

x. "Ordinance" means a city law of a general and permanent nature. See Iowa Code 362.2

xi. "Plat of survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed professional land surveyor.

xii. Platting is the process of providing a registered land surveyor's map that describes the boundaries of a parcel of land.

xiii. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body. See Iowa Code 362.2

xiv. "Property" includes personal and real property. See Iowa Code 4.1

xv. "Subdivision" means a tract of land divided into three or more lots.

xvi. "Subdivision plat" means the graphical representation of the subdivision of land, prepared by a licensed professional land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

xvii. "Surveyor" means a licensed professional land surveyor who engages in the practice of land surveying pursuant to chapter 542B.

xviii. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

The purpose of Chapter 354 is to provide for statewide, uniform procedures and standards for the platting of land while allowing the widest possible latitude for cities and counties to establish and enforce ordinances regulating the division and use of land, within the scope of, but not limited to, Chapters 331, 335, 364, and 414. [Sec.354.1(3)]

Platting is the process of providing a registered land surveyor's map that describes the boundaries of a parcel of land.

A subdivision plat shall be made when a tract of land is subdivided by repeated divisions or simultaneous division into three or more parcels any of which are described by a metes and bounds description. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements. [Sec.354.6(1)]

The recorder shall examine each plat of survey and subdivision plat to determine whether the plat is clearly legible and whether the approval by the applicable governing body and other attachments required by this chapter are presented with the plat. The recorder shall also keep a reproducible copy of the plat from which legible copies can be made. The recorder may specify the material and the size of the plat, not less than 11 inches by 17 inches, that will be accepted for recording in order to comply with this section. The recorder shall not record a subdivision plat that violates this Chapter. [Sec. 354.18]

Review and Approval by Governing Bodies

If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions established by the governing body, and conform to this chapter and chapter 355, the governing body, by resolution, shall approve the plat and certify the resolution which shall be recorded with the plat. The recorder shall refuse to accept a

subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review. [Sec 354.8 (2)]

Review of Plats Within Two Miles of a City – Role of Recorder

1. The ordinance establishing the area of review or modifying the area of review by a city, shall be recorded in the office of the Recorder and filed with the county auditor.

2. If a subdivision lies in a county, which has adopted ordinances regulating the division of land, and also lies within the area of review established by a city pursuant to this section, then the subdivision plat or plat of survey for the division or subdivision shall be submitted to both the city and county for approval. The standards and conditions applied by a city or county for review and approval of the subdivision shall be the same standards and conditions used for review and approval of subdivision within the city limits or shall be the standards and conditions for review and approval established by agreement of the city and county pursuant to chapter 28E. Either the city or county may, by resolution, waive its right to review the sub- division or waive the requirements of any of its standards or conditions for approval of subdivisions, and certify the resolution which shall be recorded with the plat.

3. If cities establish overlapping areas of review outside their boundaries, the cities shall establish by agreement pursuant to chapter 28E reasonable standards and conditions for review of subdivisions within the overlapping area. If no agreement is recorded pursuant to chapter 28E then the city which is closest to the boundary of the subdivision shall have authority to review of the subdivision. [Sec. 354.9]

Attachments to Subdivision Plats

A subdivision plat, other than an auditor's plat, that is presented to the recorder for recording shall conform to Section 354.6 and shall not be accepted unless accompanied by the following documents:

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the governing body.

2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision a

release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

3. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this Section.

4. A certified resolution by each governing body as required by Section 354.8 either approving the subdivision or waiving the right to review.

5. A statement by the auditor approving the name or title of the subdivision plat.

6. A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12.

A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property, or public use other than utility easement, shall be accompanied by the documents listed in subsections 1,2,3, and 4 and a certificate of the treasurer that the land is free from certified taxes other than certified special assessments. [Sec.354.11]

Bonds to Secure Liens

A bond in double the amount of the lien shall be secured and recorded if a lien exists on the land included in a subdivision plat and the required consent of the lienholder is not attached for one of the following reasons:

1. The lienholder cannot be found, in which case an affidavit by the proprietor stating that the lienholder could not be found shall be recorded with the bond.

2. The lienholder will not accept payment or cannot, because of the nature of the lien, accept payment in full of the lien, in which case an affidavit by the lienholder stating that payment of the lien was offered, but refused shall be recorded with the bond.

The bond shall run to the county and be for the benefit of purchasers of lots within the plat and shall be conditioned for the payment and cancellation of the debt as soon as practicable and to hold harmless purchasers or their assigns and the governing body from the lien. [Sec. 354.12]

Recording
A plat of survey prepared pursuant to this Chapter and a subdivision plat, with attachments, shall be recorded in the office of the county recorder, and an exact copy of the plat shall be filed in the offices of the county auditor and assessor. A re-plat of any part of an official plat pursuant to Section 354.25, or a recorded subdivision plat of any part of an existing official plat shall supersede that part of the original official plat, including unused public utility easements. [Sec. 354.18]

Indexing of Plats and Survey Documents by Recorder
(Refer to Chapter 13 for Indexing)
The recorder shall index a submitted plat, survey documents, and United States public land corner certificates by township, range, and section number. If the plat or sur- vey is in a recorded subdivision, the recorder shall also index the plat alphabetically by subdivision name.

Approval as Condition to Recording
The recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review. [Sec. 354.8]

Vacation of the Plat
The official plat or portion of the official plat shall be vacated upon recording of all the following documents:

1. An instrument signed, executed, and acknowledged by all the proprietors and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each proprietor along with an accurate description to be used to describe the land after the lots are vacated.

2. A resolution by the governing body approving the vacation and providing for the conveyance of those areas included in the vacation which were previously set aside or dedicated for public use.

3. A certificate of the auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

Affidavits Confirming Error on Plat
If an error or omission in the data shown on a recorded plat is detected by subsequent examinations or revealed by retracing the lines shown on the plat, the original surveyor or two surveyors confirming the error through independent surveys shall record an affidavit confirming that the error or omission was made.

The affidavit shall describe the nature and extent of the error or omission, and also describe the correction or additions to be made to the plat and note the book and page number of the recorded plat.

The recorder shall note on the record of the plat the word "corrected" and note the document reference number of the recorded affidavit. A copy of the recorded affidavit shall be filed with auditor and assessor. The affidavit shall raise a presumption from the date of recording that the purported facts stated in the affidavit are true, and after the lapse of three years for the date of recording the presumption shall be conclusive. [Sec. 354.2].

Corrections or Changes to Plats
A vacation, correction or re-platting as provided for in this chapter, shall be recorded and an exact copy shall be filed with the auditor and assessor. If a governing body changes the addresses or street names shown on an official plat, notice of the change shall note the name or other designation of each official plat affected and shall be filed with the recorder, auditor, and assessor. The recorder shall note the vacation, correction, or re-platting on the margin of the official plat or upon an attachment to the official plat for that purpose. The auditor shall make the proper changes on the plats required to be kept by the auditor. [Sec. 354.26]

Noting the Permanent Real Estate Index Number
When a permanent real estate index number system has been established by a county pursuant to Section 441.29 the auditor may note the permanent real estate index number on every conveyance. [Sec. 354.27]

Auditor's Plat
Whenever the auditor determines that the description of a subdivision of land cannot be made certain and accurate for the purpose of assessment and taxation, or the owner of subdivision has sold or invested the public with any rights therein and has failed to file for record a plat under the Section 354, the auditor may demand that a survey or a subdivision plat be recorded as required by Chapter 354. Notice shall be served by mail and certified copy of the notice shall be recorded. [Sec 354.13]

Covenant of Warranty
A recorded conveyance in violation of this chapter may be entered on the transfer books of the auditor's office. The auditor shall notify the grantor and the grantee that the conveyance is in violation of this chapter and demand compliance as provided for in this Section 354.13. [Sec. 354.3].

Plats of Survey
A plat of survey shall be made, showing information developed by the survey for each land survey performed for the purpose of correcting boundaries, correcting descriptions of surveyed land, or for the division of land. Each plat shall conform to the provisions provided in [Section 355.7].

Corner Monumentation (Sec 355.6A)
The surveyor shall confirm the prior establishment of control monuments at each controlling corner on the boundaries of the parcel or tract of land being surveyed. If no control monuments exist, the surveyor shall place the monuments. [Sec. 355.6(1)]

4. a) The monument preservation certificate shall be filed with the county recorder pursuant to section 331.606B, subsection 5, no later than thirty days after the certificate is signed by the surveyor.

   b) The county recorder shall index the monument preservation certificate according to the township, range, section number, and quarter section on which the monument is located. If the monument is located within an official plat, the county recorder shall index the certificate alphabetically by the official plat name.

   c) The index legend affixed to such certificate shall include the following information:
   1. The surveyor's name, mailing address, and other contact information.
   2. The name of the governmental entity or other organization under which the surveyor provided the professional service.
   3. The aliquot part of parts of the United States public land survey system or portion of official plat that the monument is located within.
   4. The name of the governmental entity or other organization requesting the monument preservation certificate pursuant to this section.

Survey Corner Certificate
The surveyor shall record the required certificate with the recorder and forward a copy to the county engineer of the county in which the corner is located within thirty days after completion of the surveying. The certificate shall comply with the requirements as stated in [Sec 355.11 (2)].

The recorder shall index survey documents and United States public land corner certificates by townships, range and section number. [Sec. 355.12] If the survey is in a recorded subdivision, the recorder shall also index the document alphabetically by subdivision name.

Filing, Recording and Indexing
(Refer to Chapter 13)

The day, hour, and minute of filing must be endorsed on every instrument properly filed for record in the recorder's office. The recorder must then enter into the index the entries required to be entered. [Sec 558.49].

The recorder must keep index records to show the following:

1. Each grantor.
2. Each grantee.
3. The date and time when the instrument was filed with the recorder.
4. The date of the instrument.
5. The nature of the instrument.
6. The document reference number where the record of the instrument may be found.
7. The description of the real estate to be conveyed.

This filing and indexing constitutes constructive notice. [Sec. 558.55] The recorder may, in lieu of maintaining separate index books as required by law, prepare and maintain a combined index record or system which shall contain the same data and information as required to be kept in the separate index books. [Sec.331.603(4)]

The entries shall show the names of the respective grantors and grantees, arranged in alphabetical order. When the instrument is executed by a personal representative, guardian, referee, commissioner, receiver, sheriff, or other person acting in a representative capacity, the recorder shall enter upon the index the name and representative capacity of such person executing the instrument and the owner of the property, if disclosed in the instrument. [Sec. 558.52]

Note: It is recommended that when in doubt about how to index a particular real estate conveyance, the recorder should enter the conveyance under all possible names. A recorder cannot over index.

This filing and indexing constitutes constructive notice. [Sec. 558.55] The recorder may, in lieu of maintaining separate index books as required by law, prepare and maintain a combined index record or system which shall contain the same data and information as required to be kept in the separate index books. [Sec.331.603(4)]

Mandatory Recording of Conveyances
Failure to record a conveyance or lease of agricultural land required to be recorded by this section by the grantee or lessee within the specified time limit is punishable by a fine not to exceed one hundred dollars per day for each day of violation.

The county recorder shall record a conveyance or lease of agricultural land presented for recording even though not presented within 90 days after the date of the conveyance or lease. The county recorder shall forward to the county attorney a copy of each conveyance or lease of agricultural land recorded more than one hundred eighty days from the date of conveyance. The county attorney shall initiate action in the district court to enforce the provision of this section. Failure to timely record shall not invalidate an otherwise valid conveyance of lease. [Sec.558.46]

Every real estate installment sales contract transferring an interest in residential property shall be recorded by the contract seller with the county recorder in the county in which the real estate is situated no later than 90 days from the date the contract was signed by the contract seller and contract purchaser. Failure to record by the contract seller within time frame is punishable by a fine not to exceed one hundred dollar per day for each day of violation.

The recorder shall record a real estate contract for recording even though not presented within the 90 days. The recorder shall forward to the county attorney a copy of each contract recorded more than 180 days after the date of signing. The county attorney shall initiate action. Failure to timely record shall not invalidate an otherwise valid real estate contract.

A contract seller may not initiate foreclosure proceedings if the contract has not been recorded. The requirement to record a contract maybe satisfied by recording the entire contract or a memorandum of contract which contains at least the names and addresses of all parties, the legal description, the length of the contract, a statement as to whether the seller is entitled to the remedy of forfeiture and the dates when payments are due. [Sec. 558.46]

Non-Judicial Foreclosure of Non-agricultural Mortgages
An Affidavit in Support of Non-Judicial [voluntary] Foreclosure of Non-Agricultural Property including attached proofs of service is recorded as a conveyance and the proper auditor's transfer fee is assessed. No DOV or Groundwater Hazard Statement is required. [Sec.655A; 656] (Attorney General Opinion 2/18/88)]

Non-Judicial Foreclosures of Agricultural Mortgages do not fall under this category and do not transfer property.

Recording Fees

Except as otherwise provided by state law, section 331.604 subsection 4, or section 331.605, the recorder shall collect a fee of five dollars for each page or fraction of a page of an instrument which is filed or recorded in the recorder's office. If a page or fraction of a page contains more than one transaction, the recorder shall collect the fee for each transaction. A county shall not be required to pay a fee to the recorder for filing or recording instruments. [Sec. 331.604].

TYPE	1st PAGE	ADDITIONAL PAGES
AFFIDAVIT - NON TRANSFER	$7.00	$5.00
ASSIGNMENTS OF MORTGAGE**	$7.00	$5.00
ASSIGNMENTS OF CONTRACT*	$12.00	$5.00
CHANGE OF TITLE*	$12.00	$5.00
CONTRACTS*	$12.00	$5.00
CORNER CERTIFICATES	$7.00	$5.00
DEEDS*	$12.00	$5.00
LEASES	$7.00	$5.00
MORTGAGES	$7.00	$5.00
PLATS/SURVEYS	$7.00	$5.00
RELEASES**	$7.00	$5.00
TRADE NAMES	$7.00	$5.00
UCC	$7.00	$5.00

*Included in the $12.00 fee for Deeds, Change of Name, Condemnations and Contracts is a $5.00 transfer fee for each separate parcel of real estate involved. Add $5.00 to the 1st page fee for each additional parcel ($50.00 Maximum Fee for additional parcels.)

a) A document that contains more than one transaction, will be charged an additional $7.00 per transaction.

b) UCC copies are $1.00 per page.

c) Copies of documents.

d) Certification of a document is $5.00.

e) Copies of Federal Tax Liens and Releases are $5.00 per copy (See Iowa Code 331.609(3)d).

The recorder shall also collect a fee of one dollar for each recorded transaction for which a fee is paid pursuant to subsection 1 to be used exclusively for the purpose of preserving and maintaining public records. Beginning July 1, 2011, the recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the purposes in subparagraph (2) and for the following purposes: (a) Establishing and implementing standards for recording, processing, and archiving electronic documents and records. (b) Expanding access to records by encouraging electronic indexing and scanning of documents and instruments recorded in prior years.

Before any land division or subdivision, plat of survey, preliminary plat, final plat, or minor plat may be considered for approval by the Commission, Board of Supervisors, Zoning Administrator or Auditor, the subdivider or agent shall deposit with the County Treasurer a fee in an amount established from time to time by the Board of Supervisors. If the land division or subdivision is not approved, the fee is not refundable.

At the time of filing a deed, real estate installment contract or other instrument mentioned in section 558.57, the recorder shall collect and note payment of the recording fee and the auditor's transfer fee, as provided by law, except as provided in subsection 2. After the recorder has accepted the instrument for recording, the instrument shall be indexed and then delivered to the auditor to be placed on the auditor's transfer books. [Sec. 558.58]

The auditor is entitled to collect the following fees:

For a transfer of property made in the transfer records, five dollars for each separate real estate transaction described in section 558.57, or transfer of title certified by the clerk of the district court. However, the fee shall not exceed fifty dollars for a transfer of property which is described in one instrument of transfer. [Sec. 331.507(2)(a)]

RECORDERS PLEASE NOTE:
There is considerable confusion with regards to Real Estate Transfer Tax, Auditor's Transfer Fees, and Declaration of Value forms.

Real Estate Transfer Tax is collected for the Department of Revenue at $.80 for each $500 dollars or fractional part of $500 in excess of five hundred dollars, with the first $500 exempt. The term "consideration" means the full amount of the actual sale price of the real property involved paid or to be paid, including the amount of an encumbrance or lien on the property, if assumed by the grantee. 82.75% is sent to the Department of Revenue; the remaining 17.25% is retained for the county general fund.

It is presumed that the sale price stated on the declaration of value includes the value of all personal property transferred as part of the sale unless the dollar value of personal property is stated on the instrument of conveyance. When the dollar value of the personal property included in the sale is so stated, it shall be deducted from the consideration shown on the instrument for the purpose of determining the tax.

Refunds. County recorders shall not refund any overpayment of a real estate transfer tax. The grantor of the real property for which the real estate transfer tax has been overpaid shall petition the state appeal board for a refund of the overpayment amount paid to the treasurer of state. A refund of the remaining portion of the overpayment shall be petitioned from the board of supervisors of the county in which the tax was paid.[701 I.A.C. 109.1 (5)]

The board of supervisors shall order the county treasurer to refund taxes found to have been erroneously or illegally collected. A claim for refund must be presented to the board within two years of the date the tax was due or if appealed within two years of the final decision. 701 I.A.C 100.7 (445.60)

A transfer fee of $5.00 per parcel of contiguous land sold is collected by the recorder on behalf of the auditor.

A Declaration of Value form that is required by the Department of Revenue is not related to the Real Estate Transfer tax. They both have a number of exemptions that are similar but not identical which may cause confusion. The form is used by the assessors, and the Department of Revenue to determine valuation for tax purposes.

Tax on Real Estate Transfers Chapter 428A

A tax is imposed on real estate transfers in Iowa. [Sec. 428A.1] This tax is levied and collected by the county recorder. When a deed contains multiple parcels that are located in more than one county, a separate DOV must be submitted on the parcels located in each of the counties. The DOV must also be submitted to the county recorder when paying the real estate transfer tax and that the real estate transfer tax be paid to the recorder in the county where the real estate is located. [Sec. 428A.5]

Application

A tax is imposed on each deed, instrument, or writing by which any lands, tenements, or other realty is granted, assigned, transferred, or otherwise conveyed. When such deed, instrument, or writing is presented to the recorder for recording, a Declaration of Value signed by at least one of the sellers or one of the buyers or their agents must also be submitted to the recorder. This declaration must state the full value or consideration paid for the real property transferred. [Sec. 428A.1] Declarations of value are public records and must be available for public inspection under Chapter 22 [701 I.A.C 109.6].

A Declaration of Value is not required for all deeds, instruments or writing. Specifically exempted are instruments described in Section 428A.2. Also any transfer of real property which is the result of an acquisition of lands for public purpose through an exercise of the power of eminent domain does not require a Declaration of Value. [Sec. 428A.1; see 701 I.A.C. 79 for the Department of Revenue's administrative regulations covering Chapter 428A] The department has prepared a "County Recorder's Real Estate Transfer Tax Reference Manual."

Any person, firm or corporation, who grants, assigns, transfers, or conveys any land, tenement, or realty by deed, writing, or instrument not specifically exempted is liable for the transfer tax. [Sec. 428A.3] The Recorder may not record any deed, instrument, or writing that is liable for the tax unless documentary stamps in the full amount required are affixed to the document. Stamps must be paid in check or cash unless e- filing options are utilized. [Sec. 428A.4, 730 I.A.C. 79.1(4), 79.5(5)]

Amount of Tax

A Declaration of Value and tax on real estate [$.80 per five hundred dollars] are two separate and distinct functions. They are not related even though many of the same numbers in the Code 428A.2 subsections 1-21 are used.

When there is no consideration or when the deed, instrument, or writing is executed and tendered for recording as an instrument corrective of title and so states, there is no tax. There is no tax when the actual market value of the real property does not exceed $500. When there is consideration and the actual market value of the real estate is more than $500, the tax is $.80 for each $500 or fraction of $500, in excess of the original $500.

When computing the tax, it is presumed that the sale price stated includes the value of all personal property transferred as part of the sale unless the value of the personal property is stated on the instrument. When the dollar value of the personal property is stated, this value must be deducted from the value of the consideration to arrive at the taxable figure. [Sec. 428A.1]

For Right of Way Contract and Warranty Deed consideration it was agreed that the Department of Revenue will accept a statement on the deed conveyance documents from the Department of Transportation as follows:

"The additional amount of $, as agreed to by contract has been paid as severance damages to the remaining property, and is not subject to real estate transfer tax."

"Then the combination of the amount at the top of the deed document and the amount at the bottom in the statement will equal the contract amount."[Per meeting between Iowa Department of Transportation, Iowa Department of Revenue and the Recorders Association on September 24, 1990.]

"Consideration" means full amount of actual sale price paid or to be paid, including the amount of an encumbrance or lien, whether assumed or not. Thus, amount of the assumption of the mortgage is taxable at the rate of $.80 per five hundred dollars. [Sec. 428A.1]

The recorder cannot make refunds of the real estate transfer tax. Instead, the claim- ant must make appeals to the State Appeals Board [82.75 percent] and the county board of supervisors [17.25 percent].

If the document is exempted by one of the specific exemptions in Sec. 428A.2, a statement that the document is exempt must be filed with or endorsed upon the document. When such a statement is included, the recorder should examine the statement to ensure that it contains sufficient documentation to justify the exemption.

Recorders should follow the guidelines set out in 701 I.A.C 109.1 to determine taxable status of a transfer:

Recording refused 701 I.A.C 109.1 (4)

The county recorder shall refuse to record any deed, instrument, or writing regardless of any statement by the grantor, grantee, or their agents that the transaction is exempt pursuant to Iowa Code Section 428A.2, if in the recorder's judgment, additional facts are necessary to clarify the taxable status of the transfer or determine the full consideration paid for the property. The county recorder may request from the grantor, grantee, or their agents, any information necessary to determine the taxable status of the transfer or the full amount of consideration involved in the transaction.

County recorders under no circumstance shall record any deed or instrument of conveyance for which the proper amount of real estate transfer tax has not been collected. This applies to the collection of tax in excess of the amount due for the actual amount of consideration as well as situations in which an insufficient amount of tax has been collected.

In addition, if the form is not fully completed or does not include a declaration of value, recording should be refused under the guidelines set out in 701 I.A.C. 109.3 and Sec 428.2 as follows:

Real Estate Transfer Tax Exceptions

[DECLARATION OF VALUE (DOV) & TAX 428A.2 EXCEPTIONS and GROUNDWATER HAZARD STATEMENTS(GWHS) REQUIREMENTS NOTED]

The tax imposed by this chapter shall not apply to:

1) Any executory contract for the sale of land under which the vendee is entitled to or does take possession thereof, or any assignment or cancellation thereof. [DOV AND GHS REQUIRED, EXCEPT ASSIGNMENT BY SELLER OR COLLATERAL ASSIGNMENT]

2) Any instrument of mortgage, assignment, extension, partial release, or satisfaction thereof. [NO DOV OR GWHS REQUIRED]

3) Any will. [NO DOV OR GWHS REQUIRED]

4) Any plat. [NO DOV REQUIRED OR GWHS REQUIRED]

5) Any lease. [NO DOV REQUIRED - GWHS IS REQUIRED FOR A LEASE OF LAND WHICH HAS A TERM OF 5 YEARS OR MORE]

6) Any deed, instrument, or writing in which the United States, or any agency or instrumentality of it, or the state of Iowa, or any agency, instrumentality, or govern- mental or political subdivision thereof is the grantor, assignor, transferor, or conveyor; and any deed, instrument or writing in which any of such unit of government is the grantee or assignee, where there is no consideration.

[NOTE: Federal agencies and instrumentalities are required to complete Declaration of Value upon the conveyance of real estate]

7) Deeds for cemetery lots. [NO DOV OR GWHS REQUIRED]

8) Deeds which secure a debt or other obligation, except those included in the sale of real property. [NO DOV OR GWHS REQUIRED]

9) Deeds for the release of a security interest in property excepting those pertaining to the sale of real estate. [NO DOV OR GWHS REQUIRED]

10) Deeds which, without additional consideration, confirm, correct, modify, or supplement a deed previously recorded. [NO DOV OR GWHS REQUIRED]

11) Deeds between husband and wife, or parents and child, without actual consideration. A cancellation of indebtedness alone which is secured by the property being transferred and which is not greater than the fair market value of the property being transferred is not actual consideration within the meaning of this subsection. [NO DOV OR GWHS REQUIRED]

12) Tax deeds. [NO DOV OR GWHS REQUIRED]

13) Deeds of partition where the interest conveyed is without consideration. However, if any of the parties take shares greater in value than their undivided interest a tax is due on the greater values computed at the rate set out in section 428A.1. [NO DOV OR GWHS REQUIRED]

14) The making or delivering of instruments of transfer resulting from a corporate merger, consolidation, or reorganization or a merger, consolidation, or reorganization of a limited liability company under the laws of the United States or of any state thereof, where such instrument states such face on the fact thereof. [DOV AND GWHS REQUIRED]

15) Deeds between a family corporation, partnership, limited partnership, limited liability partnership, or limited liability company and its stockholders, partners, or members for the purpose of transferring real property in an incorporation or corporate dissolution or the organization or dissolution of a partnership, limited partner- ship, limited liability partnership, or limited liability company under the laws of this state, where the deeds are given for no actual consideration other than for shares or for debt securities of the corporation, partnership, limited partnership, limited liability partnership, or limited liability company. For purposes of this subsection, a family corporation, partnership, limited partnership, limited liability partnership, or limited liability company is a corporation, partnership, limited partnership, limited liability partnership, or limited liability company where the majority of the voting stock of the corporation, or of the ownership shares of the partnership, limited partnership, limited liability partnership, or limited liability company is held by and the majority of the stockholders, partners, or members are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related and where all of its stockholders, partners, or members are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons. [DOV & GWHS REQUIRED]

16) Deeds for the transfer of property or the transfer of an interest in property when the deed is executed between former spouses pursuant to a decree of dissolution of marriage. [NO DOV OR GWHS REQUIRED]

17) Deeds transferring easements. [NO DOV OR GWHS REQUIRED]

18) Deeds giving back real property to lienholders in lieu of forfeitures or foreclosures. [NO DOV OR GWHS REQUIRED]

19) Deeds executed by public officials in the performance of their official duties. [NO DOV OR GWHS REQUIRED]

20) Deeds transferring distribution of assets to heirs at law or devisees under a will. [NO DOV OR GWHS REQUIRED]

21) Deeds in which the consideration does not exceed $500. [NO DOV OR GWHS REQUIRED]

701 I.A.C 109.5 (5) Recording refused. The county recorder shall refuse to record any document for which a real estate transfer-declaration of value is required if the form is not completed accurately and completely by the buyer or seller or the agent of either.

Note that the inquiry under 730 I.A.C. 79.1(4) is directed to determining the taxable status of a transfer. The inquiry under 730 I.A.C. 79.5(5) is directed to determining the Declaration of Value of a taxable transfer. REFER TO SEC. 428A.1 AND 428A.4 FOR REASON TO REFUSE A RECORDING WITHOUT A DOV. REFER TO SEC. 428A.2

Examples of Requirements and/or Exemptions to Transfer Tax

1. Building On Leased Land - A building on leased land requires real estate transfer tax per County Recorder's Real Estate Transfer Tax Reference Manual. Declaration of Value is required, Groundwater Hazard Statement is required, and an auditor's transfer fee is charged.

2. Contracts - Deeds given in fulfillment of an un-recorded contract must have a DOV, and a Groundwater Hazard Statement. Real estate transfer tax is paid based on the amount stated on the DOV.
3. A deed given in fulfillment of a contract where the contract amount has been reduced, but not amended by contract, should so state what the new price was and real estate transfer tax should be paid based on the new reduced price.

4. If consideration is more than the original contract, but not amended, the deed in consummation shall have a DOV. [The Recorders Association recommends requesting the person recording the document to type the actual amount of consideration on the document. If this is not possible it is recommended a recorder's note be made.]

5. Property Exchange - A grantor who transfers real property and cash in exchange for real property is liable for the transfer tax calculated on the fair market value of the real property transferred. [Attorney General Opinion 9/30/89]

6. Public Officials - No public official is liable for the tax when the document offered is executed in connection with official duties. [Sec. 428A.3] For example, no transfer tax is required on a sheriff's deed executed by the sheriff following an execution sale. [1970 O.A.G. 376]

7. Trust - When an individual conveys property into a trust account or to a trustee this transaction is exempt of real estate transfer tax, except when a mortgage is assumed by a trust or trustee. [It is recommended the recorder ask if a mortgage assumption is involved.]

The recorder must complete the monthly report to the Department of Revenue the original report is forwarded to the department with a check for 82.75 percent of total net collections to the treasurer of the State of Iowa on or before the tenth day of each month. The recorder retains a copy of the report and forwards a check for the remaining 17.25 percent of net collections to the county treasurer for deposit in the county general fund. [Sec. 428A.8]

It should be noted that the state Department of Revenue participates in tax seminars and advises county recorders concerning the law, procedures, and policies to be followed in mutual administration of real estate tax collection at periodic county officers' meetings.

Problems and questions concerning this tax should be forwarded to Supervisor, Equalization Section, Property Tax Division, and Iowa Department of Revenue.

See Appendix C for various published source documents concerning real estate transfer taxes. These include:

1. Transfer Tax Reference Manual - July, 2008

2. Department of Revenue Transfer Tax Presentation – 2013

3. Various Other Transfer Tax Resource Documents

4. Real Estate Transfer Tax Exemptions

5. Prior Year Transfer Tax Rates

Declaration of Value

The recorder is responsible for completing only a portion of the Declaration of Value form; the remainder is to be completed by the city or county assessor. The Code states that it is the duty of the recorder, as a public officer, to give to the state Director of Revenue information relating to taxation when required by the director. [Sec. 421.18].

The Department of Revenue requests that such records be forwarded bi-weekly to the appropriate assessor. In the case of more populous counties, records should be forwarded on a weekly or daily basis so that assessors can forward the records to the Department of Revenue at times as directed by the Director of Revenue.

A numbering system should be used to keep track of the number of DOV's received for county and city assessors. This is required on the monthly Iowa Real Estate Transfer Tax report to the state treasurer.

See Appendix D for information about the use of a DOV with reference to a Memorandum of Contract.

Groundwater Hazard Statement

Groundwater Hazard Statements are not required for conveyances that are exempt from the DOV (Declaration of Value) except any recorded lease of land which has a term of five years or more and any voluntary transfer or receipt of real property by governmental entities if title to that property was voluntarily acquired by the govern- mental entity. (Sec. 558.69.1) Refer to DNR Administration Rules Ch. 9. Groundwater Hazard Statement Form

Deeds given in fulfillment of an un-recorded contract must have a DOV, and a Groundwater Hazard Statement.

Certificate of Completion for Underground Storage Tank (UST) Closure

The Department of Natural Resources, upon the closure of a UST, send a statement to the owner letting them know the completion of closure has been inspected and accomplished and states the certificate MAY be filed in the office of the recorder. If it is brought to you, record it showing the Department of Natural Resources as the grantor and the property owner(s) as the grantee(s). A legal description should be attached to the certificate. Fees for recording shall be as provided in section 331.604, 331.605A, 331.605C.

See Appendix E for recently published guidelines regarding requirements for Ground- water Hazard Statements.

Any recorded lease of land which has a term of five years or more, except leases related to the construction or maintenance of cell phone, television, radio or similar electronics towers and leases related to the construction or maintenance of electricity- generating wind turbines. Leases or easements reserving rights to the future construction of the tower and wind turbine structures exempted by this subrule are similarly exempted. A lease of land does not include a lease of a portion of a building such as an apartment lease or business location within a mall or other multitenant building.

If we have a Building on Leased Land (BOLL), do we need a GWHS? For example, a garage in a mobile home park usually comes in on a Bill of Sale with a DOV and transfer tax. Or – a cabin on leased land which would also transfer by Bill of Sale. We do require a DOV when we get a bill of sale for a BOLL, but some counties don't require any kind of recorded document to transfer a BOLL. Yes, if a DOV is required then a GWHS is required and the Septic inspection question must be answered because the DNR is considering a cabin on leased land as a transfer of ownership of the building which requires an inspection per the code. In conversation with Assistant Attorney General Michael Bennett, in a 1971

opinion of the Iowa Attorney General indicates that DOV's are required with a bill of sale for a building. This would seem to address the only exception that we thought existed where a time of transfer inspection is required but we thought a DOV wasn't. It appears a DOV is required in these circumstances.

Marketable Title Legislation

Additional provisions relating to real estate transactions are contained in Chapter 614 of the Code. These provisions, taken together, are called the "marketable title legislation," and are designed to simplify the title search process by shortening the period of search required and by giving stability and effect to record titles. Only those provisions which contain duties for the county recorder will be discussed below. Those wishing a fuller explanation of these provisions should refer to "The Mechanics of Iowa's Marketable Title Legislation." [1973 Drake Law Review 22:326-341]

Marketable Record Title Act automatically eliminate encumbrances on title to real property, including restrictive covenants, after the passage of statutory time periods.

Marketable Record Title

Generally, any person having an unbroken chain of title or record to any interest in land for forty years or more is deemed to have a marketable record title to such interest as defined in section 614.29, subject only to the matters stated in section 614.32. Such marketable record title is a title free and clear of any interests which predate the root of title (the last conveyance more than forty years prior). However, any person claiming an interest which arose more than forty years prior may preserve that interest by filing with the county recorder a notice stating that claim within the forty-year period. [Sec. 614.31, 614.34

The notice must be filed for record in the county(s) where the land involved is situated. The notice must set forth, in writing, the nature of the claim, be verified by oath or affirmation, and contain an accurate and full description of all the land affected by the notice. The description must be stated in specific terms; however, if the interest is based upon a recorded instrument, the notice may contain the same description as that found in the recorded instrument. [Sec. 614.35]

The recorder must accept all such notices that involve land located in the county. Notices must be recorded in the same manner as deeds and other instruments are recorded, and must be indexed under the grantee indexes of deeds in the name of the claimant named in the notice. Sec 614.35

Ordinarily, a notice must be filed by the person claiming the interest. However, if the claimant is under a disability, is unable to assert a claim on his or her own behalf, or is one of a class

whose identity is not known or cannot be established, the notice may be filed by any other person acting on behalf of the claimant. [Sec. 614.34]

Reversions or Use Restrictions

A use restriction, reversion, or reverted interest clause contained in a deed, conveyance, contract, or will is only effective for a period of twenty-one years from the date of the recording of the instrument [in the case of wills, for a period of twenty-one years from the date the will was admitted to probate] unless the claimant files a verified claim with the county recorder to preserve the interest created by the clause. Thus, unless such notice is filed, no action based upon such a clause may be brought against the record title holder after the twenty-one year period has elapsed. [Sec.
614.24]

An interest created by a use restriction, reversion, or reverted interest clause may be preserved past the twenty-one year period by the filing by the claimant or the claim- ant's attorney of a verified claim with the county recorder of the county in which the land involved is situated. This claim must set forth the nature of the claim and the time and manner in which the interest was obtained. If the claimant is a minor, the claim may be filed by the claimant's guardian, trustee, or either parent or next friend. [Sec. 614.24] A properly filed claim extends the period in which action may be brought based upon such claim for another twenty-one years. [Sec. 614.25]

Acknowledgments

To be lawfully recorded an instrument conveying real estate must be acknowledged. An acknowledgment is defined as: "Formal declaration before authorized official, by person who executed instrument, that it is his free act and deed." [Black's Law Dictionary, (5th ed. 1979) p. 21])

A Document shall not be deemed lawfully recorded, unless it has been previously acknowledged or proved in the manner prescribed in chapter 9E, except that affidavits, and certified copies of petitions in bankruptcy [with or without schedules appended], of decrees of adjudication in bankruptcy, of orders approving trustee's bonds in bankruptcy and UCC financing statements and financing statement changes as provided in chapter 554 need not be acknowledged. [Sec. 558.42]

Iowa Law On Notarial Acts

Title 9B.1 – This chapter shall be known as the "Iowa Law on Notarial Acts".

Definitions 9B.2 – As used in this chapter, unless the context otherwise requires:

1. "Acknowledgment" means a declaration by a person that the person has executed an

instrument for the purposes stated in the document and, if the instrument is executed in a representative capacity, that the person signed the instrument with the proper authority and executed it as the act of the person or entity represented and identified in the document.

2. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

3. “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

4. “In a representative capacity” means acting as any of the following:
    a) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual.
    b) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record.
    c) An agent or attorney-in-fact for a principal.
    d) An authorized representative of another in any other capacity.

5. “Instrument affecting real property” means a written instrument conveying or encumbering real property including an instrument affecting real estate as defined in section 558.1 or any similar instrument provided in chapter 558.

6. "Notarial act" means any act that a notary public of this state is authorized to per- form, and includes, but is not limited to, taking an acknowledgment, administering an oath or affirmation, taking verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

7. "Notarial officer" means a notary public or other officer authorized to perform notarial acts.

8. “Notary public” means an individual commissioned to perform a notarial act by the secretary of state.

9. “Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.

10. “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

11. “Personal appearance” means an act of a party to physically appear within the presence of a notarial officer at the time the notarial act is performed.
    -Except as provided in section 9B.14A, “personal appearance” does not include appearances which require video, optical, or technology with similar capabilities.

12. “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

13. “Remote facilitator” means a person who participates in performing a notarial act under section 9B.14A, by doing any of the following:
    a) Providing communication technology used by a public notary or remotely located individual.
    b) Creating, transmitting, or retaining audio-visual recordings on behalf of a notary public.

14. “Sign” means, with present intent to authenticate or adopt a record, to do any of the following:
    a) Execute or adopt a tangible symbol.
    b) Attach to or logically associate with the record an electronic symbol, sound, or process.

15. “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

16. “Stamping device” means any of the following:
    a) A physical device capable of affixing to or embossing on a tangible record an official stamp.
    b) b. An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

17. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

18. "Verification upon oath or affirmation" means a declaration that a statement is true, made by a person upon oath or affirmation.

Acknowledgments

To be lawfully recorded an instrument conveying real estate must be acknowledged. An acknowledgment is defined as: "Formal declaration before authorized official, by person who

executed instrument, that it is his free act and deed." [Black's Law Dictionary, (5th ed. 1979) p. 21])

Iowa Notary Commission Qualifications 9B.21

Notary applicants must:

1. be at least 18 years old;
2. be a citizen or permanent resident of the U.S.
3. be able to read and write English;
4. be a resident of the state of Iowa or a resident of a bordering state that is employed in Iowa; and
5. not be disqualified to receive a commission under section 9B.23.

How to Apply to Become an Iowa Notary

See detailed information including applicable fees, on the website of Iowa Secretary of State: https://sos.iowa.gov/business/FormsAndFees.html#NC9B

Appointing Officer

Secretary of State

Term of Office

1. 3 Year Term (Iowa resident)
2. 1 Year Term (Non-resident)

Requirements for performing Notarial Act

1. Notarial acts are performed according to a specific authority
2. Notarial act in this state (Iowa) 9B.10
3. Notarial act in another state 9B.11
4. Notarial act under authority of federally recognized Indian tribe 9B.12
5. Notarial act under federal authority 9B.13
6. Foreign notarial act 9B.14
7. Notarial act performed for remotely located individual. 9B.14A

Notary Education and/or Exam Requirement
Initial training required, traditional Notaries. Additional training (initial and refresher) on performance of remote notarial acts required, Remote Notaries.

Notary Bond Requirement
Not Required

Notary Record book (Journal) Requirement 9B.14A

1. Paper notarial acts - not required.

2. Effective 7-1-20, a recording of the audio-video communication session for every remote online notarization performed must be retained.

3. Also effective 7-1-20, the technology chosen by a Remote Online Notary for performance of remote online notarizations must provide an electronic journal that complies with Iowa's administrative rule requirements regarding documenting electronic notarial acts.

Notary Seal Requirement 9B.17

1. "Official stamp" required, paper notarial acts; ink stamp or embossing seal. Must be photographically reproducible.

2. Official stamp for electronic notarial acts allowed, not required, but notarial certificate must contain certain specified information. If electronic official stamp used, must be capable of being copied together with the electronic record/document.

Authorized Duties 9B.5

1. Oaths/affirmations;

2. Verification upon oath/affirmation (jurats);

3. Acknowledgments and proofs;

4. Witness or attest signatures;

5. Certify or attest copies;

6. Note protests.

7. An Iowa Online Notary may notarize for a remotely located individual by means of communication technology, subject to requirements and limitations in statutes and any

administrative rules; and may certify that a tangible copy of an electronic record is an accurate copy of the record.

Change of Name, Address or Eligibility Status
See detailed information on the website of the Iowa Secretary of State:
https://sos.iowa.gov/business/FormsAndFees.html%23NC9B

Authority to perform notarial act 9B.4

1. A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

2. A notarial officer shall not perform a notarial act with respect to a record to which the notarial officer or the notarial officer's spouse is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

3. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record as provided in section 9B.14A.

Powers of the Secretary of State
The secretary of state has the power and authority reasonably necessary to administer this chapter efficiently and to perform the duties imposed upon the secretary of state. This power and authority include rulemaking authority to provide for reciprocity in recognizing notarial acts performed under any other jurisdiction.

For additional information, please contact the Corporations Division of the Office of the Secretary of State by phone at 515-281-5204, FAX 515-242-5953: or online at: www.sos.state.ia.us , or write to

SECRETARY OF STATE
CORPORATIONS DIVISION
First Floor Lucas Building
321 E 12th Street
Des Moines, Iowa 50319

Proof of Execution and Delivery in Lieu of Acknowledgment
In certain cases, proof that a deed or other instrument was voluntarily executed by the grantor and delivered may be accepted in lieu of an acknowledgment. These cases are:

1. When the grantor dies before making the acknowledgment.

2. When the grantor's attendance before an officer for acknowledgment cannot be procured.

3. When the grantor appears, but then refuses to acknowledge the execution of the instrument.

This proof may be brought before any officer authorized to take authorizations by any one competent person, except the person who is the buyer or is the person to whom the instrument is executed. [Sec. 558.31]

When this method is used, the certificate endorsed upon the instrument by the officer must state: [Sec. 558.32]

1. The officer's title.

2. That it was satisfactorily proved that the grantor was dead; that the person's attendance could not be produced, or that, having appeared, the grantor refused to acknowledge the execution.

3. The name of the witness, and the fact that the witness proved that the instrument was executed and delivered by the person who is named in the certificate as a party.

Change of Titles in Real Property

Whenever title to real property is ordered to be conveyed pursuant to a court judgement, the conveyance is to be recorded in the office in which, by law, the conveyance should be recorded had it been made by the parties whose title is conveyed by it. [Sec. 624.35] Fees for recording shall be as provided in Secs. 331.604, 331.605A, 331.605C and 558.58; [Sec. 598.21; 624.35; 633.481; 674.14]

Affidavit of Surviving Spouse: Title Decree – Entry on Transfer Books [Section 558.66]

Upon receipt of a certificate from the clerk of the district court or clerk of the supreme court that the title to real estate has been finally established in any named person by judgment or decree or by will or by affidavit of or on behalf of a surviving spouse that has been recorded by the recorder, the auditor shall enter the information in the certificate upon the transfer books, upon payment of a fee in the amount specified Section 331.507, subsection 2, paragraph "a." In case of an affidavit filed with the recorder, the fee set forth in Section 331.507 subsection 2 paragraph "a", and the fee set forth in section 331.604, 331.605A, 331.605C shall be collected by the recorder and paid to the treasurer as provided in 331.902(3).

An affidavit of or on behalf of a surviving spouse may be recorded with the county recorder only when real estate owned by a decedent, who died on or after January 1, 1988, was held in joint tenancy with right of survivorship solely with the surviving spouse.

Life Estates

Documents relating to life estates are to be forwarded to the Department of Revenue. 331.602(23). Forward to the director of revenue a copy of any deed, bill of sale, or other transfer which shows that it is made or intended to take effect at or after the death of the person executing the instrument as provided in section 450.81. The documents may also be emailed to pipina.miller@iowa.gov.

Chapter 4 – Policies and Procedures

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331.605b Iowa Code Fees collected – Audits.....60

Electronic Services System (aka Iowa Land Records) was established as a 28E organization known as the county land information system through the Iowa General Assembly. In 2005, the Iowa Land Records website was established. Its governing board consists of Recorders (ESS Coordinating Committee) elected with the power to establish standards, policies, and procedures (ESS 1.2).

ESS – 1.2 Authority and Purpose.
Standards are best developed through a process where all views and objections are considered and where affected parties have reached consensus on its contents. And when policy decisions are made by legitimately established governing bodies, we all have a duty to conform to those policies. That is what Iowa Law requires: "Each county shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system." Iowa Code 331.604, 3a.

ESS Policies and Procedure is available on the Iowa Land Records website – ESS Policies and Procedure.

Authority of the ESS Coordinating Committee:
"1.2(1) The county land record information system is governed by Electronic Services System, a public entity established under the authority of Chapter 28E of the Iowa Code. As provided in the Electronic Services System 28E agreement, the Iowa County Recorders Association Executive Board is the governing board of the county land record information system. The ESS Coordinating Committee shall carry out the duties specified in the Electronic Services System 28E agreement and any duties delegated to the Committee by the ICRA Executive Board."

Policies and procedures stem from Iowa code 331.604 Recording and filing fees.

1. Establishing and implementing standards for recording, processing, and archiving electronic documents and records.

2. Maintaining the statewide internet site and the county land record information system.

3. Integrating information contained in documents and records maintained by the recorder and other land record information from other sources with the county land record information system.

4. Implementing and maintaining a process for redacting personally identifiable information contained in electronic documents that are displayed for public access through an internet site or that are transferred to another person.

331.604 County Participation

Each county shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system.

331.605b Iowa Code Fees collected – Audits

Fees collected for the processing of electronic documents for recording may be used for the purposes specified in section 331.604 and for the purposes of development, operation, and maintenance of the county land record information system and internet sites.

Chapter 5 – Uniform Commercial Code

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The Uniform Commercial Code [UCC] was designed to codify and standardize state laws governing commercial transactions across several states. By 1976, all fifty states had adopted at least portions of the UCC model act that was developed during the 1940s and 1950s. The duties for the recorder under the UCC filings have changed over the years and what remains are described below.

History of UCCs

On July 1, 1966, Iowa County Recorders began filing "Uniform Commercial Code Filings" (UCC). These filings replaced "Chattel Mortgages", and covered farm related collateral, office equipment of a merchant to be used in a business, stock of goods of a wholesaler bought for the purpose of resale, accounts receivable of a retail merchant, and consumer goods when the debtor was a resident of Iowa.

On January 1, 1975, changes were made to the UCC section of the Iowa Code. All business and farm related filings were transitioned to the Secretary of State's office. Financing statements that pertained to collateral consisting of fixtures, timber to be cut or standing timber, minerals of accounts arising from the sale of minerals were filed in the real estate records with the County Recorder. Consumer goods filings continued to be filed on the county level.

On July 1, 2001, the Uniform Commercial Code was changed again, and consumer goods filings were now filed with the Secretary of State. With this change, the only UCC filings remaining on the county level are when:

1. (1) the collateral is as-extracted collateral or timber to be cut: or (2) the financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures. (Code of Iowa 554.9501.1a(1&2))

2. Under certain circumstances a mortgage can also be filed as a financing statement. (Code of Iowa 554.9502(3))

Financing Statements – Where to File (Sec 554.9501)
https://www.legis.iowa.gov/docs/code/2022/554.9501.pdf

Filing office

a) County Recorder:
   1. if the collateral on a financing statement is as-extracted collateral or timber to be cut; or
   2. if the financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures

b) Secretary of State:
   1. In all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.
   2. is the office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility.

The Code states that "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law." Sec. 554.9102 ar

A further definition states: "A fixture cannot satisfactorily be defined. The circumstances of each case must be considered. Generally, however, it may be said that a fixture is a chattel which actually, or constructively in some circumstances is annexed to land, or that which is permanently attached to land. It becomes a part of the realty by such annexation." (John M. Cartwright, Glossary of Real Estate Law (1972), p.372) Due to the confusion surrounding the determination of what constitutes a fixture, it is recommended that the recorder not attempt to make this determination for the filing party. Sec. 554.9102 ao

Financing Statement (Sec 554.9502.2)
https://www.legis.iowa.gov/docs/code/2022/554.9502.pdf

Real-property-related financing statements:
Except as otherwise provided in Section 554.9501, subsection 2, to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection 1 and also:

a) indicate that it covers this type of collateral;

b) indicate that it is to be filed for record in the real property records;

c) provide a description of the real property to which the collateral is related sufficient to give constructive notice of a mortgage under the law of this state if the description were contained in a record of the mortgage of the real property; and

d) if the debtor does not have an interest of record the real property, provide the name of a record owner.

Amendment of Financing Statement (Sec 554.9512)
https://www.legis.iowa.gov/docs/code/2022/554.9512.pdf

1. Amendment of information in financing statement.
   Subject to section 554.9509, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or subject to subsection 5, otherwise amend the information provided in, a financing statement that:
   a) Identifies, by its file number, the initial financing statement to which the amendment relates; and
   b) if the amendment relates to an initial financing statement filed or recorded in a filing office described in section 554.9501, subsection 1, paragraph "a", provides the date and time that the initial financing statement was filed or recorded and the information specified in section 554.9502, subsection 2.

Termination Statement
Effect of filing termination statement: Except as otherwise provided in section 554.9510, upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective. (Sec 554.9513.4)

Assignment of Powers of Secured Party (Sec 554.9514.2)
Except as otherwise provided in subsection 3, a secured party of record may assign of record all or part of its power to authorize an amendment to a financing statement by filing in the filing office an amendment of the financing statement which:

a. Identifies, by its file number, the initial financing to which it relates:
b. provides the name of the assignor; and
c. provides the name and mailing address of the assignee.

Mortgage as Financing Statement (Sec 554.9502(3))

A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

a) the record indicates the goods or accounts that it covers;

b) the goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut;

c) the record satisfies the requirements for a financing statement in this section other than an indication that it is to be filed in the real property records; and

d) the record is duly recorded.

Duration and Effectiveness of Mortgage (Sec 554.9515(7))

A record of a mortgage that is effective as a financing statement filed as a fixture filing under section 554.9502, subsection 3, remains effective as a financing statement filed as a fixture filing until the mortgage is released or satisfied of record or its effective- ness otherwise terminates as to the real property.

EXAMPLES of Mortgage as UCC

MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING (CONSTRUCTION AND PERMANENT)

NOTICE: THIS MORTGAGE: (A) SECURES INDEBTEDNESS WHICH PROVIDES FOR CHANGES IN THE INTEREST RATE FOLLOWING CERTAIN EVENTS OF DEFAULT; (B) IS ALSO A FIXTURE FILING WITH RESPECT TO GOODS ENCUMBERED HEREBY THAT ARE, OR ARE TO BECOME, FIXTURES AS THAT TERM IS DEFINED IN THE UNIFORM COMMERCIAL CODE; AND (C) SECURES FUTURE ADVANCES AND SHALL HAVE LIEN PRIORITY IN ACCORDANCE WITH CODE OF IOWA ALL AS MORE PARTICULARLY SET FORTH IN THIS MORTGAGE.

Exemption claimed: None
Grantor: Cornerstone Church of Ames, Iowa
Grantee: First National Bank, Ames, Iowa
Legal description: See page 29 (Exhibit A)
Parcel identification no.: 10-07-400-205 (NE SE ex E ½) & 10-07-400-225 (E ½ NE SE)
Return document to: First National Bank, 405 5th St., Ames, IA 50010
Document prepared by: F.J. Fehmeyer, Attorney at law, P.O. Box 664, Ames, IA 50010 – 515-232-4732 – fjf@singerlaw.com

MORTGAGE,
SECURITY AGREEMENT,
ASSIGNMENT OF LEASES AND RENTS
AND
FIXTURE FILING

Loan Nos. 1119044946, 1119044987, 1519044904
$8,400,000.00
Ames, Iowa
June 21, 2011

NOTICE: THIS MORTGAGE SECURES CREDIT IN THE AMOUNT OF $8,400,000.00; LOANS AND ADVANCES UP TO THIS AMOUNT, TOGETHER WITH INTEREST, ARE SENIOR TO INDEBTEDNESS TO OTHER CREDITORS UNDER SUBSEQUENTLY RECORDED AND FILED MORTGAGES AND LIENS.

THIS MORTGAGE, SECURITY AGREEMENT AND ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FINANCING STATEMENT CONSTITUTE A FIXTURE FILING WITHIN THE MEANING OF THE IOWA UNIFORM COMMERCIAL CODE. THIS MORTGAGE CONTAINS AN AFTER-ACQUIRED PROPERTY CLAUSE.

Disposition of Consumer Goods Filings (Sec 554.9522)

Beginning July 1, 2001, revisions to Chapter 554, article 9, Code of Iowa caused "consumer goods" UCC filings to be filed with the Secretary of State's office. Those filings were previously filed on the county level in the office of the Recorder. After July 1, 2001, if a consumer goods filing required an amendment action (continuation, assignment, etc.) the statement was filed with the Secretary of State as an "in lieu" filing.

If a consumer goods filing was not terminated or an "in lieu" filing sent to the Secretary of State through the amendment process, it lapsed after a five-year period from the records in the Recorder's offices.

The last possible valid consumer goods filing filed on the local level would have lapsed on July 1, 2006.

Consumer goods UCC filings must be retained for one year and one day after lapsing.

Exceptions:

1. "Transmitting Utilities" by code section 554.9501(2) are perfected in the office of the Secretary of State. (This includes fixture filings.) Transmitting utility filings do not lapse, as per code 5549515(6). If a transmitting utility filing was filed as a financing statement in the Recorder's office pre-July 1, 2001, there is a question whether that record should be retained.

2. At one time "Sheriff's Levies" were filed as financing statements with County Recorders. Under the "Rules of Civil Procedure", Sheriff's levies are now filed with the Secretary of State. A sheriff's levy is an action on a judgment through the Court and is valid for a ten year period, and may be continued one time for another ten year period.

Consult your County Attorney before destroying any pre-July 1, 2001 consumer goods filings, Transmitting Utilities and Sheriff's Levies.

Index To UCC Section of the Code of Iowa (554.1110) – Administrative Rules

Secretary of State: Rules for filing and indexing:

> The secretary of state shall make and promulgate rules for all filings and indexing pursuant to this chapter and chapter 554B including but not limited to rules on whether statements and documents shall be indexed in real estate records.
>
> Subpart A – Filing Office – Contents and Effectiveness of Financing Statement
> Refer to 554.9501 to 554.9518.
>
> Subpart B – Duties and Operation of Filing Office

Refer to 554.9519 to 554.9525; 554.9705.

*Even though filing a continuation statement of a lapsed financing statement may not perfect the financing statement, it is not the responsibility of the Recorder to determine its validity and should not reject the filing.

**When a Financing Statement is filed electronically a message goes to the sender. The sender can look at his record and obtain the information needed under the "recently recorded" tab.

***Recording fees for financing statements fall under (331.604).

****In 2001 County Supervisors set the fee for "requests for information" of UCC filings by Resolution or by Ordinance. The fee is consistent statewide and is $5.00 for each debtor name being requested when the request form is supplied, and $6.00 for each debtor name requested when the Recorder supplies the form.

Uniform Commercial Code - Financing Statements

UCC1 Financing Statement - submitted by paper	$10.00 - 1 or 2 pages $20.00 - 3 or more pages
UCC1 Financing Statement Addendum (Used in connection with UCC1)	
UCC3 Financing Statement Amendment - submitted by paper	$10.00 - 1 or 2 pages $20.00 - 3 or more pages
UCC3 Financing Statement Amendment Addendum (Used in connection with UCC3)	
Information Statement	$10.00 if 1 or 2 pages $20.00 if 3 or more pages
UCC1 or UCC3 statement - submitted through Fast Track Filing	$5.00
Affidavit of Wrongful Filing	No Charge
Federal Lien	$5.00
Information Request	
Lien Search	$5.00 / debtor
UCC Copies	$1.00 / page
UCC Certified Copies	$3.00, plus copy charge / page
Federal Lien Search	$6.00 / debtor
Federal Lien Copies	$5.00 / page
Federal Certified Copies	$3.00, plus copy charge / page

Chapter 6 – Tax Liens

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This section describes the policies and requirements associated with the filing of state and federal tax liens. A tax lien is a claim the government makes on a property when the owner fails to pay the property taxes.

State Tax Lien

Whenever any taxpayer liable to pay a tax and penalty imposed refuses or neglects to pay the same, the amount, including any interest, penalty, or addition to such tax, together with the costs that may accrue in addition thereto, shall be a lien in favor of the state upon all property and rights to property, whether real or personal, belonging to said taxpayer.

The lien shall attach at the time the tax becomes due and payable and shall continue for ten years from the date an assessment is issued unless sooner released or otherwise discharged. The lien may, within ten years from the date an assessment is issued, be extended by filing for

record a notice with the appropriate county official of any county and from the time of such filing, the lien shall be extended to the property in such county for ten years, unless sooner released or otherwise discharged, with no limit on the number of extensions.

The director shall charge off any account whose lien is allowed to lapse and may charge off any account and release the corresponding lien before the lien has lapsed if the director determines under uniform rules prescribed by the director that the account is uncollectible or collection costs involved would not warrant collection of the amount due.

In order to preserve the aforesaid lien against subsequent mortgagees, purchasers or judgment creditors, for value and without notice of the lien, on any property situated in a county, the director shall file with the recorder of the county, in which said property is located, a notice of said lien.

Recording consists of leaving an instrument with the proper officer to be kept in his/ her care and custody for the purpose of a record, while offering an instrument for recording is to leave it to be entered upon the record.

In general, recording involves greater duties than filing. The Recorder must insure that each type of instrument is either filed or recorded according to the procedures specified in the Code for that type of document.

Filing State Tax Liens

The county recorder of each county shall keep in the recorder's office an index containing the applicable entries in Sections 558.49 and 558.52 and showing the following data, under the name of taxpayers, arranged alphabetically: [Secs. 422.26 and 331.607(4)]

1. The name of the taxpayer.
2. The name "State of Iowa" as the claimant.
3. Time notice of lien was filed for recording.
4. Date of notice.
5. Amount of the lien then due.
6. Date of assessment
7. When satisfied

The recorder shall endorse on each notice of lien the day, hour, and minute when filed for recording and the document reference number, shall index the notice in the index and shall record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing of the lien. [Sec. 422.26]

The department shall pay recording fees as provided in [Sec. 331.604], for the recording of the lien or for its satisfaction. Upon the payment of a tax as to which the director has filed notice with a county recorder, the director shall forthwith file with said recorder a satisfaction of said tax and the recorder shall enter said satisfaction on the notice on file in the recorder's office and indicate said fact on the index aforesaid.

The department shall pay a recording fee as provided in Sec. 331.604, for the recording of the lien, or for its satisfaction.

Application
These provisions apply to the collection of personal income taxes, [Sec. 422.26] to the collection of corporation taxes, [Sec. 422.39] and to the collection of bank taxes. [Sec. 422.66]

Inheritance Tax
Each county recorder shall, upon the filing in the recorder's office of a deed, bill of sale, or other transfer of any description which shows upon its face that it was made or intended to take effect in possession or enjoyment at or after the death of the maker of the instrument, forward to the Department of Revenue a copy of the instrument. [Sec. 450.81]

The estate does not have a federal estate tax filing obligation, even though real estate is involved, if all the estate's assets are described in any of the following categories:

1. Assets held in joint tenancy with right of survivorship between husband and wife alone.

2. Assets held in joint tenancy with right of survivorship solely between the decedent and individuals listed in section 450.9 as individuals that are entirely exempt from Iowa inheritance tax.

3. Assets passing by beneficiary designation, pursuant to a trust intended to pass the decedent's property at death or through any other non-probate transfer solely to individuals listed in section 450.9 as individuals that are entirely exempt from Iowa inheritance tax.

If a return is not required to be filed pursuant to subsection 3, and if real estate is involved, one of the individuals with an interest in, or succeeding to an interest in, the real estate shall file an affidavit in the county in which the real estate is located setting forth the legal description of the real estate and the fact that an inheritance tax return is not required

pursuant to subsection 3. Anyone, with or succeeding to an interest in real estate, who willfully fails to file such an affidavit or who willfully files a false affidavit, is guilty of a fraudulent practice.

Employment Security Tax Liens

A tax is levied upon employers in the State of Iowa for the support of the Iowa Employment Security Commission, which distributes and administers unemployment compensation and other benefits. When an employer liable for the payment of such tax does not pay, a lien is placed upon the property of that employer. The recorder's duties with respect to such liens are described below.

Recording of Liens

In order to preserve the aforesaid lien against subsequent mortgagees, purchasers or judgment creditors, for value and without notice of the lien, on any property situated in a county, the department shall file with the recorder of the county, in which said property is located, a notice of said lien. The recorder shall endorse on each notice of lien the day, hour, and minute when received and shall index the notice in the index and shall record the lien in the manner provided for recording real estate mortgages, and the lien shall be effective from the time of the indexing of the lien.

The county recorder of each county shall prepare and keep in the recorder's office an index containing the applicable entries specified in sections 558.49 and 558.52 and showing the following data, under the names of employers, arranged alphabetically:

1. Name of the employer.
2. Name "State of Iowa" as claimant.
3. Time notice of lien was filed for recording.
4. Date of the notice.
5. Amount of lien then due.
6. When the lien was satisfied.

Notice of Release

Upon the payment of contributions as to which the department has filed notice with a county recorder, the department shall forthwith file with said recorder a satisfaction of said contributions and the recorder shall enter said satisfaction on the notice on file in the recorder's office and indicate said fact on the index aforesaid. [Sec. 96.14(3)]

Recording Fees
The department shall pay recording fees as provided in Sec. 331.604, for the recording of the lien, or for its satisfaction.

Federal Liens
Liens for taxes payable to the federal government are governed by the Uniform Federal Lien Registration Act. [Sec. 331.609(7)] These requirements are outlined below. IRS website: https://www.irs.gov/

Where Liens Filed [Sec. 331.609]
Notices of liens, certificates, and other notices affecting federal tax liens or other federal liens must be filed or recorded in accordance with this section.

1. Notices of liens upon real property for obligations payable to the United States, and certificates and notices affecting the liens shall be recorded in the office of the recorder of the county in which the real property subject to a federal lien is situated.

2. Notices of federal liens upon tangible or intangible personal property for obligations payable to the United States and certificates and notices affecting the liens shall be filed or recorded as follows:

   "If the person against whose interest the lien applies is a corporation or a partnership whose principal executive office is in this state, as these entities are defined in the internal revenue laws of the United States, in the office of the secretary of state.

   In all other cases, in the office of recorder of the county where the person against whose interest the lien applies resides at the time of recording of the notice lien."

Filing of Liens [Sec. 331.609(2)]
Certification of notices of liens, certificates, or other notices affecting federal liens by the secretary of the treasury of the United States, or designee of the secretary, or by any official or entity of the United States responsible for the filing or certification of any other lien, entitles them to be filed or recorded, and no other attestation, certification, or acknowledgment is necessary.

If the filing officer is the secretary of state, the secretary shall cause the notice to be marked, held, and indexed in accordance with Section 554.9403, sub section 4, as if the notice were a financing statement within the meaning of this section.

If the filing officer is a recorder, the recorder shall endorse on the notice the recorder's identification, and the date and time of receipt and record it alphabetically or entered in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the title and address of the official or entity certifying the lien, and the total appearing on the notice of lien.

If a certificate of release, nonattachment, discharge, or subordination of a lien is presented to the secretary of state for filing, the secretary shall:

1. Cause a certificate of release or nonattachment to be marked, held, and indexed as if the certificate were a termination statement within the meaning of the uniform commercial code Chapter 554, except that the notice of lien to which the certificate relates shall not be removed from the files.

2. Cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of the uniform commercial code.

If a re-filed notice of federal lien or any of the certificates or notices is presented for recording with a recorder, the recorder shall permanently attach the re-filed notice or the certificate to the original notice of lien and shall enter the re-filed notice or the certificate with the date of recording in an alphabetical index.

Information about an IRS “Immediate Release is provided in Appendix G.

Requests for Information [Sec. 331.609(3)(d)]

Upon request from a person, the filing or recording officer shall issue a certificate showing whether there is on file or recorded, on the date and hour stated, a notice of federal lien or certificate or notice affecting the lien, filed or recorded on or after July 1, 1989, naming a particular person, and if a notice or certificate is on file or recorded, giving the date and hour of filing or recording of each notice or certificate. The fee for a certificate is six dollars. Upon request the filing or recording officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal tax lien for a fee of five dollars per page.

Fees [Sec. 331.609(4)]

The fee for filing or recording, and indexing each notice affecting the lien shall be as provided in Sec. 331.604. The officer shall bill the internal revenue service or any other appropriate federal agency on a monthly basis for fees for documents filed or recorded by it.

Federal Tax Liens Filed Before July 1, 1970 [Sec. 331.609(5)]
The recorder must maintain a file for federal tax liens, certificates, and notices affecting such liens that were filed on or before July 1, 1970. The file must be labeled "federal tax lien notices filed prior to July 1, 1970" and the notices and certificates must be filed in numerical order of receipt.

Federal Tax Liens Filed After July 1, 1970 and Before July 1, 1989 [Sec. 331.609(6)]
The recorder must maintain a file for federal tax liens, certificates, and notices affecting such liens that were filed after July 1, 1970 and before July 1, 1989. The file must be labeled "federal tax lien notices filed after July 1, 1970, and before July 1, 1989" and the notices and certificates must be filed in numerical order of receipt.

IRS liens are now paid electronically. Payments are sent to your account on Tuesday, and liens are mailed on Wednesday; or payments are sent on Wednesday, and liens are mailed on Thursday. (Payment, ideally, will be in your account prior to recording.)

If there is an issue with respect to the documents or the fee amount paid, contact the IRS office prior to declining the document. The IRS should also be contacted if you have difficulty with receiving payment for a federal tax lien. In either situation call 1- 800-913-4170 or 1-859-320-4240.

Local Replacement Tax
Whenever a taxpayer who is liable to pay a replacement tax imposed by this chapter refuses or neglects to pay such tax, the amount, including any interest, penalty, or addition to such tax, together with the costs that may accrue, shall be a lien in favor of the chief financial officer of the city or the county treasurer to which the tax is owed upon all property and rights to property, whether real or personal, belonging to the tax- payer. The lien shall be prior to and superior over all subsequent liens upon any personal property within the state, or right to such personal property, belonging to the taxpayer, without the necessity of recording the lien. The requirement for recording, as applied to the replacement tax imposed by this chapter, shall apply only to a lien upon real property.

The lien may be preserved against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any real property situated in a county, by the county treasurer to which replacement tax is owed by filing with the recorder of the county in which the real property is located a notice of the lien.

For purposes of the replacement tax collected by a city, the lien may be preserved against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any real property situated in the county, by the chief financial officer of the city to

which replacement tax is owed by filing with the recorder of the county in which the real property is located a notice of the lien.

The county recorder of each county shall index each lien showing the applicable entries specified in section 558.49 and 558.52 and showing, under the names of tax- payers arranged alphabetically, all of the following:

1. The name of the taxpayer.

2. The name of the county treasurer and county or the name of the chief financial officer and city as claimant.

3. Time the notice of lien was filed for recording.

4. Date of notice.

5. Amount of lien then due.

6. Date of assessment.

7. Date when the lien is satisfied.

The recorder shall endorse on each notice of lien the day, hour, and minute when filed for recording and the document reference number, shall preserve such notice, shall index the notice in the index, and shall promptly record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing of the lien.

The county treasurer or chief financial officer of the city shall pay a recording fee as provided in Sec. 331.604, for the recording of the lien, or for its satisfaction.

Upon the payment of the replacement tax as to which a county treasurer has filed notice with a county recorder, the county treasurer shall promptly file with the recorder a satisfaction of the replacement tax. The recorder shall record the notice of satisfaction showing the applicable entries specified in sections 558.49 and 558.52.

Chapter 7 – Business Documents

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Corporations in Iowa are governed by several statutory regimes. Corporate documents are filed with the Secretary of State upon payment of the fees as set out in the Iowa Code.

Business and Nonprofit Organizations

The requirement to have all corporate documents recorded with the County Recorder (Chapter 490.130) was repealed by 91 Acts, Chapter 211, Section 13 [See Sec. 9.7]. However, corporate documents may be recorded at the county level upon payment of recording fees as provided in Chapter 331.604. The Secretary of State (SOS) is the custodian of all organization records except for trade names which are solely recorded by Recorders. The Recorders maintain and retrieve trade names for Sole Proprietorships or Co-Partnerships.

Corporations for Non-Profit

The Iowa Non-Profit Corporation Act (Chapter 504 of the Iowa Code) became effective December 31, 1989. This act governs domestic and foreign corporations for non-profit. All domestic corporations shall be organized under Chapter 504, except as expressly provided otherwise in Chapter 504.

Corporations for Profit
The Iowa Business Corporation Act (Chapter 490 of the Iowa Code) became effective December 31, 1989. This act governs domestic and foreign corporations for profit. All domestic corporations shall be organized under Chapter 490, except as expressly provided otherwise in Chapter 490.

Corporations for Pecuniary Profit
The Corporations for Pecuniary Profit Act (Chapter 491 of the Iowa Code) was the original law governing corporations. It now governs only lending institutions, insurance companies and investment companies.

Limited Liability Company
A limited liability company is an unincorporated association having one or more members, and organized or subject to Chapter 489 of the Iowa Code. Unless its articles of organization provide otherwise, a limited liability company has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs.

A limited liability company name must contain the words "Limited Company" or "Limited Liability Company" or the abbreviation "L.C." or "L.L.C." or words or abbreviations of like import in another language in its name.

Limited Partnership
A limited partnership is an entity having one or more general partners and one or more limited partners, which is formed under Chapter 488 of the Iowa Code by two or more persons. A limited partnership is an entity distinct from its partners. A limited partnership is the same entity regardless of whether its certificate states that the limited partnership is a limited liability limited partnership. A limited partnership has the powers to do all things necessary or convenient to carry on its activities.

A limited partnership must contain the phrase "Limited Partnership" or the abbreviation "L.P." in its name. A limited liability limited partnership must contain the phrase "Limited Liability Limited Partnership" or the abbreviation "L.L.L.P." in its name.

Professional Corporations
A professional corporation is a corporation subject to Chapter 496C of the Iowa Code. A professional corporation shall be organized only for the purpose of engaging in the practice of one specific profession, or two or more specific professions which could lawfully be practiced in combination by a licensed individual or a partnership of licensed individuals.

A professional corporation must contain the phrase "Professional Corporation" or the abbreviation "P.C." in its name.

State Banks

State banks are chartered through and governed by the office of the superintendent, according to the provisions of Chapter 524 of the Iowa Code. The corporate or organizational existence of a state bank begins when the articles of incorporation are filed with the secretary of state. The secretary of state shall record the articles of incorporation and forward a copy to the county recorder of the county in which the state bank is to have its principal place of business. The recording requirements are the same as those outlined under the Business Corporation Act.

Trade Names

Any person engaged in or doing business under a trade name or any assumed name must record that name with the county recorder of the county in which the business is to be conducted (Chapter 547). No registration is needed, however, where the trade name consists of the true surname of each person or persons owning or having an interest in the business [Sec. 547.1], or where a corporation does business under its corporate name. [1926 O.A.G. 96].

To register a trade name, a verified statement must be recorded with the county recorder, showing the name, post office address, and residence address of each per-son owning or having an interest in the business, and the address where the business is to be conducted. [Sec. 547.1] When any change of ownership or of persons having an interest in the business occurs, a similar verified statement must be filed showing the change. [Sec. 547.2]

The fee for filing a statement for this purpose is specified in Secs. 331.604, 331.605A and 331.605C. The recorder may return the original instrument to the sender or dispose of the instrument if the sender does not wish to have the instrument returned. An instrument filed in the recorder's office before July 1, 1990 may be returned to the sender or disposed of if the sender does not wish to have the instrument returned and if there is an official copy of the instrument in the recorder's office. [Sec 547.3].

Effective July 1, 1991, Sec. 547.6 was repealed. The county recorder is no longer required to send copies of all documents pertaining to Verified Statements or changes to the Secretary of State.

Multiple Housing

Any two or more persons of full age, a majority of whom are citizens of the state, may organize themselves for the following or similar purposes:

Ownership of residential, business property on a cooperative basis (Chapter 499A.1). The articles of incorporation shall be filed with the secretary of state who shall, if the secretary approves the articles, endorse the secretary of states approval on the articles, record the articles, and forward the articles to the county recorder of the county where the principal place of business is to be located, and there the articles shall be recorded, and upon recording be returned to the cooperative. The recording requirements are the same as those outlined under the Business Corporation Act.

The cooperative has the right to purchase real estate for the purpose of erecting, owning and operating apartment houses or apartment buildings (Chapter 499A.11). The interest of each individual member in the cooperative shall be evidenced by the issuance of a certificate of membership. The certificate of membership entitles each member to a proprietary lease. Conveyances made pursuant to Iowa Code Chapter 499A are not subject to real estate transfer tax or declaration of value requirements because leases are specifically exempted by Chapter 428A.2(5).

Horizontal Property (Condominiums)

Chapter 499B is known as the "Horizontal Property Act."
When the owner(s) or lessee(s) desire to submit a parcel of real property upon which a building is located or to be constructed to the horizontal property regime established by Chapter 499B, a declaration to that fact shall be executed and acknowledged and shall be recorded in the office of the county recorder in which such property lies.

If the declaration is to convert an existing structure, the declarant shall file the declaration of the horizontal property regime with the city in which the city is located or with the county if not located within a city at least sixty days before being recorded to enable the city or county to establish that the converted structure meets appropriate building code requirements. If the city or county does not have a building code, the declarant shall file the declaration with the state building code commissioner at least sixty days before recording of the declaration.

The contents of declaration are specified in Chapter 499B.4.

1. A description of the land.

2. A description of the building, stating the number of stories and basements, the number of apartments and the principal materials of which it is or is to be constructed.

3. The apartment number of each apartment, and a statement of its location, approximate area, number of rooms, an immediate common area to which it has access, and any other data necessary for its proper identification.

4. A description of the general common elements and facilities.

5. A description of the limited common elements and facilities, if any, stating to which apartments their use is reserved.

6. The fractional or percentage interest which each apartment bears to the entire horizontal property regime. The sum of such shall be one if expressed in fractions and one hundred if expressed in percentage.

7. The provision as to the percentage of votes by the apartment owners which shall be determinative of whether to rebuild, repair, restore or sell the property in the event of damage or destruction of all or part of the property.

8. Any further details in connection with the property which the person executing the declaration may deem desirable to set forth.

9. The method which the declaration may be amended.

The contents of deeds of apartments are specified in Chapter 499B.5. They are:

1. Description of land as provided in section 499B.4, including the document reference number and date of recording of the declaration.
2. The apartment number of the apartment in the declaration and any other data necessary for its proper identification.
3. The percentage of undivided interest appertaining to the apartment in the common areas and facilities.
4. Any further details which the grantor and grantee may deem desirable to set forth consistent with the declaration and Chapter 499B.

When said deeds are recorded, real estate transfer tax is required to be paid and a declaration of value form should be filed. A groundwater hazard statement is not required.

Floor Plans (Chapter 499B.6) shall be filed. There shall be attached to the declaration, at the time it is filed, a full and an exact copy of the plans of the building, which copy shall be entered of record with the declaration. The plans shall show graphically all particulars of the building including, but not limited to, the dimensions, area and location of common elements affording access to each apartment. Other common elements, both limited and general, shall be shown graphically insofar as possible and shall be certified to by an engineer, architect or land surveyor, either of which is licensed to practice that profession in this state.

The administration of every property shall be governed by bylaws, a true copy of which shall be annexed to the declaration and made a part thereof. No modification of the bylaws shall be valid unless set forth in an amendment to the declaration and such amendment is duly recorded (Chapter 499B.14).

Time Shares

Iowa Code 557A controls the operation of time shares. The Real Estate Commission in the Department of Commerce oversees this code chapter. Some of the documents presented for recording may include:

1. Interval Ownership Condominium Warranty Deed.
2. Warranty Deed.
3. Memorandum of Leasehold of Time Share Units.
4. Declaration of Interval Ownership Program.

The document will usually give a unit number and may specify a time period of use and a percentage of ownership. Time shares are real estate and are subject to real estate transfer tax.

For more information see the Transfer Tax Reference Manual in Appendix C.

Chapter 8 – Vital Records

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A summary is represented in this Recorder's Manual. It is suggested that you refer to Iowa Code sections 144 & 595, along with Administrative Rules 95.5. The help section on the IVES web site; and the Recorders portal.

> The Department of Public Health's Bureau of Health Statistics web site is located here: http://www.idph.iowa.gov.
>
> The portal web site for Recorders: http://idph.iowa.gov/health-statistics/vital-records/crportal
>
> Please utilize the resources on the following web sites: Iowa Vital Events System (IVES) https://ives.training-source.org/

Public Access to records

At the county level, all vital records occurring in that county, fetal deaths, and adoptive records) are open to the public for inspection. County offices may set and charge a reasonable fee to inspect the records.

Public access to records 144.11

The county registrar shall allow public access to public records under the custody of the county registrar during normal business hours for county offices in the county.

Vital records closed to inspection (Section 144.43)

3.

a) The following vital statistics records in the custody of a County Registrar may be inspected and copied as of right under chapter 22.
    1. A record of Birth
    2. A record of Marriage
    3. A record of Divorce, dissolution of marriage or annulment of marriage (Clerk of Court)
    4. A record of Death if that death was not a fetal death

b) The following vital statistics records in the custody of the state archivist may be inspected and copied as a right under chapter 22.
    1. A record of birth that is at least seventy-five years old.
    2. A record of marriage that is at least seventy-five years old.
    3. A record of divorce, dissolution of marriage, or annulment of marriage that is at least seventy-five years old.
    4. A record of death or fetal death, either of which is at least fifty years old.

Certified Copies

To secure a copy of a record from the county in which the event occurred, applicants must be entitled to such record. Applicants must either be the registrant (person named on the record) or have a lineal relationship to the registrant, such as a legal parent, grandparent, spouse, brother, sister, child, legal guardian or legal representative. All requests for each certificate must be made in writing and include the purpose for the certificate.

Fees 641-95.6(1); 144.46 (1)

A non-refundable $15.00 fee is required upon application for each birth, marriage and death record search conducted, with a copy issued if one is found. If the record is not found a record search letter, also called a no-record letter, will be provided.

Birth Records (144.13)

A certificate of birth for each live birth which occurs in this state shall be filed as directed by the state registrar within 7 (seven) days after the birth and shall be registered by the county registrar in the county of birth, if it has been completed and filed in accordance with Chapter 144.

The state registrar shall provide the county registrars with access to all birth records available through the electronic birth system, including all records pro- vided in accordance with Section 144.13 or Section 144.14 and birth records that are prepared and delivered to parents named in an adoption pursuant to section 600.13, subsection 5. 144.13A (6)

The state registrar has possession of the records of birth by single parents prior to January 1990 and adoptions after 1927.

Adoption Records

Prior to 1926, adoption records were recorded in the recorder's office. These records consisted mainly of a written instrument of consent to the adoption that was signed by the parties consenting, stated the name of the parents of the child, if known, stated the child's pre-adoption and post-adoption name, stated the name of the person adopting the child, stated the place of residence of all such persons and stated that the child was given to the adopting person for purpose of adopting the child as their own. [Sec. 10498, Code of Iowa (1924)]

The State of Iowa sealed adoption records on July 4, 1941. Adoption records are sealed and can only be opened by court order except if the adoption was finalized prior to July 4, 1941 in which case the adoption was not required to be sealed. Adult adoptees may receive medical and developmental family history provided the names of birth parents are not released. They may also petition the court to open their sealed record and reveal information for “good cause.”

The clerk of court or county recorder shall, upon application to and order of the court for good cause shown, open the permanent adoption record of the court for the adopted person who is an adult and reveal the names of either or both of the natural parents. [Sec.600.16A]

Section 10499 [Chapter 600], Code of Iowa (1924) provided as follows: Such instrument must also be signed by the person adopting, and be acknowledged by all the parties thereto in the same manner as deeds conveying real estate are acknowledged, and shall be recorded in the recorder's office in the county where the person adopting resides, and be indexed with the name of the parent by adoption, as grantor, and the child as grantee, in its original name, if stated in the instrument.

Adoption records are vital statistics under the jurisdiction of the state registrar. [Chapter 144] In most adoptions a new certificate of birth will be issued to replace the child's original certificate. [Secs. 144.23 and 144.24] The original certificate of birth and evidence of adoption must be sealed from inspection. [Sec. 144.24] The original certificate of birth may also be forwarded to the state registrar as he or she directs. [Sec.144.25]

An adult adopted person who has established relationship with the biological parent may apply to the state registrar to have that original certificate of birth reestablished to include the name on the original certificate of birth of an omitted biological parent in accordance with this section. Section 144.23A – Senate File 517.

Termination and adoption records closed — exceptions — penalty.

1. The permanent termination of parental rights record of the juvenile court under chapter 600A and the permanent adoption record of the juvenile court or court shall be sealed by the clerk of the juvenile court or the clerk of court, as appropriate, when they are complete and after the time for appeal has expired. Section 600.16A .

Beginning January 1, 2022, any adult adoptee 18 years old or older may apply for a noncertified copy of the original certificate of birth prior to adoption from the state registrar. If the adult adoptee is deceased, an entitled family may apply for the record. 144.24A 1, 7(c).

1. a. The state registrar shall develop a contact preference form on which a biological-parent may state a preference regarding contact by an adopted person or an entitled person following application for and issuance of the noncertified copy of the original certificate of birth under this section.

2. a. The state registrar shall develop a medical history form on which a biological parent may provide the medical history of the biological parent and any blood relatives.

Death Records (Section 144.26)
A death certificate for each death which occurs in this state shall be filed as directed by the state registrar within three (3) days after the death and prior to final disposition, and shall be filed with the county registrar if it has been completed and filed in accordance with chapter 144. A death certificate shall include the social security number, if provided, of the deceased person. All information including the certifying physician's name shall be typewritten.

The funeral director who first assumes custody of a dead body shall file the death certificate, obtain the personal data from the next of kin or best qualified person or source available and obtain the medical certification of cause of death from the per- son responsible for completing the certification. 144.27 (1)

The county in which a dead body is found is the county of death.

Marriage Applications/Certificates (Iowa Code 595)
A license to marry within the State of Iowa may be granted from any county within said state. The application for a license shall include:

1. Proof of identification, preferably a valid government-issued ID

2. At least one affidavit of some competent and disinterested party stating facts as the age and qualifications of the parties applying for the license to marry.

A marriage contract is valid only if each is eighteen years or older.*

Gender – Age (595.2)
A marriage license may be issued to two parties either or both of whom are sixteen or seventeen years of age, if both of the following apply:

1. The parent or parents of the underage party or parties certify in writing that they consent to the marriage AND

2. The certificate of consent shall be submitted in writing is approved by a judge of the district court.

Previous to the solemnization of any marriage, a license for that purpose must be obtained from the county registrar (Section 595.3). The license may not be granted in any case:

1. Where either party is under the age necessary to render the marriage valid, unless marriage is approved by a judge of the district court.

2. Where either party is disqualified from making any civil contract.

3. Where the parties are within the degrees of consanguinity or affinity in which marriages are prohibited by law. (See 595.19)

4. Where either party is a ward under a guardianship and the court has made a finding that the ward lacks the capacity to contract a valid marriage.

Age and qualification - verified application - waiting period - exception.

1. Previous to the issuance of any license to marry, the parties desiring the license shall sign and file a verified application with the county registrar in the county in which the license is to be issued. A license to marry within the State of Iowa may be granted from any county within said state.(See 595.4)

Upon the filing of the application for a license to marry, the county registrar shall take all necessary steps to ensure the confidentiality of the social security number of each applicant.

1. Upon receipt of a verified application, the county registrar may issue the license which shall not become valid until the expiration of three days after the date of issuance of the license. If the license has not been issued within six months from the date of the application, the application is void.***

*** The three-day waiting period can only be waived by a judge of the district court under conditions of emergency or extraordinary circumstances. An application for the waiver shall be made on forms furnished by the county registrar at the same time the application to marry is made.

A party may indicate on the application for a marriage license the adoption of a name change. The names used on the marriage license shall become the legal names of the parties to the marriage. An individual shall have only one legal name at any one time.

Who may solemnize. Marriages may be solemnized by (Section 595.10):

1. A judge of the supreme court, court of appeals, or district court, including a district associate judge, associate juvenile judge, or a judicial magistrate, and including a senior judge as defined in section 602.9202, subsection 3.

2. A person ordained or designated as a leader of the person's religious faith.

After the marriage has been solemnized, the officiating minister or magistrate shall attest to the marriage on the blank marriage certificate provided by the county registrar at time of application and return the certificate of marriage within fifteen days to the county registrar who issued the marriage license. Section 595.13.

Following receipt of the original certificate of marriage, the county registrar shall issue a certified copy of the original certificate of marriage to the parties to the marriage. Section 595.16A.

Marriages between the following persons who are related by blood are void 595.19:

1. Between a man and his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, or sister's daughter

2. Between a woman and her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, or sister's son

3. Between first cousins

Fees

The application fee for a marriage license is $35.00, and includes a certified copy of the marriage certificate that is paid to the county recorder. Three-day waiver applications are $5.00. There is no additional charge for the consent to the marriage of a minor form. All fees are non-refund- able. Section 331.605 (1) g.

Identification of Individual (from the Notarial Act 9B.7)
It is common practice to require 2 forms of identification, at least one showing a signature. Some examples might be court documents, marriage certificates (which may be held in your office), tax returns, library card, etc.

1. A passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act.

2. Another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the notarial officer.

Common Law Marriage
Vital Records does not recognize common law as a legal marriage because it does not follow the statute in Iowa Code chapter 595, which is the only marriage that we have the authority to put on record as a legal marriage. An affidavit of common law is often acceptable to health insurance companies, but there is no government office authorized by law to "register" a common law agreement.

Common law is defined best in rules adopted by the Iowa Department of Revenue and Finance. Pursuant to these rules, common law is a 'social relationship' that does not meet the requirement of obtaining a license to marry, solemnization, officiant, and witnesses as required by a legal marriage pursuant to Iowa Code chapter 595. See Iowa Administrative Code, Revenue Department [701], Chapter 73 Property Tax Credit and Rent Reimbursement.

Common law marriage. IAC 701—73.25(425)
A common law marriage is a social relationship between a man and a woman that meets all the necessary requisites of a marriage except that it was not solemnized, performed or witnessed by an official authorized to perform marriages. The necessary elements of a common law marriage are:

a) a present intent of both parties freely given to become married

b) public declaration by the parties or a holding out to the public that they are husband and wife

c) continuous cohabitation together as husband and wife (this means consummation of the marriage), and

d) both parties must be capable of entering into the marriage relationship.

No special time limit is necessary to establish a common law marriage. This rule is intended to implement Iowa Code section 425.17 [Homestead Tax Credits and Reimbursement: Definitions].

Once parties are married, regardless of the manner in which their marriage is contracted, they are married and can only be divorced by appropriate means in the place where the divorce is granted. That means, only by a court order.

Note: Information about establishing paternity, published by the Iowa Department of Human Services, March, 2015 includes additional information about "Common Law" unions. This information is provided in this VR Portal.

Chapter 9 – Outdoor Pursuits

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This chapter outlines the various duties of the County Recorder with regard to the issuance of licenses, certificates and permits that are issued under the authority of the Department of Natural Resources. This chapter provides only a basic outline of the statutory duties of the Recorder. Further rules and regulations concerning the Recorder's duties are contained in directives from the department and in the Iowa Code.

See: www.iowadnr.org and https://jc.activeoutdoorsolutions.com/HFASPortal/login/Login.jsp

Fishing, Hunting and Fur Harvester Licenses Iowa Code 483A

The County Recorder may issue hunting, fishing and fur harvester licenses, (and collect additional "fees" associated with these licenses, i.e.: habitat fee, trout fee) and deer and turkey licenses and tags subject to the rules of the commission. All other fish and game licenses are issued by the state DNR. [Sec. 483A.10]

The state DNR office issues many specialty licenses as well as certain reduced or no- fee licenses that can be applied for online at http://www.iowadnr.gov or with applications available at the Recorder's office. These license types are explained more thoroughly in Iowa Code Section 483A.24.

Method of Issuance [483A.9]
The director shall provide blanks for, and determine the method, means, and requirements of issuing licenses including the issuance of licenses by electronic means.

Licenses [483A.1 & 483A.10]
No person shall fish, trap, hunt, pursue, catch, kill, take in any manner, use, have pos- session of, sell, or transport all or part of any wild animal, bird, game or fish without first obtaining a license for that purpose and paying required fees for same. (See "License Not Required" section later in this chapter or Iowa Code Section 483A.24 for exceptions). Licenses shall contain a general description and address of the licensee, the nature of the privileges granted, and the total cost of the license. All licenses shall be signed in ink.

License Fees [483A.12]
The Recorder shall be responsible for all fees for hunting, fishing, fur harvester and deer and turkey licenses sold from their office. For a current schedule of fees, see the "Privilege Code Sheet" provided yearly to each County Recorder by DNR or Iowa Code Section 483A.1.

DNR license fees, Recorder's writing fees of two dollars and any DNR administrative fees will be totaled by the licensing system and printed on the license document once the transaction is complete. Total fees shall be collected from purchaser and deposited into a Recorder designated account. DNR will once weekly "sweep" the designated Recorder account for an amount to cover all state fees for licenses sold that week [321G.27].

The remaining Recorder's writing fee shall be deposited into the general fund of the county.

Duplicate Licenses [483A.14]
Upon proof of loss, destruction or stolen license, Recorder shall issue a duplicate license which shall be plainly marked duplicate to serve in lieu of the original license and shall contain the same information and signature as the original.

Residency Requirements [483A.1A (10)]
For the purpose of license issuance, the department has defined a legal resident as a person who:

1. Does not claim residency in any other state or country and has physically resided in Iowa for at least 90 consecutive days immediately prior to applying for or purchasing a license and has been issued an Iowa Driver's License or Iowa ID card.

2. Is a full-time student at either of the following: (1) An accredited educational institution located in this state and resides in this state while attending the educational institution. (2) An accredited educational institution located outside of this state, if the person is under the age of twenty-five and has at lease one parent or legal guardian who maintains a principal and primary residence or domicile in this state.

3. Is a student who qualifies as a resident pursuant to paragraph “b” only for the purpose of purchasing any resident license specified in section 483A.1.

4. Is a non-resident person under 18 years old who has a parent who is a resident of Iowa.

5. Is a member of the US armed forces on active duty who; claims Iowa residency and filed Iowa income taxes as a resident for the preceding year, or is stationed in Iowa.

Habitat Fee Requirements [483A.3 & 483A.4]
Residents aged 16 to 65 years old and all nonresidents who are required to have a hunting or fur harvester license must also pay the wildlife habitat fee to hunt or trap. Residents that have special licenses for the disabled are exempt.

Trout Fishing Fee Requirements [483A.6]
Any person required to have a fishing license shall also be required to pay the trout fishing fee before fishing for or possessing trout. A special permit may be granted by DNR for special community events.

Migratory Game Bird Fee Requirements
All residents and nonresidents 16 and older must pay Iowa's migratory game bird fee to hunt wild geese, brant, ducks, snipe, rail, woodcock, gallinule or coot. The fee must be paid even if a hunting license is not required.

Fur Harvester Requirements [483A.5]
All residents and nonresidents regardless of age must have a fur harvester license to trap or hunt any furbearing animal. Residents between 16 and 65 and all nonresidents must also pay the habitat fee. A hunting license however is not required. Coyote and groundhog may be hunted with either a hunting or fur harvester license. Nonresidents can only purchase an Iowa

fur harvester license if their state of residence also sells a nonresident fur harvester/trapping license to Iowa residents.

Hunter Education Requirements [483A.27]
Resident and nonresident hunters born after Jan. 1, 1972 must satisfactorily complete a hunter safety education course in order to obtain a hunting license. A hunter education certificate issued by another state or certain foreign nations will meet the above requirement. Proof of completion is required when purchasing first Iowa hunting license if record of same is not automatically displayed by license issuance system.

Deer and Turkey License and Tags [483A.7 & 483A.8]
A resident who is required to have a hunting license must also have a turkey hunting license and one-time use tag in order to hunt wild turkey and a deer hunting license and one-time use tag to hunt deer. The appropriate tag must be dated and placed on any wild turkey or deer taken.

Nonresident deer or turkey hunters may apply for appropriate licenses and tags online to the state DNR at http://www.iowdnr.gov or by phone at 1-800-367-1188.

For more detailed and thorough deer and turkey information please see the DNR hunting and trapping regulations booklet or Iowa Code Sections 428A.7 & 428A.8.

License Not Required [483A.24]
(See also DNR hunting and fishing regulations booklet)
*Residents under age 16 who hunt under the direct supervision of a properly licensed parent, guardian or other competent adult with consent of the parent or guardian, do not need a hunting license or to pay either the habitat fee or the migratory bird fee.

One properly licensed adult must accompany each unlicensed hunter under age 16. Deer or turkey hunters under age 16 must possess a valid license and tag to hunt deer or turkey.

*Residents or nonresidents under age 16 are not required to have a license to fish in the waters of Iowa.

*US Military personnel that qualify as Iowa residents who are on active duty on authorized leave from a station outside of Iowa do not need a Hunting License, Deer License, Turkey License, or to pay the Habitat Fee. They must pay the Iowa migratory bird fee to hunt migratory birds. They must carry leave papers while hunting and a copy of current earnings statement showing a tax deduction for Iowa for the previous year or an Iowa voter registration card. If a deer or turkey is taken, they must call a DNR officer to obtain a tag.

*Landowners or tenants and their juvenile children may hunt, fish or trap on their land without a license to do so unless they are hunting deer or turkey in which case a deer or turkey license and tag will be required. See qualifying conditions in Iowa Code Section 483A.24(1) or DNR hunting and fishing regulations booklet.

Reciprocity [483A.20]
Licenses for fishing, hunting or fur harvesting shall not be issued to residents of states that do not sell similar licenses or certificates to residents of Iowa.

RVVRS Standard Operating Procedures (SOP)
The Iowa County Recorders Association and the Iowa Department of Natural Resources are engaged in an ongoing collaboration to establish standard operating procedures for the Vehicle and Vessel Registration System (RVVRS). The current version of the standard operating procedures are published as Appendix J. County Recorders are encouraged to refer to this Manual and the RVVRS standard operating procedures for guidance with respect to vehicle and vessel registrations.

All-Terrain Vehicle Registrations
Off-Road Motorcycles and Off-Road Utility Vehicles - Code Section 321I
Each all-terrain vehicle used on public land or ice of Iowa shall be currently registered. An all-terrain vehicle is defined in the Code as:

> " A motorized vehicle with not less than three and not more than six low pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand- two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control." [321I.1(1a)]

An off-road motorcycle is defined in the Code as:

> ". . . a two wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control that is intended by the manufacturer for use on natural terrain. "Off road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under chapter 321, but which contains design features that enable operation over natural terrain." [321I.1(17)]

Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this

chapter, but is exempt from the safety instruction and certification program requirements of sections 321I.25 and 321I.26. [321I.1(1b)]

An off-road utility vehicle is defined in the Code as:
"...a motorized vehicle with not less than four and not more than eight low pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control." [321I.1(18a)

An operator of an off-road utility vehicle is subject to provisions governing the operation of all-terrain vehicles in section 321.234A and this chapter but is exempt from the education instruction and certification program requirements of sections 321I.25 and 321I.26. A motorized vehicle that was previously titled or is currently titled under chapter 321 shall not be registered or operated as an off-road utility vehicle. [321I.1(18b)]

Registration
The owner of the all-terrain vehicle shall file an application for registration with the department through a county recorder in the manner established by the commission. The application shall be completed by the owner and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321I.29. An all-terrain vehicle shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or that the owner is exempt from paying the tax. An all-terrain vehicle that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees. [321I.4(2)]

Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall issue to the applicant a registration certificate and registration decal. The registration decal shall be displayed on the all-terrain vehicle as provided in section 321I.6. The registration certificate shall be carried either in the all-terrain vehicle or on the person of the operator of the all-terrain vehicle when in use. [321I.4(3)]

The owner of each all-terrain vehicle required to be registered shall register it annually with the department through a county recorder. [321I.4(1)] A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue all-terrain vehicle registration renewals electronically pursuant to rules adopted by the commission. [321I.7(5)]

The county recorder is no longer required to keep paper copies of certificates of title for all-terrain vehicles but shall keep an electronic record of any certificate of title. Each certificate of title must be maintained until it has been inactive for five years. When issuing a title and

registration for a used all-terrain vehicle for which there is no title or registration, the county recorder shall obtain and keep the affidavit of unregistered and untitled all-terrain vehicle.

A motorcycle, as defined in section 321.1, subsection 40, paragraph "a," may be registered as an all-terrain vehicle as provided in this section. A motorcycle registered as an all-terrain vehicle may participate in all programs established for all-terrain vehicles under this chapter except for the safety instruction and certification program. [321I.7(4)]

Nonresident User Permits

A nonresident wishing to operate an all-terrain vehicle, other than an all-terrain vehicle owned by a resident and registered pursuant to this chapter, on public land or ice of Iowa shall first obtain a user permit from the department. A user permit shall be issued for the all-terrain vehicle specified at the time of application and is not transferable. A user permit shall be valid for the calendar year or time period specified in the permit. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue user permits. The fee for a user permit shall be fifteen dol- lars plus an administrative fee established by the commission. A county recorder or a license agent shall retain a writing fee of two dollars from the sale of each user permit as provided in section 321I.29. [321I.5] Exemption from Registration

Registrations shall not be required for the following described all-terrain vehicles: [321I.9]

1. All-terrain vehicles owned and used by the United States, another state, or a political subdivision of another state.

2. All-terrain vehicles used in accordance with section 321.234A, subsection 1, paragraph "a".

3. All-terrain vehicles used exclusively as farm implements.

Certificate of Title

The owner of an all-terrain vehicle acquired on or after January 1, 2000 other than an all-terrain vehicle used exclusively as a farm implement or a motorcycle previously issued a title pursuant to chapter 321, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the all-terrain vehicle. The owner of an all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title. All all-terrain vehicles that are titled shall be registered. [321I.31]

Fees - Duplicates [321I.32.]

The county recorder shall charge a ten-dollar fee plus an administrative fee and writing fee of two dollars established by the commission to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title.

If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if there is none, the owner named in the certificate, as shown by the county recorder's records, shall within thirty days obtain a duplicate by applying to the county recorder. The applicant shall furnish information the department requires concerning the original certificate and the circumstances of its loss, mutilation, or destruction.

The duplicate certificate of title shall be marked plainly "duplicate" across its face and mailed or delivered to the applicant. If a lost or stolen original certificate of title for which a duplicate has been issued is recovered, the original shall be surrendered promptly to the county recorder for cancellation.

Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special all-terrain vehicle fund created under section 321I.8. The administrative fee is also remitted to the state. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

Security Interest - Perfection And Titles - Fee [321I.34]
A security interest created in this state on an all-terrain vehicle is not perfected until the security interest is noted on the certificate of title.

To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and in the electronic record maintained by the recorder's office.

The application fee for a security interest is ten dollars, plus an administrative fee established by the commission. Five dollars of the fee shall be credited to the special all-terrain vehicle fund created under section 321I.8. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

The certificate of title shall be presented to the county recorder when the application for security interest or for assignment of the security interest is presented and a new or endorsed certificate of title shall be issued to the secured party with the name and address of the secured party upon it.

When a security interest is discharged, the secured party shall note the cancellation of the security interest on the face of the certificate of title and send the title by first class mail to the office of the county recorder where the title was issued. If the title has been lost or destroyed, the secured party may discharge the security interest by sending a signed, notarized statement to the office of the county recorder where the title was issued. The county recorder shall note

the release of the security interest in the county records and attach the statement to the certificate of title as evidence of the release of the security interest.

Registration Periods/Fees

Every all-terrain vehicle registration certificate and registration decal issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter or rules of the commission. After the first day of September each year, an unregistered all-terrain vehicle may be registered or a registration may be renewed for the subsequent year beginning January 1. After the first day of September an unregistered all-terrain vehicle may be registered for the remainder of the current registration year and for the subsequent registration year in one transaction. The fee shall be five dollars for the remainder of the current year, in addition to the registration fee of fifteen dollars for the subsequent year beginning in January 1, and a writing fee as provided in section 321I.29. [321I.7(1)]

The fee for a registration renewal issued using an electronic system is fifteen dollars plus an administrative fee established by the commission and a writing fee as pro- vided in section 321I.29. [321I.7(5)] and [321G.27]

An expired all-terrain vehicle registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee as provided in section 321I.29. [321I.7(2)]

Writing Fee 321G.27 and 321I.29 Amended in HF718 2023

The county recorder shall collect a writing fee of two dollars for an all-terrain vehicle registration or for renewal of a registration by the county recorder's office. The county recorder shall retain a writing fee of two dollars from the sale of each user permit issued by the county recorder's office. Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county. A license agent shall collect a writing fee of two dollar for an all-terrain vehicle registration or for renewal of a registration issued by the license agent. A license agent shall retain a writing fee of one dollar from the sale of each user permit issued by the license agent. [321I.29]

Duplicate Registrations

Duplicate registrations may be issued by the county recorder and the payment of a five-dollar fee plus a writing fee as provided in section 321I.29. [321I.7(3)]

Registration and User Permit Decals
The owner shall display the registration decal or nonresident user permit decal on an all-terrain vehicle in the manner prescribed by the rules of the commission. [321I.6] See regulation book for placement of decals.

Submission of Fees
The state's portion of registration, title and lien fees are withdrawn from each county recorder's checking account by ACH each Thursday or Friday (if the Monday of that week was a banking holiday).

Evidence of Sales Tax Payment
A new or used all-terrain vehicle purchased from a dealer or manufacturer cannot be registered by the county recorder until there has been presented to the recorder a receipt, bill of sale, or other satisfactory evidence that the sales or use tax has been paid on the purchase of the all-terrain vehicle. If the owner of the all-terrain vehicle cannot present satisfactory evidence that the tax has been paid, the recorder must collect the tax. It is the responsibility of the dealer to forward all moneys and applications to the county recorder within fifteen days.

If someone is issued a farm use registration using the sales tax exemption, then changes their mind and wants to use the all-terrain vehicle on public trails or ice, they must purchase a registration and will need to pay sales tax unless the vehicle is used at least 51% of the time for agriculture. In order to figure the sales tax amount, the customer would need to have the all-terrain vehicle appraised (book value) by a DNR Iowa registered dealer and this will determine amount of sales tax paid. The customer would need to complete the DNR Application and have the Bonding Section and Book Value on second page completed by an Iowa registered dealer. The county recorder would then collect the sales tax owed based on the appraised book value. A paid registration would then be issued instead of a farm use registration.

Sales Tax Report to the Department of Revenue
The recorder shall make a monthly report verifying the payment of the Iowa sales or use tax to the Department of Revenue in the same manner as reports are made concerning vessels and motors.

Transfer of Ownership 321I.7
When an all-terrain vehicle is sold the new owner must transfer the title (if applicable) into his/her name within thirty days. At that time, the machine must be registered and titled, paying the full cost of registration, writing fee, title and lien if applicable.
Customers need to have:

1. Bill of Sale; (a signed Iowa registration with purchase price is considered a bill of sale.)

2. Title (If applicable) - Names on the title and bill of sale must match.

3. Verification of Prior Registration (Below are options for verification of prior registration.)

DEFINITIONS
Current registration - A current registration signed over to the buyer is the preferred method of transfer.

An expired registration - with names matching the names on the bill of sale and title is also acceptable. Do not issue duplicates of expired registrations.

If a paper registration is not available to the buyer - the county recorder may verify ownership on the RVVRS web site.

If the names on the bill of sale, title (if applicable) and registration do not match up - additional information should be requested to ensure that a legitimate sale has taken place. Additional information may include: requiring that the previous owner bring the registration/title current prior to making the transfer of ownership or requiring the bonding process to be initiated.

If an all-terrain vehicle has never been registered or titled, the new owner must complete an affidavit of unregistered and untitled, signed by an officer. This includes all-terrain vehicles purchased from outside of Iowa.

If an all-terrain vehicle has a current registration when purchased but expires within the thirty day waiting period, the buyer must transfer the registration before it expires to avoid a penalty. If the thirty-day waiting period has passed, the five dollar penalty is collected.

Storage
All-terrain vehicles are no longer placed in storage. All-terrain vehicles that were placed in storage prior to 07/01/2007 may be taken out of storage without penalty. If a buyer of an ATV that is in storage has a copy of the storage paperwork or the recorder has knowledge that the machine was put in storage before July 1, 2007 there is not a $5.00 penalty.

Dealer Registrations 321I.22
Every manufacturer, distributor, or dealer shall register with the department by making application to the commission for a special registration certificate containing a general identification number and for one or more duplicate special registration certificates. The applicant shall pay a registration fee of fifteen dollars, writing fee of two dollars and submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission. [321I.22(2)] Each special registration certificate issued

under this section shall be for a period of three years and shall expire on December 31 or the renewal year. A new special registration certificate for the three-year renewal period may be obtained upon application to the commission and payment of the fee provided by law. A county recorder may issue special registration certificate renewals electronically pursuant to rules adopted by the commission. [321I.22(5)]

The commission shall furnish all-terrain vehicle dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered all-terrain vehicle sold by a dealer shall bear one of these cards which entitle the purchaser to operate it for forty-five days immediately following the purchase. The purchaser of a registered all-terrain vehicle may operate it for forty-five days immediately following the purchase without having completed a transfer of registration. An all-terrain vehicle dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle. [321I.16] Within fifteen days the dealer shall forward all moneys and applications to the county recorder. [321I.31(6)]

A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration. [Sec. 321I.22(7)]

A dealer may obtain a new registration and transfer of registration in the same manner as other purchasers. [Sec. 321I.22(8)]

Safety Certificate

A person twelve years of age or older but less than eighteen years of age shall not operate an all-terrain vehicle on public land or ice or land purchased with all-terrain vehicle registration funds in this state without obtaining a valid safety certificate issued by the department and having the certificate in the person's possession. [321I.26(1)]

A person under twelve years of age shall not operate an all-terrain vehicle, including an off-road motorcycle, on a designated riding area or designated riding trail or on ice unless one of the following applies: [321I.21]

1. The person is taking a prescribed safety training course and the operation is under the direct supervision of a certified all-terrain vehicle safety instructor.

2. The operation is under the direct supervision of a responsible parent or guardian of at least eighteen years of age who is experienced in all-terrain vehicle operation or off-road motorcycle operation and who possesses a valid driver's license as defined in section 321.1

Any person who is required to have a safety certificate under this chapter and who has completed a course of instruction established under section 321I.2, subsection 1 paragraph i, including the successful passage of an examination which includes either a written test relating to such course of instruction or the demonstration of adequate riding skills shall be considered qualified to receive an education certificate. [321I.26(3)] Upon application and payment of a fee of five dollars, a qualified applicant shall be issued an education certificate which is valid until the certificate is sus- pended or revoked for a violation of a provision of this chapter or a rule adopted pursuant to this chapter. [321I.26(2)]

A valid all-terrain vehicle an education or safety certificate or license issued to a non- resident by a governmental authority of another state shall be considered a valid certificate or license in this state if the certification or license requirements of the governmental authority, excluding fees, are substantially the same as the requirements of this chapter as determined by the commission. [321I.26(5)]

Vehicle Identification Number

The department may assign a distinguishing number to an all-terrain vehicle when the serial number on the all-terrain vehicle is destroyed or obliterated and issue to the owner a special decal bearing the distinguishing number which shall be affixed to the all-terrain vehicle in a position to be determined by the department. The all-terrain vehicle shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle shall have a vehicle identification number assigned and affixed as required by the department. [321I.35(1)]

A person other than a manufacturer who constructs or rebuilds an all-terrain vehicle for which there is no legible vehicle identification number shall submit to the department an affidavit which describes the all-terrain vehicle. In cooperation with the county recorder, the department shall assign a vehicle identification number to the all- terrain vehicle. The applicant shall permanently affix the vehicle identification number to the all-terrain vehicle in a manner that such alteration, removal, or replacement of the vehicle identification number would be obvious. [321I.35(4)]

Operation on Roadways and Highways - Snowmobile Trails

A person shall not operate an all-terrain vehicle upon roadways or highways except as provided in section 321.234A and section 321I.10(1)

See section 321I.10 for remainder of Operation regulations.

Off-Road Utility Vehicles
Effective 7-1-2012, Off-Road utility vehicles are required to be registered and titled. The registration process is the same as it is for other off-road vehicles.

Vessel Registration and Titling 462A
For the purpose of this section a vessel is described as every type of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice including ice boats.

**Copies and examples of forms mentioned throughout this section can be found in the DNR manual.

Registration
Registration Requirements [462A.4, 462A.5, 462A.48, 313.602(9)]

Every vessel on the waters of this state under the jurisdiction of the DNR shall be numbered (except those listed in "Exemptions from Registration" later in this chapter).

The owner of each vessel required to be numbered by the state shall register it every three years with the Recorder of the county in which they reside. If the owner is not a resident of Iowa, the vessel shall be registered in the county of principal use.

The DNR shall have supervisory responsibility over the registration of vessels and shall provide the method and means necessary for registration to the County Recorder who shall carry out the duties relating to the registration of vessels.

Required to Register a New Vessel 462A.5
The owner of a new vessel or a vessel being transferred to Iowa from another state shall within 30 days of purchase present the following to the appropriate County Recorder:

a) a completed, signed DNR application form

b) a bill of sale, receipt, or other satisfactory proof of ownership stating the purchase price and whether sales tax has been paid on the purchase of the vessel

c) a Manufacturer's Certificate of Origin, completed, dated and signed by manufacturer or dealer, for any new vessel that requires titling

d) any paperwork required in a previous registration state, signed over by previous owner (transfer of an out-of-state vessel to Iowa on an

expired registration can be done with payment of the current DNR set penalty).

Required to Transfer Ownership of a Vessel 462A.43

The new owner of a vessel already registered in Iowa shall within 30 days of the purchase (462A.44), present the following to the appropriate County Recorder:

1. verification of prior registration:
    a. a current registration signed over to the buyer, or
    b. an expired registration with names matching the names on the bill of sale and title (do not issue duplicates of expired registrations).

2. a completed, signed DNR application form with verification of the Hull ID number.

3. a bill of sale, receipt or other satisfactory proof of ownership stating the purchase price of the vessel and whether sales tax has been paid on the purchase of the vessel. The signed Iowa registration with purchase price is considered to be a bill of sale.

4. a title signed over to the buyer if the vessel has previously been titled.

An owner who applies for a registration for a used vessel that has never been registered or titled but does not have any satisfactory proof of ownership, shall provide a signed, notarized DNR affidavit form in order for the Recorder to register the vessel.

If the Recorder is not satisfied as to ownership of the vessel or that there is no lien on the vessel, applicant may be required to follow the bonding procedure as described in the "Bonding" section found later in this chapter 462A, section 55. Sales and Use Tax [462A.55]

No vessel shall be registered until there has been presented to the County Recorder receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the vessel. If the owner of the vessel is unable to prove payment of sales or use tax, the County Recorder shall collect the tax. Sales or use tax must be paid on the total purchase price of the boat and all accessories (motor, oars, PFDs, etc.) minus any trade-in amount. If the owner takes possession of the vessel in Iowa the tax charged will be the total of Iowa's state sales tax plus any local option sales tax that applies for the locality where possession took place. If the vessel was purchased and possession taken in another state, total tax collected will be the amount of Iowa's use tax only. When sales tax has been paid at time of purchase to another state where sales tax is less than what is collected in Iowa, Recorder shall collect the difference.

On or before the tenth day of each month, the county recorder shall remit to the department of revenue the amount of the taxes so collected during the preceding month, together with an

itemized statement on forms furnished by the department of revenue or on computer generated forms showing the name of each taxpayer, the make and purchase price of each vessel and motor, the amount of tax paid, and such other information as the department of revenue shall require.

Hull Identification Number [462A.80]

1. Every vessel whose construction began after October 31, 1972, shall have a hull identification number assigned and affixed as required by the federal Boat Safety Act of 1971. The department shall determine the procedures for application and for issuance of the hull identification number for homebuilt boats.

2. A person shall not destroy, remove, alter, cover or deface the manufacturer's hull identification number, the plate bearing it, or any hull identification number the department assigns to a vessel without the department's permission.

3. A person other than a manufacturer who constructs a vessel or uses an unconventional device as a vessel for navigation shall submit an affidavit which describes the vessel or device to the department. In cooperation with the county recorder, the department shall assign a hull identification number to the vessel or device. The applicant shall cause the number to be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the waterline of the vessel or device in such a way that alteration, removal, or replacement would be obvious and evident. (See HIN formats and application form in the DNR manual.)

Issuance of a Registration [462A.5 & 462A.45]

Upon request for a new registration or a transfer of ownership registration of a vessel and payment of current required fees per DNR fee schedule, the County Recorder shall:

1. collect and keep the DNR application form, reviewing to ensure that all required information is completed, and application is signed. Compare and verify that information on application and MCO agree.

2. collect and keep a copy of bill of sale or receipt to verify that sales tax has been paid. If not paid, collect sales or use tax according to Sales and Use Tax section of this chapter and issue receipt.

3. collect and keep proof of prior registration for vessels previously registered in Iowa ensuring that previous owner has signed over ownership.

4. collect and keep previous title if applicable, ensuring that previous owner has signed over ownership on back and that any liens noted on the title have been released by both the lender and the Recorder in the county where vessel was previously titled.

5. collect ownership paperwork required in another state, signed over by seller, for vessels being transferred to Iowa. Charge the current penalty set by DNR for any transfer done with an expired out-of-state registration.

6. collect Manufacturer's Certificate of Ownership for new vessels (keep MCO on all vessels 17' or longer or may choose to keep all. If no capacity shown on MCO of vessels 20'or longer, Recorder may assign "OR" which stands for Operator's Responsibility.)

7. verify that the Hull Identification Number is in correct format or "verified by owner." If no HIN on boat, assign one (see HIN section later in this chapter).

8. assign an Iowa identification number provided by DNR to any new vessel or vessel transferring to Iowa from another state or maintain identification number on any vessel previously registered in Iowa.

9. the county recorder is no longer required to keep paper copies of boat registrations. The recorder shall maintain an electronic record of each registration certificate issued by the recorder.

10. using information from paperwork collected above, issue owner a pocket-size registration using current method and forms prescribed and provided by the DNR. The registration shall bear the Iowa identification number assigned to the vessel, the passenger capacity, the vessel's Hull ID number, the vessel's descriptive items required on the application, the vessel's title number if a title is required, and the name and address of the owner.

11. issue new decals to any new vessel or to any transferred vessel that does not have the current decals attached.

12. inform owner that registration is to be with the vessel during use (see next section).

Registration and Display of Number [462A.5]

The registration must be carried on all vessels during use unless the vessel is a non- powered sailboat, a non-powered canoe, or a commercial vessel, in which case registration may be kept on shore where it is available for display to an officer upon request.

On all vessels except non-powered sailboats the owner shall paint or otherwise affix the assigned Iowa identification number to each side of the bow of the vessel in a size and manner prescribed by DNR (see current Boating Regulations handbook from DNR).

On non-powered vessels numbers may be placed in a location prescribed by DNR. All numbers must be maintained in a legible condition at all times. Passenger capacity as stated on registration must also be displayed on the exterior of each vessel as per DNR requirements (see DNR Boating Regulations handbook).

Exemptions from Registration and Display [462A.6 and 462A.6A]
A vessel is exempt from registered requirements if it is:

1. properly registered in another state and is not used in Iowa for more than sixty days within one calendar year.

2. a foreign vessel temporarily using the navigable waters of the US and Iowa.

3. a public vessel of the US, or a state or subdivision that is used for enforcement, search and rescue or official research and studies.

4. a ship's lifeboat.

5. exempted by DNR because of Federal exemptions.

6. an air mattress, inner tube or other toy or beach type item being used in a recognized swimming area not to exceed 300 feet from shore.

7. is an inflatable vessel seven feet or less in length.

8. is a conventional design canoe or kayak type vessel thirteen ft. or less in length.

Vessels exempt from display of an Iowa number and passenger capacity number:

1. authentically constructed Native American styled craft.

2. historically styled craft used only during historic recreations or public demonstrations.

3. vessels which have valid marine documents issued by the US Coast Guard and bear the identification required in the documentation.

4. a sailboard; but the registration decal shall be attached to the bottom of the bow.

Renewal of Registration [462A.5]
All vessel registrations expire at midnight on April 30 of the last year of the three-year registration period. Owners of vessels may upon payment of current fees, renew their registrations before May 1 of the last year of the registration period at the County Recorder's office in the county of their residence to avoid penalty. An owner renewing a registration after current licensing period ends on April 30, shall pay a penalty as stipulated by the DNR plus current registration fees to renew the vessel's registration for the next licensing period. Renewals may be done by mail. The ICRA passed a resolution at Fall ISAC 2007 to charge dealers $1.00 per machine for postage. Owners do not need to present any previous paperwork to renew a boat already registered in their names. Recorder can renew from office records or from DNR mainframe website.

Changes to Registration [462A.5 (4) & (7)]
If the owner of a vessel changes address or name, they shall notify the County Recorder in writing of both the old and new information within 10 days. No fee shall be charged for making these changes in the records of the County Recorder unless the owner requests a new registration showing the change, in which case, current applicable fees set by DNR will apply.

If a registration is lost, mutilated or becomes illegible, the owner shall apply for and pay the current DNR set fee to obtain a duplicate registration from the County Recorder.

If a registered vessel is destroyed or abandoned, the owner shall report same to and forward the registration to the County Recorder within 10 days.

If a currently registered vessel is placed in storage, the owner shall return the registration certificate to the County Recorder with an affidavit stating that the vessel is placed in storage and the effective date of storage. The Recorder shall then notate on the RVVRS web site. When the vessel is removed from storage, the owner shall apply for and pay current fees for a current registration without a penalty for any time not registered between date of storage and current registration. Vessels cannot be placed in storage with an expired registration. The Recorder may need to call the DNR to change the boat from Storage status to Active status on RVVRS.

Corrections to Registration [462A] DNR 571-39.4
When the vessel length, width, or passenger capacity, is found to be incorrect on a registration, a DNR officer may upon inspection, or the Recorder upon presentation of documentation including but not limited to an affidavit by the owner, may change the information on the certificate. The officer shall within four days notify the DNR and the County Recorder of the county of the vessel's registration of the changes on a DNR form.

Registration Fees [462A.5 (3), 462A.51, 462A.52; 462A.53]
The registration fees for vessels are determined by the length of the vessel and whether the vessel is registered with or without a motor/sail. DNR will provide current registration fee information to County Recorders. A writing fee of two dollars will be charged for each privilege by the county recorder.

Reports and Remittance of Fees [462A.51-54]
The County Recorder shall be responsible for all fees and penalties for the issuance of vessel registrations. On or before the tenth day of each month, the County Recorder shall remit to the Department of Revenue the amount of the taxes collected during the preceding month along with an itemized report showing information required by the department. This report is a Department of Revenue provided form or county's software provider may provide a report form on the computer.

Titling Chapter 462A

Titling Requirements [462A.77]
Vessels 17 feet and longer, principally used on waters in Iowa and required to be registered in Iowa, except those listed below, are required to be titled.

Once a vessel is titled it shall always be titled regardless of length of vessel or other requirements for titling. Exceptions to the titling requirement are:

1. canoes, kayaks or inflatable vessels regardless of length.

2. vessels owned and registered by the same owner since before January 1, 1988.

3. vessels documented with the US Coast Guard.

4. If titled in another state and transferred to Iowa, they do not need to remain titled. If a vessel is titled due to an active lien, the vessel is required to remain titled.

Required to Title a Vessel [462A.77]
Owners of vessels required to be titled shall apply to the County Recorder in the county of their residence for a certificate of title within 30 days of purchase of the vessel and pay required titling fees. Owners shall present the following to the Recorder:

1. completed, signed and dated DNR application including any applicable lien information and verification of Hull ID number. Titling is usually done in conjunction with the registration. The owner's name on the registration, application and title should all be the same.

2. the previous title for the vessel if applicable, signed over by the seller (ensure that all liens noted on the title have been released by both the lender and the Recorder in previous county of titling).

3. Manufacturer's Certificate of Origin signed by the manufacturer or dealer.

Issuance

Upon request for a certificate of title and payment of appropriate fees per DNR current fee schedule, the County Recorder shall:

1. collect and keep the completed, signed and dated application for title (usually in conjunction with and on same application as a registration). All applicable lien information must be noted on application.

2. collect and keep previous certificate of title if vessel has been previously titled and ensure that all liens or subsequent liens noted on title have been released by both the lender and the Recorder of county of previous titling and that seller has signed over ownership on back.

3. collect and keep signed MCO on any new vessel.

4. using information from above paperwork collected, issue owner a certificate of title using current method and forms prescribed and provided by DNR ensuring that any lien information applicable is noted on title.

5. original of the certificate of title goes to the owner unless there is a lien noted on the title. The original of a title with a lien notation gets mailed to the lender. Originals of the application and the MCO of a new vessel or the previous title of a vessel being transferred stay with the Recorder.

6. inform owner that the certificate of title is to be kept somewhere safe rather than on the vessel as this is proof of ownership. The county recorder is no longer required to keep paper copies of certificates of title for boats but shall keep an electronic record of any certificate of title. All electronic records shall be maintained until the certificate has been inactive for five years.

Notation of Liens [462A.84]

Liens may be noted on certificates of title either at the time of issuance or at a later time if the owner of the vessel takes a loan against the vessel.

Upon receipt of current lien fee and statement of lien on back of a completed DNR application form, the Recorder shall assign a lien number through the RVVRS registration system. The lien

will be printed on the new title. If a lien is placed on an existing title, a new title will be printed off the RVVRS system with the addition of the new lien, at no additional charge for the title. The original of that title is sent to the lien holder until it is released.

Upon receipt of current lien fees and a DNR Subsequent Lien form, the Recorder shall attach a subsequent lien notation to the original certificate of title. If the first lien has not yet been released, a request must be sent to the first lien holder to return the title so the second lien may be noted. Title is then returned to the first lien holder until it is released by both lien holder and Recorder. It will then be sent to the subsequent lien holder until it is released. To perfect a security interest, an application for lien notation must be presented along with the original title. The county recorder shall note the security interest on the face of the title and in the electronic record maintained by the recorder's office.

Release of Liens [462A.84]
To release the lien on a certificate of title, the lien holder must sign and date the original title and return it to the Recorder or the secured party shall send a notarized letter by first class to the county recorder where the title was issued notifying the county recorder of the cancellation of the security interest. Recorder must then sign and date the original certificate of title. Original is then sent to the owner or any subsequent lien holder if applicable. There is no fee to release a lien. The Recorder shall then notate the release on the RVVRS web site.

Duplicate Titles [462A.78]
If a certificate of title is lost, stolen, mutilated, destroyed or becomes illegible, the owner or first lien holder shall within thirty days, obtain a duplicate by applying with the County Recorder. Upon payment of appropriate current DNR fees, request on a DNR application form, and return of original of a mutilated or illegible certificate of title, the Recorder shall issue a duplicate certificate of title. (Recorder should check the RVVRS system to ensure that there is not a lien on the vessel in which case the original will be with the lender, and notify owner of same). Upon issuance, the original and all copies of the duplicate title must be stamped "Duplicate". Original of the duplicate certificate of title shall be mailed to requesting owner or requesting lien holder.

Reports and Remittance of Fees [462A.78]
The Recorder shall charge the current fees for the issuance of titles, duplicate titles, and the notation of liens. Fees collected for the issuance of same, minus the Recorder's writing fees, shall be remitted to the Department of Revenue with the monthly report of issuance of titles and liens mentioned earlier in this chapter. The Recorder's writing fee of two dollars for issuance of boat titles shall be placed in the general fund of the county to be used by the conservation board if one exists in that county.

Transfer or Repossession of Vessel by Operation of Law [462A.82]
The owner of a vessel obtained through operation of law, such as by inheritance, bankruptcy or insolvency, shall within 30 days of acquiring the right to possess the vessel, submit to the County Recorder satisfactory proof of ownership, a DNR application form, and the required fees to obtain a new certificate of title and registration.

If the seller of a vessel signs over ownership as Power of Attorney or Executor, make a copy of the authorizing paperwork and keep with the vessels record.

If a lien holder repossesses a vessel by operation of law and holds it for resale, the lien holder shall remit appropriate fees and application to the County Recorder for a new certificate of title and registration in lien holder's name before they can transfer ownership of the vessel.

The surrender of an affidavit of foreclosure concerning a vessel is evidence of a termination of the security interest. Do not release the lien on the title, but keep a copy of the affidavit with the title.

Miscellaneous Registration and Title Information

- Names on all ownership paperwork should be the same (registration, application, title, etc.)
- Once a vessel is titled it is titled forever.
- Vessels that are not required to be titled per Iowa Code: If titled in another state and transferred to Iowa, they do not need to remain titled. If a vessel is titled due to an active lien the vessel is required to remain titled.
- The Recorder in a divorce situation, may ask to see a copy of the court decree and keep a copy if the ex-spouse has not signed the registration and title.
- The Recorder's copy of a vessel's title always stays in the county of issuance, even when the vessel's owner moves to another county.
- All boat dealers must be registered with the DNR and use their "ZZ" number when buying and selling vessels. Unregistered dealers are treated as individuals.
- When a Recorder receives notice of a vessel that has been sold out of state, junked or destroyed, mark this on the RVVRS system.

Bonding
If the County Recorder or the DNR is not satisfied as to the ownership of a vessel, Snowmobile or ATV, the DNR shall require completion of the bonding procedure. If titled in another state and transferred to Iowa, they do not need to remain titled. If a vessel is titled due to an active lien, the vessel is required to remain titled.

The applicant shall contact their local Conservation Officer or the DNR Licensing Account Manager and provide identifying information needed to start the bonding process.

Once the applicant and DNR have completed their portions of the bonding process, a letter from the DNR and the original application will be sent to the County Recorder authorizing the titling and registration of the vehicle or vessel. The Recorder shall keep the application and DNR authorization letter on file with the vehicle/vessel paperwork and process the vehicle/vessel for registration and/or title as instructed in this chapter.

A preliminary step in the bonding process is to mail a registered letter to the last customer that had the vehicle/vessel registered in their name. It has been determined that if the last registered owner returns the registered letter waiving all rights to a vehicle/vessel, there is no need for the bonding process to continue. The customer can register the vehicle with the County Recorder.

If this letter is returned by the last registered owner to the DNR, the County Recorder will receive an approval letter to the DNR, a copy of the letter waiving ownership and a copy of the letter that will be mailed to the customer registering the vehicle/vessel.

The applicant will receive an approval letter, a copy of the letter sent to the County Recorder and a copy of the letter waiving ownership. The approval letter states that the customer needs to bring in the completed application and proof of purchase (bill of sale) to register the vehicle/vessel.

If the letter comes back unopened, the customer will have to complete the bonding process as outlined in this chapter.

Snowmobile Registrations **Code Section 321G**
Each snowmobile used on public land or ice of Iowa shall be currently registered. A snowmobile is defined in the Code as: ". . . a motorized vehicle weighing less than one thousand pounds which uses sled- type runners or skis, endless belt-type tread with a width of forty-eight inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle, as defined in section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads. " [Sec 321G.1(26)]

Registration

The owner of the snowmobile shall file an application for registration with the department through the county recorder of the county of residence. The application shall be completed by the owner and shall be accompanied by a fee of $15.00 and a writing fee as provided in section 321G.27. A snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the snowmobile or that the owner is exempt from paying the tax. A snowmobile that has an expired registration certificate from another state may be registered in this state upon proper application and payment of all applicable registration and writing fees. [Sec. 321G.4(2)]

Upon receipt of the application accompanied by the required fees, the county recorder shall issue to the applicant a registration certificate and registration decal. The registration decal shall be displayed on the snowmobile as provided in Section 321G.5. The registration certificate shall be carried either in the snowmobile or on the person of the operator of the snowmobile when in use. [321G.4(3)]

The owner of each snowmobile required to be registered shall register it annually with the department through a county recorder. [Sec. 321G.4(1)] A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue snowmobile registration renewals electronically pursuant to rules adopted by the com- mission. [321G.6(4)]

Resident & Nonresident User Permits

A person wishing to operate a snowmobile on public land or ice or a designated snow-mobile trail of this state shall first obtain a user permit from the department. A user permit shall be issued for use on only one snowmobile and is not transferable. A user permit shall be valid for the calendar year or time period specified in the permit. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue user permits. The fee for a user permit shall be fifteen dollars plus an administrative fee established by the commission. A county recorder or license agent shall retain a writing fee from the sale of each user permit as provided in section 321G.27. [321G.4A]

A nonresident wishing to operate a snowmobile on public land, public ice, or a designated snowmobile trail in this state must obtain a user permit in accordance with Section 321G.4A. Each nonresident shall also display a current registration decal or other evidence of registration or numbering required by the owner's state of residence, unless that owner lives in a state that does not register or number snowmobiles [321G.4B].

Someone who is charged with a violation of this subsection must pay a scheduled fine and submit proof to the department that a user permit has been obtained and provide evidence of

registration or numbering by the owner's state, if applicable, within thirty days of the date the fine is paid.

Exemptions from Registration

The following snowmobiles need not be registered in Iowa [Sec. 321G.8]

1. Snowmobiles owned and used by the United States, another state, or a political subdivision of another state.

2. Snowmobiles used exclusively as farm implements.

A registration certificate and registration decal shall be assigned, without payment of fee, to snowmobiles owned by the state of Iowa or its political subdivisions. These registrations are processed by the DNR. A registration certificate shall be assigned, without payment of a registration fee, for a snowmobile which is exempt from registration but is being titled, upon payment of a writing fee as provided in section 321G.27 and an administrative fee. A registration decal shall not be issued and the registration shall not expire while the snowmobile is exempt. The application for registration and the registration certificate shall indicate the reason for exemption from the registration fee. [321G.3(2)]

Certificate of Title 321G.29

The owner of a snowmobile acquired on or after January 1, 1998, other than a snow- mobile used exclusively as a farm implement or a snowmobile more than thirty years old registered as provided in section 321G.4, subsection 4, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snow- mobile. The owner of a snowmobile used exclusively as a farm implement may obtain a certificate of title. A person who owns a snowmobile that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile and, subsequently, the snowmobile shall be subject to the requirements of this chapter as if the snowmobile were required to be titled. All snowmobiles that are titled shall be registered. [321G.29(1)]

If a dealer buys or acquires a snowmobile for resale, the dealer may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used snowmobile, the dealer may apply for a certificate of title in the dealer's name within thirty days. If a dealer buys or acquires a new snowmobile for resale, the dealer may apply for a certificate of title in the dealer's name. [321G.29(4)]

A dealer transferring ownership of a snowmobile under this chapter shall assign the title to the new owner, or in the case of a new snowmobile, assign the certificate of origin. [321G.29(6)]

The county recorder shall maintain an electronic record of any certificate of title which the county recorder issues and shall keep each certificate of title on record until the certificate of

title has been inactive for five years. When issuing a title for a new snow- mobile, the county recorder shall obtain and keep on file a copy of the certificate of origin. When issuing a title and registration for a used snowmobile for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled snowmobile. [321G.29(7)]

Once titled, a person shall not sell or transfer ownership of a snowmobile without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the purchaser or transferee. A person shall not purchase or otherwise acquire a snowmobile without obtaining a certificate of title for it in that person's name. [321G.29(8)]

If the county recorder is not satisfied as to the ownership of the snowmobile or that there are no undisclosed security interests in the snowmobile, the county recorder may issue a certificate of title for the snowmobile but, as a condition of such issuance, may require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and also executed by a person authorized to conduct a surety business in this state. [321G.29(9)]

Fees -- Duplicates 321G.30

The county recorder shall charge ten dollar plus an administrative fee established by the commission to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title.

If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if there is none, the owner named in the certificate, as shown by the county recorder's records, shall within thirty days obtain a duplicate by applying to the county recorder. The applicant shall furnish information the department requires concerning the original certificate and the circumstances of its loss, mutilation, or destruction. The duplicate certificate of title shall be marked plainly "duplicate" across its face and mailed or delivered to the applicant.

If a lost or stolen original certificate of title for which a duplicate has been issued is recovered, the original shall be surrendered promptly to the county recorder for cancellation.

Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special snowmobile fund created under section 321G.7. The administrative fee is also remitted to the state. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

Security Interest -- Perfection And Titles -- Fee 321G.32
A security interest created in this state in a snowmobile is not perfected until the security interest is noted on the certificate of title.

To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and in the electronic record maintained by the recorder's office.

The application fee for a security interest is ten dollars plus an administrative fee established by the commission. Five dollars of the fee shall be credited to the special snowmobile fund created under section 321G.7. The administrative fee is also remitted to the state. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

The certificate of title shall be presented to the county recorder when the application for security interest or for assignment of the security interest is presented and a new or endorsed certificate of title shall be issued to the secured party with the name and address of the secured party upon it.

When a security interest is discharged, the secured party shall note the cancellation of the security interest on the face of the certificate of title and send the title by first class mail to the office of the county recorder where the title was issued. If the title has been lost or destroyed, the secured party may discharge the security interest by sending a signed, notarized statement to the office of the county recorder where the title was issued. The county recorder shall note the release of the security interest in the county records and attach the statement to the certificate of title as evidence of the release of the security interest.

Registration Periods/Fees
Every snowmobile registration certificate and registration decal issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter or rules of the commission. After the first day of September each year, an unregistered snowmobile may be registered, and a registration may be renewed in one transaction. The fee is five dollars for the remainder of the current year, in addition to the registration fee of fifteen dollars for the subsequent year beginning January 1, and a writing fee as provided in section 321G.27. [321G.6(1)]

The fee for a registration renewal issued using an electronic system is fifteen dollars plus an administrative fee established by the commission and a writing fee as pro- vided in section 321G.27. [321G.6(4)]

An expired registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee as provided in Section 321G.27. [321G.6(2)]

Writing Fee 321G.27 Amended in HF718 2023
The county recorder shall collect a writing fee of two dollars for a snowmobile registration or for renewal of a registration by the county recorder's office. The county recorder shall retain a writing fee of two dollars from the sale of each user permit issued by the county recorder's office. Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county. [321G.27(1)

A snowmobile manufactured prior to 1984 may be registered as an antique snowmobile for a one-time fee of twenty-five dollars, which shall exempt the owner from annual registration and fee requirements for that snowmobile. However, if ownership of such a snowmobile is transferred, the new owner shall register the snowmobile and pay the one time fee as required under this subsection. An antique snowmobile may be registered with only a signed bill of sale as evidence of ownership. [321G.4(4)]

Duplicate Registrations
Duplicate registrations may be issued upon application to the county recorder and the payment of a five-dollar fee plus a writing fee as provided in Section 321G.27. [321G.6(3)]

Registration and User Permit Decals
The owner shall display the registration decal or nonresident user permit decal on a snowmobile in the manner prescribed by the rules of the commission. [321G.5]

Submission of Fees
The state's portion of registration, title and lien fees are withdrawn from each county recorder's checking account by ACH each Thursday or Friday (if the prior Monday is a banking holiday).

As of 7-1-2014 there is no longer a provision in Iowa law that provides for a free farm registration for snowmobiles, all-terrain vehicles (ATVs), off-road vehicles (ORVs, and off-road motorcycles (ORMs).

There are now two options for customers seeking an agricultural (farm) exemption when purchasing one of the aforementioned vehicles.

Option 1: The dealer:

a) Completes application for a regular DNR registration, title and lien (if applicable)

b) Collects the appropriate fees on behalf of the customer

c) Collects sales tax if applicable

d) Forwards everything to the county recorder for processing

Under this option, a lien may be filed, and ownership is clearly defined by the issuance of a title. The regular DNR registration also allows the vehicle to be legally operated on designated public land and ice for non-agricultural purposes as provided for under Iowa Code Chapters 321G, 321I and 321.234A.

Option 2: The dealer:

a) Verifies that the customer is entitled to the farm exemption (example-customer provides a schedule F tax form).

b) Has customer complete tax forms.

c) Will not complete an application for registration, title or lien.

Under this option, a title or lien may not be filed. Ownership is maintained by the owner through sales receipts and bill of sale. Operation under this option is restricted to private property or operation for agricultural purposes only, under Iowa Code Chapter 321.234A.

Evidence of Sales Tax Payment 321G.4

A new or used snowmobile purchased from a dealer or manufacturer cannot be registered by the county recorder until there has been presented to the recorder a receipt, bill of sale, or other satisfactory evidence that the sales or use tax has been paid on the purchase of the snowmobile. If the owner of the snowmobile cannot present satisfactory evidence that the tax has been paid, the recorder must collect the tax. It is the responsibility of the dealer to forward all moneys and applications to the county recorder within fifteen days.

If someone is issued a farm use registration using the sales tax exemption, then changes their mind and wants to use the snowmobile on public trails or ice, they must purchase a registration and will need to pay sales tax unless vehicle is used 51% or more for agricultural purposes. In order to figure the sales tax amount, the customer would need to have the snowmobile appraised (book value) by a DNR Iowa registered dealer and this will determine amount of sales tax paid.

The customer would need to complete the DNR Application and have the Bonding Section and Book Value on second page completed by an Iowa registered dealer. The county recorder would then collect the sales tax owed based on the appraised book value. A paid registration would then be issued.

Sales Tax Report to the Department of Revenue
The recorder shall make a monthly report verifying the payment of the Iowa sales or use tax to the Department of Revenue in the same manner as reports are made concerning vessels and motors.

Transfer of Ownership 321G.29
When a snowmobile is sold the new owner must transfer the title (if applicable) into his/her name within thirty days. At that time, the machine must be registered and titled, paying the full cost of registration, writing fee, title and lien if applicable. Customers need to have:

1. Bill of Sale; and

2. Title (If applicable) - Names on the title and bill of sale must match.

3. Verification of Prior Registration (Below are options for verification of prior registration.)

"Current registration" - A current registration signed over to the buyer is the preferred method of transfer.

"An expired registration" - with names matching the names on the bill of sale and title is also acceptable.

"If a paper registration is not available to the buyer" - the county recorder can look up the vehicle on the RVVRS system.

If the names on the bill of sale, title (if applicable) and registration do not match up - additional information should be requested to ensure that a legitimate sale has taken place. Additional information may include: requiring that the previous owner bring the registration/title current prior to making the transfer of ownership or requiring the bonding process to be initiated.

If the snowmobile has never been registered or titled, the new owner must complete an affidavit of unregistered and untitled, signed by an officer. This includes snowmobiles purchased from outside of Iowa. If a snowmobile has a current registration when purchased but expires within the thirty day waiting period, the buyer must transfer the snowmobile before it expires to avoid penalty. If the thirty day waiting period has passed, the five dollar penalty is collected.

Storage
Snowmobiles are no longer placed in storage. Snowmobiles that were placed in storage prior to 07/01/2007 may be taken out of storage without penalty. If a buyer of a snowmobile that is in storage has a copy of the storage paperwork or the recorder has knowledge that the machine was put in storage before July 1, 2007 there is not a $5.00 penalty.

Dealer Registrations Section 321G.21
Every manufacturer, distributor, or dealer shall register with the department by making application to the commission, upon forms prescribed by the commission, for a special registration certificate and decal. The applicant shall pay a registration fee of forty-five dollars and submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission. [321G.21(2)] Each special registration certificate issued under this section shall be for a period of three years and shall expire on December 31 of the renewal year. A new special registration certificate for the three-year period may be obtained upon application to the commission and payment of the fee provided by law. A county recorder may issue special registration certificate renewals electronically pursuant to rules adopted by the commission. [321G.21(5)]

The commission shall furnish snowmobile dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered snowmobile sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for forty-five days immediately following the purchase. The purchaser of a registered snowmobile may operate it for forty-five days immediately following the purchase, without having completed a transfer of registration. A snow- mobile dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of a snowmobile. [321G.15] Within fifteen days the dealer shall forward all moneys and applications to the county recorder. [321G.29(6)]

A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of a snowmobile. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration. [Sec. 321G.21(7)]

A dealer may obtain a new registration and transfer of registration in the same manner as other purchasers. [Sec. 321G.21(8)]

Safety Certificate
A person who is twelve through seventeen years of age shall not operate a snowmobile on public land or ice or land purchased with snowmobile registration funds in this state without obtaining an education certificate issued by the department and having the certificate in the person's possession, unless that person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile

operation and possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter. [Sec. 321G.24(1)]

A person under sixteen years of age shall not operate a snowmobile on public land, public ice, or a designated snowmobile trail unless under the direct supervision of a parent, legal guardian, or another person who is at least eighteen years old and has been authorized by the parent or guardian, who is experienced in the operation of snowmobiles, and who possesses a valid driver's license or education certificate issued under chapter 321.G.20(1).

Any person who is required to have an education certificate under this chapter and who has completed a course of instruction established under section 321G.2, subsection 1, paragraph "j", including the successful passage of an examination which includes a written test relating to such course of instruction, shall be considered qualified to apply for a safety certificate. [321G.24(3)] Upon application and payment of a fee of five dollars, a qualified applicant shall be issued an education certificate which is valid until the certificate is suspended or revoked for a violation of a provision of this chapter or a rule of the commission or the director of transportation. [321G.24(2)]

A valid snowmobile education certificate or license issued to a nonresident by a governmental authority of another state shall be considered a valid certificate or license in this state if the permit or license requirements of the governmental authority, excluding fees, are substantially the same as the requirements of this chapter as determined by the commission. [321G.24(5)]

Vehicle Identification Number 321G.33

The department may assign a distinguishing number to a snowmobile when the serial number on the snowmobile is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the snowmobile in a position to be determined by the department. The snowmobile shall be registered and titled under the distinguishing number in lieu of the former serial number. Every snowmobile shall have a vehicle identification number assigned and affixed as required by the department. [321G.33(1)]

A person other than a manufacturer who constructs or rebuilds a snowmobile for which there is no legible vehicle identification number shall submit to the department an affidavit which describes the snowmobile. In cooperation with the county recorder, the department shall assign a vehicle identification number to the snowmobile. The applicant shall permanently affix the vehicle identification number to the snowmobile in a manner that such alteration, removal, or replacement of the vehicle identification number would be obvious. [321G.33(4)]

Operation on Public Lands

A person shall not drive or operate a snowmobile on public land without a measurable snow cover [defined by the Code as "one-tenth of one inch of snow"]. [321G.13(3)]

For Rules on Operations on Roadways & Highways see Section 321G.9

Neighboring States' DNR Websites

Illinois: www.dnr.illinois.gov
Minnesota: www.dnr.state.mn.us/index.html
Missouri: www.dnr.mo.gov
Nebraska: www.dnr.ne.gov
South Dakota: http://gfp.sd.gov/
Wisconsin: www.dnr.wi.gov
United States Coast Guard: Boating Safety Division: www.uscgboating.org

Chapter 10 – Miscellany

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This section will explain other items which may be filed or recorded.

Military Discharges 331.608

The recorder has several duties relating to the recordation of discharges and other papers of veterans and members of the military service. The recorder shall maintain a record which, upon request, the discharge of a veteran shall be recorded without charge. [Sec. 331.608(1)]. A "veteran" means a veteran as defined in section 35.1, who enlisted or was inducted from the county, resided at any time in the county or is buried in the county. [Sec. 331.608(9)].

For purposes of this chapter, unless the context otherwise requires, "veteran" also means a resident of this state who is a former member of the armed forces of the United States and who served for a minimum aggregate of eighteen months and who was discharged under honorable conditions. However, "veteran" also means a resident of this state who is a former member of the armed forces of the United States and who, after serving fewer than eighteen months, was honorably discharged because of a service-related injury sustained by the veteran. [Sec 406A] The recorder shall keep an alphabetical index referring to the name of the veteran whose discharge paper is recorded. [Sec. 331.608(5)]. The recorder should note that the Code does not differentiate between types of discharges with respect to recordation, and thus discharges other than honorable discharges must be recorded in this manner. [1920 O.A.G. 714]

If no official discharge was issued or if the veteran was killed in action or died in service, the recorder shall record an official certificate, general or special order, letter, or telegram from a competent authority, including letters from the United States department of defense, the United States Department of Veterans Affairs, or other govern- mental office, which shows the termination of the veteran's service. [Sec. 331.608(2)]. The recorder shall record without charge the discharge or other records of a deceased veteran which are presented on behalf of the deceased veteran by a veterans' organization. [Sec. 331.608(4)].

Military Discharge papers are confidential and unless otherwise provided by the person who requested the recording of a record under this section, notwithstanding section 22.2(1), such record shall be confidential and shall not be made available for examination or copying except as follows:

a) To the person who is the subject of the record, to a member of that person's immediate family, or to that person's agent or representative duly authorized in writing.

b) To a person requesting to examine or copy a record when the event that resulted in the record being made occurred more than sixty-two years prior to the request.

c) To a person who is a funeral director licensed pursuant to chapter 156 and who has custody of the body of a deceased veteran.

d) When otherwise ordered by a court of competent jurisdiction.

e) When otherwise required by a department or agency of the federal or state government or a political subdivision. The recorder shall make these records available to the department of veterans' affairs. The department of veterans' affairs and its employees shall be subject to the same state and federal confidentiality restrictions and requirements that are imposed on the recorder. [331.608(6)]. The recorder should note that the Code provides for free copies only when such copies are necessary to perfect a claim. Standard policy allows free copies for all requests.

The recorder may periodically publish notice of the services provided to military persons and veterans and request the filing of military documents. The recorder shall pay the cost of the publication in the same manner as other expenses of the recorder's office. [Sec. 331.608(8)].

For more information of Military records, you can visit this website the Official Military Personnel Files.

Corporations for Non-Profit

The Iowa Non-Profit Corporation Act (Chapter 504 of the Iowa Code) became effective December 31, 1989. This act governs domestic and foreign corporations for non-profit.

All domestic corporations shall be organized under Chapter 504, except as expressly provided otherwise in Chapter 504.

Townships - Change of Township Name

Any township may petition the county board of supervisors to change its name. [Sec. 359.14] If, upon hearing, the board is satisfied that a majority of the residents in the township are in favor of such a change of name, the board shall make an order for the change, attested by the

county auditor. This order must then be recorded in the office of the county recorder. [Sec. 359.15]

Cemeteries

The owner of any cemetery, or any person with an interest in a cemetery, located in a township may have the cemetery surveyed and platted, and laid out in subdivisions and lots, numbered by progressive number, giving length and breadth. Locations must be given with reference to known or permanent monuments to be made. The plat must accurately describe all the subdivisions of the tract used or designed to be used in a cemetery. The plat must be recorded in the office of the county recorder and filed with and recorded by the township clerk. [Sec. 359.40]

Repair of Cemetery and Cemetery levy - Sec. 331.424B. "Pioneer" cemetery means a cemetery where there have been six or fewer burials in the preceding fifty years.

Sanitary Districts

The functions of a sanitary district may be transferred from the district to a city. The county board of supervisors of the county in which the sanitary district or a major portion of it is located has jurisdiction over such matters. The order of the board must be placed in the records of the board, and must be filed with the county recorder, [Sec. 358.32] but need not be published under Sec. 349.16.

Aviation Authorities - Creation

One or more municipalities may provide by ordinance for the creation of an airport authority in the manner and for the purposes provided under this chapter. The authority shall be created by agreement adopted by ordinance between two or more municipalities, or by ordinance of a single municipality. An authority is a public instrumentality and public body corporate to be known as “Airport Authority." An airport authority may exercise its jurisdiction, powers, and duties as set forth in this chapter. Provisions for the disposition of the authority's rights and properties in the event of dissolution of the authority shall be set forth in the agreement or ordinance creating the authority. [Sec 330A.3]

A municipality that joins initially or subsequently or withdraws shall file notice of such joining or withdrawal with the secretary of state and the county recorder in which such municipality is located. Upon its creation, the authority shall file with the secretary of state and with the county recorder wherein each municipality or part thereof is located a copy of the agreement creating the authority. [330A.7(4)]

Municipalities - Change of City Name
A city may change its name if such a change is proposed by the city council and submitted to the voters at the next city election. If a majority of those voting approve the new name, the city clerk must enter the new name upon the city records. The clerk must also file certified copies of the proceedings, including the council's proposal, proof of publication of the notice, and certification of the election results, with the county recorder of each county that contains any part of the city, and with the secretary of state. The name change is complete and effective upon proper filing. [Sec.368.2]

City Legislation
Immediately after the effective date of a city measure establishing any zoning district, building lines or fire limits, the city clerk shall certify the measure, with a plat showing the district, lines, or limits, to the recorder of any county which contains part of the city. The County Recorder shall index and record the measure and plat. The city pays the recording fee. [Sec. 380.11]

Incorporation, Discontinuance, Boundary Adjustment
Any proposed incorporation, discontinuance, or boundary adjustment of a municipality must be approved by the city development board. After the board approves the proposed action, the proposal must be submitted to the voters of the area involved at a special election. [Sec. 368.19]

After the action is approved by the voters, the board must file with the secretary of state, the city clerk of the city involved, and the recorder of each county in which any part of the municipality lies, the following documents: [Sec. 368.20(2)]

1. A copy of the proceedings of the board, including the original petition and any amendments.

2. The order of the board approving the petition or plan.

3. Proofs of service.

4. Proof of publication of the required notices.

5. Certification of the election results.

6. Any other materials deemed appropriate by the board.

After proper filing and the expiration of the time limit for appeals, the proposed incorporation, discontinuance, or boundary adjustment may be completed, unless an appeal is taken.
Eminent Domain (Condemnations) Section 6B.

The procedure by which private party is condemned under eminent domain is outlined in Chapter 6B of the Code. The land condemned is valued by an appointed six-member county compensation commission. [Sec. 6B.4]

Papers Filed When No Appeal Is Taken

Thirty days after the date of mailing the notice of appraisement of damages, the sheriff shall file with the County Recorder of the County in which the condemned land is situated, the following papers:

1. A certified copy of the application for condemnation. See section 6B.3 for contents of application.

2. All notices, along with all returns of service endorsed on or attached to the returns. [Sec. 6B.8-11]

3. The report prepared of the commissioners. [Sec. 6B.14]

4. All other papers filed with the Sheriff in the condemnation proceedings.

A written statement by the sheriff of all the money received in payment of dam- ages, from whom the money was received, to whom it was paid, the amount paid to each claimant, and reference to the application for condemnation by document reference number or instrument number and the date the application was filed with the county recorder.

Papers Filed When Appeal Is Taken

When the decision of the condemnation commission is appealed to the district court, the clerk of the district court must file with the recorder the following papers: [Sec.6B.36]

1. A copy of the final judgment entry of the court showing the amount of damages determined on appeal.

2. A written statement by the clerk of all money received by the clerk in payment of damages, from whom received, to whom paid, and the amount paid to each claimant.

3. A copy of the description of the property condemned and the interest acquired in the property.

Method of Recording

The papers must be securely fastened together, in the order stated above, and must be accompanied by a certificate of the officer filing the papers [either the sheriff or the clerk of the

district court], stating that the papers are the original files of the condemnation proceeding and that the accompanying statements are true. [Sec. 6B.37]

The recorder must index and record these papers in the record of deeds. The recorder may return the recorded instruments to the sender or dispose of the recorded instrument if the sender does not wish to have the instrument returned. [Sec. 6B.38]

Copy Of Sheriff's Statement (6B.38)
The recorder's fee and revenue stamp will be collected by the sheriff or the clerk of court from the condemner, and be paid by the sheriff or the clerk at the time of filing.

(See instructions for filing condemnation applications and sheriff's statements. The document is included in Appendix C.)

Other Personal Documents
Passports and naturalization papers must not be accepted for recording. These original federal documents must not be copied; to record them would serve no valid legal purposes.

However, certain documents that might serve as documentation for application for naturalization, such as birth certificates or marriage licenses, may be accepted for recording. These records are recorded in the real estate records and are not to be confused with vital records. The birth and death records recorded in real estate records may NOT be certified, as these are recorded with the county recorder, as opposed to the county registrar.

Registration of Farms
The owner of any farm may have the name of that farm, together with a description of the lands to which that name applies, recorded in the office of the county recorder in which the farm is located. [Sec. 331.602(29)] Once a name has been recorded, the same name may not be recorded as the farm name for any other farm in the county. [Sec. 557.23] The fee for each registration is specified in Secs. 331.604, 331.605A, 557.24 , 331.605C.

When the owner of a farm for which the name has been recorded transfers the property, the transfer may include the registered name. But if the owner transfers only part of the property, the registered name may not be transferred to the buyer unless such transfer of name is stated in the deed of conveyance. [Sec. 557.25]

The owner of a registered farm may cancel the registered name by executing and recording an instrument in writing that refers to the farm name. The fee for the cancellation is specified in Secs. 331.604, 331.605A, 557.26, 331.605C.

Change of Name Section 674

Any person desiring to change his or her name may petition the district court for such a change. The petition for change must include, among other things, a legal description of all real property in the state owned by that individual. The decree issued by the court must also list such real property. [Secs. 674.2,5]

The clerk of court must send a certified copy of the decree to the recorder of every county where real property owned by the petitioner is located. [Sec. 674.8] The county recorder and county auditor shall index the change of name, and they shall each charge a recording fee and an auditor's transfer fee for each parcel of real estate involved. [Secs. 331.507, 331.604, 331.605A, 331.605C & 674.14]

In addition, a person may indicate on the application for a marriage license the adoption of a name change. The names used on the marriage license shall become the legal names of the parties to the marriage.

Individual Drainage Rights

Landowners who wish to construct a levee, open ditch, tile, or underground drain across the right of way of a railroad or highway, or two or more property owners who wish to construct a drainage system to serve their lands, must file a written application [including a complete description of the system] with the county auditor. The application is then heard by the county board of supervisors, who must approve or disapprove the construction and establish certain requirements for the project. [Secs.468.600-.606]

The board's findings and decision are filed with the auditor, who then records the findings and decision in the office of the county recorder of the county in which the land involved is located. [Sec. 468.607]

The above provisions apply to any drainage system constructed after July 1, 1969. These drainage systems shall be made a matter of record. Any person having pro- vided a drainage system on land owned before July 1, 1969, may have the system made a matter of record in the office of the county recorder. [Sec. 468.623]

Method of Recording

In lieu of this, the landowner may file with the county recorder the original plat used in the establishment of the drainage system, or a copy of the plat, certified by the engineer who made it. [Sec. 468.626]

Fees

The recorder may collect fees from the applicant(s) for filing of this information and for making copies of such records as is provided for other work of a similar nature. [Sec. 468.612, 468.628]

Fence Law Section 359

Iowa law requires that owners of adjoining tracts of land shall upon written request of either owner be compelled to erect and maintain partition fences, or contribute thereto, and keep the same in good repair throughout the year. [Sec. 359A.1A] Disputes concerning fences are heard by the board of township trustees, in their role as fence viewers. [Sec. 359.17]

Records of Fence Viewers

The orders, decisions, notices, and returns of the fence viewers are entered of record by the township clerk, who must certify a copy of these to be recorded by the county recorder. The recorder must record these and index in the name of each adjoining owner, as grantor to the other. [Sec. 359A.10] When the land is situated in more than one county, the township clerk must record the papers in each of the counties involved. [Sec. 359A.14]

The decision of the fence viewers may be appealed to the district court. The appeal is filed after the record is filed with the recorder. [Sec. 359A.23] Upon final determination by the district court, the clerk of the district court must certify to the recorder the fact that a judgment has been entered on the appeal, along with the book and page number of the judgment. The recorder must then enter a notation on the Recorder's record that a judgment on appeal has been entered, and that the judgment may be found in the office of the clerk of the district court, in the book and page designated by the clerk of court. [Sec. 359A.24]

Private Agreements

The owners of adjoining land may make an agreement on the portion of the fence to be built and maintained by each. The agreement, in writing, must describe the lands and parts of the fences so assigned, and be signed and acknowledged by the landowners involved. The agreement is to be recorded in the county or counties where the land involved is situated. [Sec. 359A.12]

Fees

The recorder's fees for recording these documents [except for private agreements] is received from the township clerk, who collects the fees from the person(s) involved. [Sec. 359A.25]

Mississippi River Parkway
Chapter 308 of the Code establishes a mechanism whereby Iowa can coordinate its efforts to develop the areas adjacent to the Mississippi River in cooperation with any similar federal project. The planning duties under this section fall upon the Iowa Department of Transportation, the Iowa Department of Natural Resources and the Mississippi Parkway Planning Commission. Section 308.9(1) stipulates the County Recorder's duties.

Establishing Locations for the Highway Section 308.9
When, as a result of its investigations and studies, the state transportation commission, in cooperation with the department of natural resources, finds that there may be a need in the future for the development and construction or reconstruction of segments of the great river road, and when the state transportation commission deter- mines that in order to prevent conflicting costly economic development on areas of lands to be available for the great river road when needed for future development, there is need to establish and to inform the public of the approximate location and widths of new or improved segments of the great river road to be needed, the state transportation commission may proceed to establish the location and the approximate widths in the manner provided in this section.

The state transportation commission shall give notice and hold a public hearing on the matter in a convenient place in the area to be affected by the proposed improvement of the great river road. The state transportation commission shall consider and evaluate the testimony presented at the public hearing and shall make a study and prepare a map showing the location of the proposed new or reconstructed segment of the great river road and the approximate widths of right of way needed. The map shall show the existing roadway and the property lines and record owners of lands to be needed. The approval of the map shall be recorded by reference in the state transportation commission's minutes, and a notice of the action and a copy of the map showing the lands or interest in the lands needed in any county shall be filed in the office of the County Recorder of that county. Notice of the action and of the filing shall be published once in a newspaper of general circulation in the county, and within sixty days following the filing, notice of the filing shall be served by registered mail on the owners of record on the date of filing. Using the same procedures for approval, notice and publications, and notice to the affected record owners, the state transportation com- mission may amend the map.

Joint Exercise of Governmental Powers - 28E Agreements

Purpose. 28E.1
The purpose of this chapter is to permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies

and to co-operate in other ways of mutual advantage. This chapter shall be liberally construed to that end.

Definitions. 28E.2

For the purposes of this chapter, the term "public agency" shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state. The term "state" shall mean a state of the United States and the District of Columbia. The term "private agency" shall mean an individual and any form of business organization authorized under the laws of this or any other state.

Filing With Secretary of State. 28E.8

1.

a. Before entry into force, an agreement made pursuant to this chapter shall be filed, in an electronic format, with the secretary of state in a manner specified by the secretary of state.

b. Any amendment, modification, or notice of termination of an agreement made pursuant to this chapter shall be filed, in an electronic format, with the secretary of state within thirty days of the effective date of the amendment, modification, or termination, in a manner specified by the secretary of state.

2.

a. In addition to subsection 1, each entity subject to section 28E.5 shall submit, in an electronic format, an initial report to the secretary of state as prescribed by the secretary of state. The report shall include, as applicable, the name of the entity created, the board members of the joint board created, whether the entity is exempt from the publication requirements of section 28E.6, subsection 3, a valid electronic mail address, and any additional information the secretary of state deems appropriate.

b. Following submission of an initial report pursuant to paragraph "a", each entity subject to section 28E.5 shall submit, in an electronic format, a biennial report to the secretary of state in a manner prescribed by the secretary of state by April 1 of every odd-numbered year beginning in calendar year 2009.

A county shall not be required to pay a fee to the recorder for filing or recording instruments. [Section 331.604 (4)]

Voluntary Annexation of Territory [Sec. 368.7]

All of the owners of land in a territory adjoining a city may apply in writing to the council of the adjoining city requesting annexation of the territory. This annexation is normally requested

from cities to obtain maintenance of streets, water and sewer systems, and fire and police protection. The application must contain a legal description and a map of the territory showing its location in relationship to the city. An annexation including territory comprising not more than 20% of the land area without consent of the property owners is not complete without approval by four-fifths of the members of the board after a hearing for all affected property owners and the county.

For applications for annexation of territory within and not within an urbanized area of a city OTHER THAN the city to which the annexation is directed, see Section 368.7(2) and (3). Section 368.20 outlines filing and recording procedures.

Apostilles [Sec. 9B.14]
It is generally accepted principle throughout the United States that the signed certificate of a notary public is prima facia evidence or authenticity. In other words, the written certification by the notary is sufficient evidence to establish the fact that the legal ceremony documented by the notary actually took place, unless disproved by other evidence. Therefore, no further authentication is typically required if the document signed by the notary is to remain in the jurisdiction where the notary is commissioned.

If a document is to be presented or filed outside of the United States, there are two methods for accomplishing the process called "Legalization for Foreign Documents."

Apostille Certification
In 1981, when the United States signed the Hague Treaty the authentication process was streamlined. In the example above, if the destination nation of the legal document is also a party to the Hague Treaty, the document receives an authentication known as an Apostille.

The Iowa Secretary of State verifies the validity of the notary's commission and authority on the date the document was notarized. An Apostille certificate signed by the Secretary of State is then attached to the legal document. The authenticated document is now legalized and prepared to be received at the Hague Treaty destination country with full legal recognition. There is a fee of five (5) dollars per certificate.

Call the Secretary of State's office for assistance at (515) 281-5204.

Chain Certification
In the past, every document intended to be delivered to a foreign nation required a multi-step legalization. This process, sometimes called chain certification, is still necessary for nations not party to the Hague Convention on Abolishing the Requirements of Legalization for Foreign Documents (also known as the Hague Treaty). In the chain certification process, for example, a

person executes a document in Cedar Rapids before an Iowa notary. The notary signs and certifies the acknowledgment of the principal signing the document. The client then delivers the executed legal document to the office of Secretary of State in Des Moines for the state authentication because the notary's signature record is recorded in the office. The Secretary of State attaches a state authentication certificate signed by the Secretary to the document. After the document is state-certified it is delivered to the U.S. Department of State in Washing- ton D.C. The U.S. Department of State will attach a federal authentication certificate signed by the U.S. Secretary of State. This certifies that the prior certification by the Iowa Secretary of State was legitimate. A final step may be required; certification by a consular officer at the consulate or the embassy of the destination foreign nation located in the United States. This step certifies that the prior certification by the U.S. Secretary of State was legitimate. The document is now legalized and prepared to be received by the destination country with full legal recognition.

For a list of the members go to https://www.hcch.net/ as the list will be updated.

If a document is to leave the state or country, or if the client wishes to simply verify the legitimacy of a notary public, authentication is available from the office of the Secretary of State. The party desiring authentication may send a letter to or call the Secretary of State requesting an authentication and provide the following:

1. the name of the country (or state) to which the document is to be sent;

2. the name of the notary public that notarized the document;

3. the date the document was notarized; and

4. if the notarization was done by the clerk of court or a register of vital statistics, the name of their Iowa county, the name and title of the official, and if signed by a designee, the name of the designee.

The Secretary will confirm that a commission has been issued (or if a clerk or registrar of vital statistics, that they hold the position), and verify that the notary was properly authorized to perform the notarial act at the time of notarizing the document. The certificate of authentication signed by the Secretary and sealed with his official seal is returned to the requesting party to be attached to the document. A document signed by a notary with a state authentication certificate is permitted to be entered as evidence in any court or hearing or be recorded in any state in the United States.

Naturalization Records

County Recorders are authorized to retain certain naturalization records. See Appendix K referencing a General Order of the Fourth Judicial District dated March 12, 2004.

Chapter 11 – ICRA Bylaws

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The Iowa County Recorders Association is a private domestic non- profit organization established on October 31, 1967. The purpose of the organization is to provide ongoing support and continuing education for elected County Recorders, Deputy Recorders and staff, and to encourage the application of best practices and standards which will result in high quality services for customers and constituents.

The Association establishes by-laws to provide for its governance and operation which may be updated and amended as necessary. The current ICRA bylaws are published here for reference.

State of Iowa County Recorders' Association
Established July, 2012, amended March 10, 2023

1. All By-laws enacted, amended, altered or repealed must be by majority vote of members voting at the annual meeting, special conference or school.

2. The following districts are hereby authorized, ratified and established:

District No. 1
Calhoun, Webster, Hamilton, Hardin, Grundy, Carroll, Greene, Boone, Story, Marshall, Tama, Dallas, Polk, Jasper, Poweshiek, and Warren Counties.

District No. 2
Emmet, Kossuth, Winnebago, Worth, Mitchell, Howard, Winneshiek, Allamakee, Hancock, Cerro Gordo, Floyd, Chickasaw, Humboldt, Wright, Franklin, Butler, Bremer, and Fayette Counties.

District No. 3
Lyon, Osceola, Dickinson, Sioux, O'Brien, Clay, Palo Alto, Plymouth, Cherokee, Buena Vista, Pocahontas, Woodbury, Ida, Sac, Monona, and Crawford Counties.

District No. 4
Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Madison, Mills, Montgomery, Adams, Union, Clarke, Fremont, Page, Taylor, Ringgold, and Decatur Counties.

District No. 5
Marion, Mahaska, Keokuk, Washington, Louisa, Muscatine, Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Wayne, Appanoose, Davis, Van Buren, and Lee Counties.

District No. 6
Clayton, Black Hawk, Buchanan, Delaware, Dubuque, Benton, Linn, Jones, Jackson, Iowa, Johnson, Cedar, Clinton, and Scott Counties.

Qualification of Members
Members of the Iowa County Recorders' Association shall consist of all County Recorders, their Deputies and Clerks. There shall be only one voting member per county. All Schools of Instruction registration fees and Research and Education Assessments must be paid to vote at the Recorders' Association meetings unless prohibited by county policy.

Association Dues
Association Dues are set by the Executive Board for purposes of Research and Education.

1. The Association Dues shall be reviewed each year by the Executive Board of the Association and approved for the next calendar year.

2. The Treasurer of the Iowa County Recorder’s Association shall send to each county an invoice of dues owed to the Association for membership in January.

3. Assessed Association Dues will be for a period from January 1st to December 31st of the current year. Counties must pay the Association Dues by March 31st of the current year.

4. Any Recorder who has not paid Association Dues by the March 31 deadline, unless payment of dues is prohibited by county policy or budgeting, will not be eligible to be elected to the Executive Board, have voting privileges, receive communications from the Association, be appointed to committees that represent the Iowa County Recorder's Association, or be recognized for discussion or input by the person presiding at any meeting.

5. If payment is prohibited by county policy, the recorder must provide to the Executive Board such policy. If payment is prohibited by budgeting, the recorder must provide proof of budget constraints.

Time and Place of Meetings
The Iowa County Recorders' Association shall meet biannually in joint session with the Iowa State Association of Counties at the place determined by said Association of Counties. Other conferences, school, and special meetings shall be set by the PRESIDENT and notice shall be properly given to all members by the SECRETARY. The time and place of conferences, schools, and special meetings shall be set by majority vote of the Executive Board.

Officers and Executive Board
The officers of the Association shall be: PRESIDENT, VICE-PRESIDENT, SECRETARY, TREASURER, ISAC DIRECTOR, LEGISLATIVE CO-CHAIRPERSONS AND IMMEDIATE PAST PRESIDENT.

These eight (8) officers shall comprise the Executive Board and be voting members, with the exception of the President who shall vote only in case of a tie. (Immediate Past President as a voting member of the Executive Board shall have expenses to meetings paid).

Nominations and Elections
Nominations shall be made by the Nominating Committee and additional nominations may be made from the floor, except for Legislative Co-Chairpersons, at the annual fall meeting. The Nominating Committee shall make an effort to ensure that the offices of PRESIDENT, VICE-PRESIDENT, SECRETARY, and TREASURER alternate in political partisan affiliation.

In instances where the Nominating Committee cannot find willing and qualified candidates, exceptions can be made. Effort should be made to ensure the overall makeup of the executive board remains as political party balanced as possible. Voting shall be made by ballot if more than one (1) person has been nominated for an office. Nominations for Legislative Co-

Chairperson shall be made by each District, and shall be submitted to the Executive Board for consideration at the Recorder's Summer School. The Executive Board may consider two alternate positions for each Legislative Co-Chairperson. The Executive Board shall name the Co- Chairperson, and Alternates. if necessary, by the end of the calendar year.

1. The term of office shall be one (1) year or until a successor has been qualified and no officer may serve in the same capacity for more than two (2) consecutive one-year terms. Exceptions to the two-year limit can be made for the offices of SECRETARY, TREASURER, and VICE PRESIDENT if approved by a vote of the Association. Upon completion of serving in any capacity for the two-year limit, any qualified candidate shall be eligible to serve again if at least (5) five years have elapsed since the candidate last held the office. However, if no qualified person is willing to serve as Legislative Co-Chairperson, the incumbent may continue to serve. The ISAC Director shall be eligible to serve three (3) one-year terms unless elected to a position on the ISAC Board within three (3) years. The ISAC Director may continue to be eligible for re-election as long as they are serving as an officer on the ISAC Board. The year the officer is Past President of ISAC a second Recorder shall be named as ISAC Director.

2. The LEGISLATIVE CO-CHAIRPERSONS shall be of opposite political parties and shall be appointed in alternate years; i.e., one (1) LEGISLATIVE CO-CHAIRPERSON shall be appointed in even numbered years and one (1) LEGISLATIVE CO- CHAIRPERSON shall be appointed in odd-numbered years. Two (2) Legislative Co-Chair Alternates, a first and a second, may be appointed with each Co Chair- person-the Alternates being appointed annually. However, the first Alternate has voting powers in the absence of the legislative co-chair of their party, with second alternate having voting power in the absence of the other two.

3. In the case of a vacancy in any of the offices, the Executive Board shall appoint a successor for the remainder of the term, unless otherwise provided.

4. Any Recorder who has not paid Association dues will not be eligible to be elected to the Executive Board, have voting privileges, receive communications from the Association, or be recognized for discussion or input by the person presiding at any meeting, unless payment of dues is prohibited by county policy or budgeting.

5. Officers of the Recorders' Association shall be elected, with the exception of LEGISLATIVE CO-CHAIRPERSONS who shall be appointed as specified in paragraph two. Officers shall be installed at the Fall School and assume their responsibilities immediately following the school. The PRESIDENT shall call an organizational meeting of the Executive Board following the school as deemed necessary.

6. The Electronic Services System shall be under the direction and control of the Executive Board. The Executive Board shall appoint a committee to govern and coordinate the Iowa Land Records information system and electronic services web portal as provided in the County Electronic Services System 28E Agreement. The ESS Coordinating Committee shall perform the duties and responsibilities delegated by the Executive Board of the Association. Members of the Association shall comply with all standards, policies and requirements for the delivery of electronic services adopted by the Association.

Duties of Officers

1. The books and accounts shall be open at all times for inspection by an elected officer or committee of the Association. Within ten (10) days after election, the TREASURER shall submit a corporate surety bond to the PRESIDENT and VICE-PRESIDENT for their approval and holding. Said bond shall be in the amount of $20,000 and the premium shall be paid by the Association.

2. The PRESIDENT shall preside at all meetings and preserve order, enforce the Constitution, Laws, and Regulations of the Association and appoint all committees unless otherwise provided. He/ She shall be an ex-officio member of all committees.

3. The VICE-PRESIDENT shall assist the PRESIDENT, and in his/her absence, inability to serve, or when so directed, succeed to the authority of the office. In case of death, disability, or failure of the VICE-PRESIDENT to fill the vacant office of PRESIDENT, said vacancy shall be filled by the Executive Board for the remainder of the term of said PRESIDENT.

4. The SECRETARY shall keep the minutes of all meetings and all other business and papers of the Association. The SECRETARY shall send all notices on request from the PRESI- DENT, take and maintain roll calls, and perform other duties assigned by the Executive Board. Electronic recording devices may be used by the SECRETARY. Members may use Electronic recording devices with the understanding that the PRESIDENT may, at his or her discretion, ask that the Electronic recording devices be turned off, or the person speaking to the Association may ask that it be turned off.

5. The TREASURER shall receive all monies for the Association from whatever source.

6. The ISAC DIRECTOR shall be a permanent member of the Legislative Committee, shall serve on the ISAC Board, and shall serve as liaison between said Board and the Recorders' Association.

7. Either LEGISLATIVE CO-CHAIRPERSON shall call all state Legislative meetings, shall preside and preserve order at said meetings, and shall be the liaison between the Recorders' Association and Iowa State legislature.

8. IMMEDIATE PAST PRESIDENT shall assist the President and any executive board member that needs guidance on matters before them.

Executive Board

1. The quorum of the Executive Board shall be five (5) members present.

2. No member of the Executive Board of the Recorders' Association shall simultaneously serve two (2) offices on said Board.

Committees

1. The regular committees of the Association shall be:
    a. LEGISLATIVE COMMITTEE, consisting of fifteen (15) members, i.e., the LEGISLATIVE CO-CHAIRPERSONS, the ISAC DIRECTOR and two (2) members elected from each of the six (6) districts. The two (2) members elected from each district will be elected no later than June 30th of each year. Two or more alternates shall also be elected in the same manner by each of the six (6) districts. A total of two (2) votes per district may be cast at any regularly scheduled legislative meeting. All Recorders who have served as past ISAC Directors and current Executive Board shall be ex-officio members of the Legislative Committee. Ex- officio members and present Executive Board may be a voting delegate for their District in the absence of the allowed number of legislative delegates or alternates from their District. If the total allowed number of delegates, alternates or ex-officio members are not present from a district at a legislative meeting, a Recorder present from that district may be appointed by the Legislative Co-Chairpersons as a temporary voting delegate to vote for their district.

    b. RESOLUTIONS COMMITTEE, consisting of three (3) members appointed by the PRESIDENT.

    c. NOMINATING COMMITTEE, consisting of three (3) members appointed by the PRESIDENT. The committee shall obtain nominees for the positions of PRESIDENT, VICE-PRESIDENT, SECRETARY, TREASURER, and ISAC DIRECTOR.

    d. FINANCIAL REVIEW COMMITTEE shall be appointed by the President on an annual basis and audit the records of the association annually.

    e. CERTIFICATION COMMITTEE consists of least one member from each district.

f. DNR LIASON COMMITTEE consists of at least one member from each district.

g. VITALS LIASON COMMITTEE consists of at least one member from each district.

h. HOSPITALITY COMMITTEE consists of Co-Chairpersons that plan for the Spring School hospitality event or other activities as deems necessary by the Executive Board.

2. The PRESIDENT may appoint any special committee needed for a special purpose whose function is different from the regular committee.

Disbursements

1. The Association will reimburse mileage in accordance with the change to the current IRS rate.

2. The Association policy will be that one night's lodging for one full day meeting is justifiable expense. Any claim in excess of one night's lodging must have special Executive Board approval.

3. Receipts will be required for all expenses.

4. All bills will be subject to approval by the Executive Board. The TREASURER will submit bills in a timely manner to the Board and the PRESIDENT shall initial and approve at their earliest convenience. The TREASURER will pay all bills promptly after approval.

5. The Executive Board meetings will be conducted by conference call when practical.

6. There shall be two (2) authorized signatures on file for any bank account belonging to the Recorders' Association. These shall be the signatures of the TREASURER and the PRESIDENT. However, only one authorized signature will be required on any check, it being the intent for the PRESIDENT to be able to make disbursements in the absence of the TREASURER.

7. When a legislative meeting is called, not in conjunction with an ISAC School of Instruction, all expenses for the two (2) Co-Chairpersons on the Legislative Committee will be paid in full. The remainder of the Legislative Committee would receive only the meeting room or registration fee expenses absorbed by the Iowa County Recorders' Association. When the situation is on behalf of a lobbying effort for the Recorders' Association, the Association would stand the complete expenses for the two (2) Co-

Chairpersons of the Legislative Committee, and two (2) additional persons, not to exceed four (4) persons.

8. The PRESIDENT shall be reimbursed for expenses not to exceed $1500 for attending any one National Convention of PRIA, iGO or NACO, with submission of substantiating receipts, and with the understanding that a complete report of the Convention will be given at the next state meeting of the Recorders' Association. If the PRESIDENT of the Association cannot attend, that privilege will be extended down through the Executive Board Officers, starting with the VICE-PRESIDENT, TREASURER, SECRETARY, ISAC DIRECTOR, LEGISLATIVE COCHAIR PERSONS, and immediate PAST PRESIDENT. In the event the preceding officers choose not to attend, then the Executive Board may offer the opportunity to attend one National Convention (listed above) to one Recorder serving on the ESS Committee. In the event no one from the ESS Committee chooses to attend, the Executive Board would have the discretion to offer the opportunity to another Recorder within the Association.

9. All expenses of the Executive Board of the State Association will be paid for a special meeting or meeting not in conjunction with an ISAC School of Instruction.

Incorporation For Non-Profit
THE EXECUTIVE BOARD shall incorporate this Association as a Corporation for non-profit after the Association so orders at the annual meeting, special meeting, or school.

Adopted by Association July, 2012, Amended March 10, 2023.

Article of Incorporation
(below are samples of “articles of incorporation” document)

RECEIVED
1967 OCT 31 AM 9:
SECRETARY OF STATE
IOWA

ARTICLES OF INCORPORATION

OF

IOWA COUNTY RECORDERS ASSOCIATION, INC.

We, the undersigned, acting as incorporators of a corporation not for profit under the Iowa Non-profit Corporation Act, Chapter 504A, Code of Iowa, 1966, hereby adopt the following Articles of Incorporation for such corporation:

ARTICLE I

Name

The name of the corporation shall be Iowa County Recorders Association, Inc.

ARTICLE II

Duration

The duration of the corporation shall be perpetual.

ARTICLE III

Purposes

The purpose for which this Association is organized are to perpetuate and preserve county government and the office of the County Recorder, and to afford a medium to facilitate an exchange of ideas among Recorders to the end that honest, conscientious and progressive county administration shall be exercised by all members.

ARTICLE IV

Initial Registered Office and Registered Agent

The registered agent is Ramona Williams; the address of its initial registered office is Room 208, Black Hawk County Court House, 316 East Fifth Street, Waterloo, Black Hawk County, Iowa.

ARTICLE V

Directors

Ramona Williams Room 208, Courthouse 316 East Fifth Street Black Hawk County Waterloo, Iowa 50703	Walter Lange Room 206, Courthouse 600 Block on North Second Street Clinton County Clinton, Iowa 52732	Alaine Kellogg Courthouse 101 South Main Street Floyd County Charles City, Iowa 50616

ARTICLE VI

Existence

The existence of this corporation shall begin on the 1st day of January, 1968.

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ARTICLE VII

Incorporators

The name and address of each incorporator is as follows:

Ramona Williams	Walter Lange	Alaine Kellogg
Room 208, Courthouse	Room 206, Courthouse	Courthouse
316 East Fifth Street	600 Block on North Second Street	101 South Main Street
Black Hawk County	Clinton County	Floyd County
Waterloo, Iowa 50703	Clinton, Iowa 52732	Charles City, Iowa 50616

Dated this 13th day of October, 1967.

Ramona Williams
Ramona Williams

Walter Lange
Walter Lange

Alaine Kellogg
Alaine Kellogg

INCORPORATORS

State of Iowa)
Black Hawk County) ss.

On this 13th day of October, 1967, before me the undersigned notary public in and for said county personally appeared Ramona Williams, to me known to be the identical person whose name is subscribed to the Articles of the foregoing corporation, and she acknowledges the execution thereof to be her voluntary act and deed.

Witness my hand and Notarial Seal on the date last above mentioned.

Raymond L Stevenson

State of Iowa)
Clinton County) ss.

On this 12th day of October, 1967, before me the undersigned notary public in and for said county personally appeared Walter Lange, to me known to be the identical person whose name is subscribed to the Articles of the foregoing corporation, and he acknowledges the execution thereof to be his voluntary act and deed.

Witness my hand and Notarial Seal on the date last above mentioned.

L. Lee
L. LEE Notary Public in and for Clinton County, Iowa.

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-3-

State of Iowa)
Floyd County) ss.

On this 9th day of October, 1967, before me the undersigned, notary public in and for said county, personally appeared Alaine Kellogg, to me known to be the identical person whose name is subscribed to the Articles of the foregoing corporation, and she acknowledges the execution thereof to be her voluntary act and deed.

Witness my hand and Notarial Seal on the date last above mentioned.

Wilma DeHaven
Notary Public in and for Floyd County, Iowa

Indexed A
Compared B
Paged A

art of Inc
14432

BLACK HAWK COUNTY, IOWA:SS
Filed for record Nov. 9 1967
at 2:55 P. M. and recorded in
Book 8 on Page 175 of Misc.
Ramona Williams Recorder
Bertie Andersen Deputy
Fee 3.50 Ramona Williams

OFFICE OF THE SECRETARY OF STATE
Des Moines, Iowa
This instrument recorded in Book 4-24 Page 43 Oct. 31 1967
Expires Perpetual Cert. No. 39288 Receipt No. 39288
Fd. & By Ramona Williams, Co. Recorder, Waterloo, Ia.
Filing Fee $10.00 Recording Fee $1.50
Secretary of State

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Chapter 12 – ICRA Certification Program

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Professional Development

The Iowa County Recorders Association Certification Program has been established to provide ongoing training and professional development to elected County Recorders and Deputy Recorders. The office of the County Recorder provides many important services to Iowa citizens. Elected officials and their staff are encouraged to learn everything they can about their duties and responsibilities, as well as improving and acquiring the skills they need to provide excellent management and customer service.

The Certification Program is designed to be completed within a two-year period. To be certified, a County Recorder or Deputy Recorder must earn 12 core credits. Core courses are offered in conjunction with spring and fall conferences sponsored by the Iowa State Association of Counties (ISAC) and/or summer school conferences sponsored by the Iowa County Recorders Association.

In the Summer of 2010, the ICRA Executive Board appointed a task force to look into developing a formalized continuing education program to help County Recorders and Deputies fulfill their managerial duties and professional responsibilities. The first training session was presented in the fall of 2011.

The Mission of the Iowa Certified Recorder Program is to provide educational training designed to improve and enhance the management skills, knowledge and professionalism of Iowa County Recorders, and further enable them to fulfill their elected duties and better serve their community.

Core Course

-Leadership/Ethics
-Open meetings/Open Records
-Communication
-Human Resources/Office Management
-Iowa Code/Resources: Admin Rules - Case Law
-Technology Applications
-Local Government/Budget

Courses are generally offered during the following events:

- ISAC Spring and Fall Meetings
- ICRA Summer School
- Iowa Land Records Annual Conference
- One national meeting in a 2-year program
- ISAC University
- ISAC New Officers School
- On-line sessions when available

Participation Requirements

Participants must be a duly elected or appointed County Recorder of the State of Iowa in good standing with the ICRA. For the purposes of the ICRA Certification Program, one in "good standing" is defined as a Recorder who is in full compliance with the ICRA Bylaws.

Deputy Recorders may enroll in the program with the permission of their County Recorder; upon course completion, they will have earned “Certified Deputy Recorder” status. Deputies elected into office after they reach certification status will receive a certificate with “Certified Recorder” at the next graduation if enrolled prior to election.

Course Registration

Program Registration will be managed by the Certification Committee Co-Chairs. Course Registration will vary based on course needs.

Fees For Certification Program

No fees will be charged to be in the Certification Program. Additionally, course expenses will largely be covered by the ICRA Certification Program Fund, but there may be modest registration fees when necessary to cover speaker expenses.

Attendance

An attendance sheet will be passed around the room for self-registration during each credited course. If you miss signing the sheet and you were present, please email the co-chairs within one month to receive your core credits.

Graduation

At the end of every 2-year program, a Graduation Ceremony will be held. To keep record-keeping clean, individuals not obtaining 12 core credits in the 2-year period will not graduate and lose accumulated credits earned as a new program will begin the following January for all.

Continuing Education Certification Committee

Per ICRA Bylaws, the Committee will consist of one or two members from each of the 6 districts. Members of the Executive Board may choose to join the committee or just attend meetings. Committee members will serve a 2- year term and may serve additional terms. There will be a Chair or Co-Chairs to assist in registration, records management, and final certification. The ICRA Treasurer will take care of all financial duties of the program.

Chapter 13 – Indexing Grantor/ Grantee Names

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ICRA Indexing Policy and Guidelines

During the fall of 2022, a committee was created to update the Recorders' Manual. The team working on the Indexing policy and guidelines proposed to use the PRIA Indexing Best Practices.

The purpose was to foster greater consistency throughout the state in the indexing of names, to implement generally accepted database standards which provide for the separation or "parsing" of first, middle and last names, and to facilitate electronic record searches as more data and information became available for public access through the internet and other media.

This section reflects the changes that will be adopted by the Iowa County Recorders Association. Once adopted, each recorder will need to consistently use the same indexing.

Indexing Clarification

The Iowa County Recorder's Indexing Committee met January 14, 2004, in order to go over a variety of questions that have been forwarded as a result of the establishment of standards that were to go into effect January 1, 2004.

The majority of the questions have fallen into four categories:

1. Trust and estate documents

2. Abbreviations

3. Corner certificates

4. Clarification of AKA NKA FKA (Also Known As/ Now Known As; Formally Known As).

The committee would like to commend all of the recorders for stepping up and working hard to comply to the new standards. This will be a year of learning for all of us, including this committee. This is a reminder, however, that this committee has only dealt with the indexing of grantor/grantee names. The subject of how to index is not covered in the standards document.

Trust & Estates

Trust and estates should be indexed as human names and non-human names. If your county has indexed them as non-human names, we would encourage you to index them both ways.

We also would encourage you to use separate lines for each name.

	John Doe Trust	DOE JOHN TRUST JOHN DOE TRUST

	Joyce and Richard Scybert Revocable Trust	SCYBERT JOYCE REV TR SCYBERT RICHARD REV TR JOYCE & RICHARD SCYBERT REV TR

Remember that Code Sec. 558.52 defines what needs to be indexed.

Abbreviations

Appendix "B' recommends that you do not use abbreviations in the first word. This committee would encourage you to not abbreviate the second word either. Keep in mind that the first three fields are the most important input fields.

	City of Mt Pleasant	MOUNT PLEASANT CITY OF
	Brown Tire Service Company	BROWN TIRE SERVICE CO
	Principal Residential Mortgage Corporation	PRINCIPAL RESIDENTIAL MTG CORP
	S.J. Brown Inc	SJ BROWN INC

Corner Certificates

Grantor: Name of Surveyor and Name of Survey Company
Grantee: Public

Survey Names

Grantor: name of Surveyor & name of survey company
Grantee: Owner of record & requesting party

[Note: There has been much discussion concerning corner certificates!! I contacted Carl Ernst and together we reviewed the code section. PRIA recommends that the index should not contain legal descriptions. Hopefully all of you have a tract index in your office that can be used to locate corner certificates.]

Clarification of AKA, FKA, NKA

This area really needs to be defined better. This definition belongs to human names only. List all fka, nka and aka's that are listed on the document. Do not use aka etc after the name.

When a release comes in with several bank names listed, use only the releasing bank, not all the prior names of that bank.

[Note: One issue that seems to be of concern to many recorders is the old indexes. It is not the position or the recommendation of this committee to convert the legacy systems in use to the new indexing system.]

Background

The purpose of recording instruments and notices applicable to real property transactions or encumbrances is to provide an inexpensive legal means to protect the interests of owners and encumbrances by notifying all creditors, subsequent purchasers, and others with an economic interest in a parcel of real property about ownership of and encumbrances against that property.

Indexing - The Key to Real Estate Records

The means by which land recording offices achieve their mission is not only by maintaining original copies of all real estate-related documents required to be recorded in secure, non-alterable form, but also by providing searchers with a means of accessing these documents through indexes to the documents. A primary index, whatever its local designation, contains the names of all grantors and grantees included on the documents recorded, sorted into an orderly listing. This name index is the type of index that is the subject of this paper.

One of the purposes of this paper is to suggest how recording offices can reconsider their indexing policies and practices in ways that are more scientific and less arbitrary and artful, utilizing computer technology and programming techniques available today.

It is not the position of this committee to deal with the existing legacy indexing systems that are currently used in recording office today, nor is it the recommendation of this committee to convert the legacy systems in use to the new indexing system. This committee does recommend the implementation of this indexing system beginning January 1, 2004.

PRIA has identified seven objectives that every recording office should strive to meet in developing and maintaining its grantor/grantee indexing system. The Iowa Recorders Association has agreed to accept these objectives.

1. Timeliness - An index to provide public notice of recordings is useful only to the extent that it is current. Recording offices should strive to have each document received for recording indexed by the end of the same business day as the document is received.

2. Accuracy - An index to provide public notice of recordings is useful only to the extent that it accurately replicates the grantor and grantee names that appear in documents. Errors and inconsistencies in keying party names can create breaks in the chain of title and hidden liens.

3. Completeness - An index to provide public notice of recordings is useful only to the extent that it is complete. "Complete" means both that all documents recorded are indexed and that all grantors and grantees in documents are indexed.

4. Consistency - An index to provide public notice of recordings is useful only to the extent that the names are consistent. Names should be keyed and entered into the index in a consistent fashion. For example, entry of "national" as either "natl" or "national" can create hid- den records and liens. Consistency rules are some of the most difficult to develop, yet they are a necessity.

5. Accessibility - An index to provide public notice of recordings is useful only to the extent that the index is accessible, through on-site terminals, internet web sites, and sales of bulk data to title plants and private vendors who program different ways of searching and using the information.

6. Ease of Use - An index to provide public notice of recordings is useful only to the extent that access to it is logical and easy for the user to access. The grantor/grantee index should be divided and ordered alphabetically in such a way that searchers can find what they are looking for with a minimum of special instructions.

7. Readability - An index to provide public notice of recordings is useful only to the extent that the information provided in a search of the index is readable. This involves not only placing in the index information necessary to identify the type and location of the actual document, but, using modern technologies, also making images of documents readily available to the public.

Indexing procedures for spelling variations and illegibility

When instruments contain:

- variations between the typed or printed portions and signatures
- partially illegible signatures
- information in the typed or printed portion not given by signatures

The following procedures shall govern the indexing:

1. If the signature is legible it governs.

2. If the printed version of a human name spells out a name that is only initials in the signature, and the printed name is not in conflict with the signature, the printed or typed name governs.

3. When one or more words in the signature is legible, it governs for that word.

4. If none of the words in the signature are legible, the printed or typed name governs.

5. Index both printed and signature name.

Without statutory guidance to document preparers, land recording offices will continue to deal with problems of discerning the proper name to put into their name indexes. This paper does not purport to address this problem. Some decisions will remain subjective.

The recorder shall assume that all signatures on a document are in the United States signature convention of given name(s) followed by surname.

Keying Process

In order to bring as much objectivity to the decision-making process, this paper takes the position that a combination of the key entry operator and program logic should index a name in all the ways that a searcher might try to find it.

Recommendations: Fundamental keying rules

1. Decide which names, and which variations of names, are to be entered into the index.

2. If you cannot decide how to enter a name, enter it so that it will be indexed in all possible ways.

3. Enter human and non-human names in different field structures.

4. Enter each name on a separate line.

Keying accuracy is a separate issue. Verification through review is highly encouraged by this committee. Using program logic for repeated non-human names increases the accuracy of indexing.

Punctuation

1. Punctuation will not be used to separate human names.

Human names- American name sequence assumed.

	John L. Johnson	JOHNSON JOHN L
	Joseph P. O'Brien	OBRIEN JOSEPH P
	O. Betty White	WHITE O BETTY

Punctuation such as hyphen, apostrophe, comma, slash, colon, semi-colon, parentheses, quotation marks, brackets, or period shall not be used for non-human names.

2. When a non-human name contains two words separated by a hyphen(-) or a slash(/), the hyphen or slash shall be dropped. A space shall separate the two words.

Jones-Smith Construction Co	JONES SMITH CONSTRUCTION CO

3. When a non-human name contains words separated by a comma, period, colon, or semi-colon the punctuation shall be dropped.

Jones, Smith, Ramsey, and Associates	JONES SMITH RAMSEY & ASSOC
Bankers Trust: California	BANKERS TRUST CALIFORNIA

4. When a non-human name contains an apostrophe, the apostrophe shall be dropped. If the apostrophe is between two letters, no space shall separate the letters.

Tom's Peanut Co	TOMS PEANUT CO
Barclays/American Mortgage Corp	BARCLAYS AMERICAN MORTGAGE CORP

5. Quotation marks, brackets, and parentheses shall be dropped from non-human names.

Nationsbank (Carolinas)	NATIONSBANK CAROLINAS

Symbols

The following characters and symbols shall be used for indexing and sorting non-human names:

	English alphabet letters Arabic numerals
	! (when used as a symbol and not as punctuation)
	: (when used in time such as 8:30 AM Café #
	$; % ; & ; * ; + ; = ;
	/ (for fractions and date) @

6. If a non-human name contains a character or symbol not listed above, the symbol shall be dropped.

360º Communications	360 COMMUNICATIONS

PRIA BEST PRACTICES: INDEXING NAMES & PARTIES

Capitalization of Letters

a) Recommend upper case letters throughout the index.

b) Most LRMS systems convert lower to upper case.

Corrections

a) Make corrections to the index whenever and wherever necessary. However, incorrect data should never be deleted from the index; rather an additional index entry with the corrected information should be added.

b) Aim to make the index consistent and accessible through the span of years. Provide notice in the comments/notes section indicating where, when, and why changes occurred.

Index as Shown on the Document

a) Index -data as it appears on the documents. This statement applies to all applicable fields within your LRMS. If it is spelled incorrectly on the document, input exactly as shown.

Cross-Indexing/Referencing

a) Cross-Indexing refers to the practice of indexing names or companies that may be related to another name or heading.

b) Use common sense when cross-indexing by name variation (e.g., when you see a/k/a or f/k/a, key the second name separately). The extra time it takes to cross-index a name variation may save hours of searching in the future.

c) Cross-referencing is vital when indexing documents in a chain of title, e.g., document number, book and page, legal description, and receipt number.

Numbers

a) Arabic numbers stay as numbers (e.g., 1, 2, 3, 4, 10).

b) Roman numerals stay as numerals (e.g., I, II, III, IV, X).

c) Legacy system restrictions may require different variations.

Abbreviations

a) Most recording jurisdictions now have an unlimited or 100-character field length for the party name field, so DO NOT ABBREVIATE, unless the abbreviation is on the document.

b) Legacy software may dictate the need to truncate entries if there is inadequate room in the entry field.

Punctuation and Special Characters in Organization/Corporation Names

Use punctuation when necessary to keep the integrity of a name.

a) If there is a possessive apostrophe (’), use it (e.g., JOE’S)

b) If there is an apostrophe (’) in a name, use it (e.g., O’MALLEY’S).

c) If there is a period (.), use it (e.g., BANK.COM).

d) If there is a comma (,), use it (e.g., ROMER, COOK & JONES).

e) If there is a hyphen (-), use it (e.g., ROSS-JONES APOTHOCARY).

f) If there is a slash (/), use it (e.g., ROSS/JONES APOTHOCARY).

g) If there are any other special characters, use them (e.g., @, #, $, &).

Indexing Individual Names

1. Single Last Names

   Index as: LASTNAME FIRSTNAME MIDDLE NAME/ INITIALS SUFFIX

Two Types of Names

There are two types of names to contend with: human and non-human. Each has its own peculiarities. Therefore, a separate set of rules must be applied to each.

Human Names

For indexing purposes, human names are names of individual human beings. Human names are not associated with or used in the names of businesses or other entities.

1. Index character set is A-Z only. Blank is not a character. Numbers (2nd, II, 3rd, IV) may appear in suffixes, but they are not part of the index entry.

2. American name sequence is assumed.

3. Split names into five fields: First, Middle, Surname, Lineage/suffix and Capacity/role.

4. Enter all forms of name appearing on the document: signature and printed names.

5. Separate multiple names (including AKA, FKA etc.) into separate entries: John and Mary Smith = 2 entries= John Smith, Mary Smith.

6. Surname

For the purpose of alphabetizing, the surname shall be considered as one word except for compound names as defined later. If the name contains blank spaces, apostrophes, or hyphens they will be dropped and ignored in the indexing process.

Non-Human Names

Non-human names are names of corporations, partnerships, limited partnerships, trusts, general partnerships, proprietorships, other entities such as but not limited to churches, schools, and charitable organizations.

Prefix

A name with a prefix is one that begins with a separately written particle consisting of an article (La Crosse, L'Estrange), a preposition (De Morgan), a combination of a preposition and an article(Van der Veer) or a term which expressed a relationship (O'Brien) for indexing the prefix and the name shall be considered as one name and shall not contain blank spaces or apostrophes, etc.

	Anthony La Vopa	LAVOPA ANTHONY VOPA ANTHONY LA
	Catherine O'Brien	OBRIEN CATHERINE
	Carl Van Cott	VANCOTT CARL COTT CARL VAN
	John Mac Donald	MACDONALD JOHN
	John McEntaffer	MCENTAFFER JOHN

Compound Surname

A compound surname is a name consisting of two or more names which are separated by a hyphen. Hyphens are always dropped from compound surnames and will be replaced with a space. Compound surnames composed of more than one proper name with a hyphen shall also be indexed by the last name in the compound surname.

Jane Smith-Simpson	SMITH SIMPSON JANE SIMPSON JANE SMITH

Note: Index the name twice if it is unclear whether the name is a hyphenated compound surname.

John Mc-Neil	MC NEIL JOHN MCNEIL JOHN

If it is unknown or unclear if a name is the last given name or is part of a multi-name surname, the name may be treated as the last given name and also as a part of the multi-name surname.

Johnny Mack Intosh	INTOSH JOHNNY MACK MACKINTOSH JOHNNY

Given Names

Given names shall be listed in the order of first given name or initial, second given name (middle name or initial, third given name or initial etc. An initial shall be considered as a given name, and a space shall separate given names and initials that are given names. Commas shall not be used to separate given names.

Daniel M. Anderson	ANDERSON DANIEL M
Jean Joyce Thompson	THOMPSON JEAN JOYCE

Suffix

A suffix denoting lineage such as Junior, Jr, Sr, II, III, etc. shall be placed after the last given name. No comma shall be placed between the last given names and the suffix.

Daniel Dean Sanders III	SANDERS DANIEL DEAN III

Non-Human Names

1. Index character set is A-Z, 0-9, and the conjunction "&".

2. Key as seen. Enter name sequence as shown on the document. Do not alter the name.

3. Separate multiple names into separate entries: ABC Inc. DBA Jones Company = 2 entries= ABC Inc and Jones Company.

4. Key the name as it appears in the document, including all special characters.

5. Change all instances of the conjunction "and" to "&"

6. Delete "THE" at beginning of names. The first letter, number, or special character immediately following the word "THE" shall be used for indexing.

When the first word is "The", the word "The" shall appear at the end of the entry or may be dropped.

The Chicago Tribune	CHICAGO TRIBUNE THE CHICAGO TRIBUNE

Human Name/Initials

The names or words in a non-human entry shall not be reversed even when the non-human entry contains a human name/initials.

Carl Magnum Inc	CARL MAGNUM INC

Numbers

When the first word of a non-human name is a number and the number is spelled (six), the number shall be treated as a word.

Five Star Inn	FIVE STAR INN (not 5 STAR INN)

When the first word of a non-human name is a number and the number is in numeric form (6), the number shall be placed in alphanumeric character sequence in the index as it appears on the document.

2 Car Guys	2 CAR GUYS (not TWO CARS GUYS)

When a non-human names contains a fraction in numeric form, the numerator and the denominator of the fraction shall be separated by a slash (/) with no space on either side of the slash. If a whole number is associated with the fraction, a space shall separate the whole number from the fraction.

7 ½ Percent Solution Co	7 1/2 PERCENT SOLUTION CO

When a non-human name contains a series of two or more single numerals, no space shall separate the single numerals.

1.2.3. Stop Inc	123 STOP INC
2.4.T. Lunch Club	24T LUNCH CLUB

When an ordinal number is in numeric form, a space shall not separate the numeral from the ordinal suffix.

4th Street Station	4TH STREET STATION

APPENDIX A

Suggestions for Indexing

In an effort to provide a statewide index in a consistent format, the following suggestions for Indexing are recommended beginning January 1, 2004. It is important to note that these suggestions are instituted on a "day forward basis." It is NOT our recommendation that you go back in your index and change previous indexing entries.

It is strongly suggested that these indexing rules be posted in a prominent place near the index, but old indexing rules must always be included in the posted indexing rules (these old indexing rules will vary from county to county). This must be done to document the indexing rules used for a given time period.

Abbreviations - see attached list - Appendix B

Affidavits - Grantor to every name or firm listed in Affidavit -- per Sec. 448.17 AKA - list all names; do not use AKA or A/K/A

Assignment of mortgage - Grantor to Assignee

Change of Title (Sec. 558.52 - Conveyances: alphabetical arrangement) Estate/ Trust - Deceased to Grantees

Dissolution - Petitioner & Respondent to Grantee City - (e.g. Logan) City of

Clerk's Certificate of Foreclosure - (e.g. Crawford) County Clerk of Court to all named therein

Corner Section Certificate - Name of Surveyor by Twp/Range/Section Sec. 355.12)

Corporate Names
Index name of corporation only, not officers signing. Index name of all entities listed (do not use fka or dba, just list all names)

Assignment of Mortgages - Index banks as grantor & grantee; index mortgage borrower as grantee.

Court Officer Deeds - Name of deceased, Est., and name and title of fiduciary to grantee

Sec. 558.52

DBA - list all names; do not use DBA or D/B/A

Death Certificates (recorded in real estate) - (e.g. Polk) County Registrar to deceased

If Death Certificate from State of Iowa or some other State Registrar:
(e.g. Nebraska) Registrar of Vital Statistics to deceased

Deeds - names of all grantors to all grantees

Sec. 558.52 (Conveyances-alphabetical arrangement) Disclaimer (estate) - Grantor to name of Estate

FKA - list all names; do not use FKA or F/K/A

Fence Viewers Decision - each adjoining owner as grantor to the other -- per Sec. 359A

Hyphenated names - index all ways, but leave out hyphen

Life Estates - Grantor to life estate devisee and remaindermen Sec. 557.3, 557.7 NKA - list all names; do not use NKA or N/K/A

Non-Judicial Foreclosure - grantor to all persons named therein

Partnerships - Name of partnership and all partner names Plat/Platting Proceedings - Proprietors to Subdivision name

Revocable Trust - Name of trust and name and title (trustee -- per Sec. 558.52

Sheriff's Deeds - (e.g. Lyon County Sheriff and all record owners, grantors, to purchaser)

Subordination Agreement - Index banks as grantor &grantee; Index mortgage borrower as grantee.

Subdivision - Name of proprietors & name of surveyor, Surveyor, by Twp-Rg-Sec # & subdivision name -- per Sec. 355.12

Surveys - Name of surveyor, and/or survey firm, to all record owners and by requested Twp-Rg-Sec # -- per Sec. 355.12

Trade Name - individual signing to name of business

Trusts - Name of individual, Trustee, and name of Trust to grantee - per Sec. 558.52

UCCREF Original filing & Amendment - Debtor and each owner of record (as mortgagor to secured party (mortgagee -- per Sec. 554.9519(3(a) & (b)

UCCREF Assignment - assignor to assignee Sec. 554.9519 (5(a&(b)

APPENDIX B
Suggested Abbreviations

Note: Do not use abbreviations as first word in indexing, except USA)

Name	Abbreviation

Name	**Abbreviation**

Administrator	Adm
And	&
Association	Assn
Associate(s)	Assoc
Bank and Trust	B&T
Building	Bldg
Chairman	Ch
Certified Public Accountant	CPA
Co-Executor	CoEx

Co-Trustee	CoTr
Company (ies)	Co
Condominium	Condo
Conservator	Cons
Conservatorship	Conshp
Construction	Constr
Corporation	Corp
County	Cnty
Credit	Cr

Name	Abbreviation
Custodian	Cust
Department	Dept
District	Dist
Estate	Est
Et cetera	Etc
Et ux, et uxor	Etux
Executor, Executrix	Ex
Finance	Fin
Guardian	Gdn
Guardianship	Gdnshp

Name	Abbreviation
Irrevocable Trust	IrrevTr
Life Estate	LE
Limited	Ltd
Mortgage	Mtg
National	Natl
Partner	Ptnr
Partnership	Ptnrp
Residuary Trust	ResTr
Revocable Trust	RevTr
Savings	Sav or Svgs

Incorporated	Inc
Interest	Int
Insurance	Ins
International	Intl
Investment	Inv

Savings and Loan	S&L
Secretary	Secy
Service(s)	Serv
Single	Sgl
State name	(use zip code abbr)

Name	Abbreviation
Substitute Trustee	SubTr
Successor Trustee	SucTr
Surveyor	Surv

Name	Abbreviation
System(s)	Sys
Trustee	Tr
Undivided	Und

Chapter 14 – Attorney General Opinion

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Attorney General Guidance

Opinions of the Attorney General may sometimes affect the duties and operations of Iowa County Recorders. Included in this section is a reference table for published opinions. To search for the complete text of an opinion, see http://government.westlaw.com/iaag/.

> Note on searching the Westlaw database.
> Clicking this link may take you to a blank search screen. Be sure you disable your popup- blocker, and then enter the numbers as you see them displayed here. Results will come up. Occasionally you will get more than one opinion returned, but each series will contain the exact match you want.

Numbered Opinions

28E Agreements - Elected Official Approval #84-10-5

Agricultural Areas - Establishment of #83-2-5

Claims submitted for payment #85-6-3

Compensation Board - Conflict of Interest #87-11-10

Compensation Board - Insurance and Fringe Benefits #81-6-7

Comprehensive Hiring Policies #00-2-3(L)

Condominiums - Conversion from Apartments #04-2-1

Corporate Documents - Filing #90-7-1(L)

Deputies - Power to Hire #95-9-2(L)

Dismissal of Assistants - At-Will Employees #90-12-5(L)

Expenditures - 'Public Purpose' Required #79-4-26

Mandatory Recording Of Ag Land #79-9-8

Mobile Home Parks - Speed Limits #92-2-3(L)

Non-Judicial Voluntary Foreclosure - Non-Taxable #86-5-5

Official Bonds - Cancelling #96-10-1(L)

Overtime - Exceeding Statutory Maximum #94-6-5(L)

Real Estate Transfer Tax #94-12-2(L)

Real Estate Trades - #72-11-14

Recording of Plat Surveys #98-9-1

Resignation -Effective Date #93-4-3(L)

Social Security Numbers - Declarations of Value #99-10-1(L)

Soil Conservation District Statements - Filing #81-4-17

Support Liens - Lack of Centralized Index #86-2-8

Subdivision Plats - Disapproving #94-9-4(L)

Subdivision Platting - Extraterritorial #05-5-01

Subdivision Platting Requirements #91-5-1

Transfer Tax #81-2-19

Transfer Tax #86-5-2(L)

Vital Records - Certified Copies #98-8-1

Unnumbered Opinion Letters

Unnumbered or informal opinion letters are not available through Westlaw. For information about these topics, please contact the ICRA Legislative Co-Chairs. Some of the following documents are provided in Appendix L.

Alteration of Instruments - Mullan 02/25/1905

Capital Stock Exchange Transfer Tax - Maggio 09/16/1976

Common Law Liens - Pendley 04/03/1984

Transfer of Unredacted DOV Information - Schuling 12/08/2009

Vital Records Indexes - Adams 06/23/1999

Vital Records Laptops - Adams 01/27/2014

Chapter 15 – Legislative Summaries

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Summary of Legislative Action - 2000 to 2023

Each year the Iowa County Recorders Association legislative cochairs persons prepare a summary of enacted legislation affecting the Office of the County Recorder. The following sections are organized by year and bill number, beginning with the 2000 legislative session.

For more information about the Iowa General Assembly, see https://www.legis.iowa.gov.

To search for legislation enacted in a prior year, go to: https://www.legis.iowa.gov/legislation

Find Legislation

Select the "Find A Bill By Bill Number" link. Choose the applicable General Assembly for the year in which the legislation was considered, and then choose the applicable House File or Senate File from the drop-down lists.

For legislation considered prior to 2003, select the "Archives" link and search by the appropriate bill number.

Note on searching the Westlaw database.

Clicking this link may take you to a blank search screen. Be sure you disable your popup-blocker, and then enter the numbers as you see them displayed here. Results will come up.

Occasionally you will get more than one opinion returned, but each series will contain the exact match you want.

ATV/ Off Road Vehicles and Off Road Mobile

CODE	TITLE	EFFECTIVE	SUMMARY
HF718	Property Tax, Assessments, and Bond Elections	6/1/2023	Division XII - The county recorder shall collect a writing fee of two dollars ($2) for each DNR (Department of Natural Resources) privilege.
HF2130	Driving ATVs/ Off Road Utility Vehicles	7/1/2022	Amends section 321.234A, allowing all-terrain vehicles to be operated on a primary highway in accordance with section 321I.10, subsection 1A & 2
HF846	Snow/ATV/Vessels of surviving spouses	7/1/2021	Bill requires that if the transferee is the surviving spouse of the deceased owner, the county recorder may waive the required fee.
HF389	Registration and title Bill	7/1/2019	Process and fees associated with the registration & title of vessels, snowmobiles & atvs
SF2231	Firearms/ATV & SNOW	7/1/2018	Act relating to carrying weapons & operating or riding a snowmobile or ATV while carrying a loaded firearm.
HF2216	Definition of Off Road Utility Vehicle	7/1/2014	An Act concerning the definition of off road utility vehicle for purposes of regulation by the DNR.
HF2467	Revisions to Code	7/1/2012	Defines Resident & Off Road Utility Vehicle Registration specifications

Boats

CODE	TITLE	EFFECTIVE	SUMMARY
HF718 Pg. 49 HF718	Property Tax, Assessments, and Bond Elections	7/1/2023	Division XII - The county recorder shall collect a writing fee of two dollars ($2) for each DNR (Department of Natural Resources) privilege.
HF846	Snow/ATV/Vessels of surviving spouses	7/1/2021	Bill requires that if the transferee is the surviving spouse of the deceased owner, the county recorder may waive the required fee.
HF389	Registration and title Bill	7/1/2019	Process and fees associated with the registration & title of vessels, snowmobiles & atvs
SF146	Watercraft Fee Use	7/1/2013	Extended provision relating to the use of certain increase in boat fees by NRC.
HF2467	Revisions to Code	7/1/2012	Dealer no longer required to send a copy of receipt of sale to county recorder or DNR. A writing fee of $1.25 for each privilege shall be collected by county recorder.
SF7	Boating OWI	7/1/2011	Lowers blood intoxicated level to 0.08 for motorboat or sailboat operating while intoxicated offenses.
HF2612	DNR Changes	7/1/2008	Requirements with water safety and life jackets.
HF742	Security interest	7/1/2007	Security interest discharge process
SF78	Boating & Hunting	7/1/2007	DNR will create an electronic system of registration for vessels to be issued over the departments electronic licensing system.

HF828	Water Navigation Regulation	7/1/2005	Changes registration period, vessels to be registered after Jan 1, 2007 for consecutive three years. Writing fees increased to $1.25 effective 7/1/2005.
HF2082	Registration of watercraft	7/1/2002	Purchaser or transferee of a watercraft shall make application within 30 days of purchase.
HF2447	Operation of personal watercraft	7/1/2002	Definition of personal watercraft, expanding the laws that govern operating a personal watercraft for persons between age of under 12 and 18 years old and need for completing the water safety course.
HF2331	OWI Boating	7/1/2000	Bill defines alcoholic beverages and controlled substances and sets penalties for operating a boat while intoxicated.

E-Sign and Notary

CODE	TITLE	EFFECTIVE	SUMMARY
HF397	Remote presence	6/1/2023	Remote presence for the purpose of notorial acts and executing wills and codiciles.
HF232	Fiduciary and Trustee Duties	6/1/2023	A bill for an act relating to probate proceedings, including fiduciary and trustee duties.
SF475	Remote Notary Bill	7/1/2020	Providing for notarial acts, including by providing for the use of electronic media
SF2265	Notarial Acts	1/1/2013	Iowa Code Chapter 9E
HF2450	Real Estate Acknowledgements	7/1/2004	Bill makes changes to Iowa notary law.

HF2191	Notarial Acts by Judicial Officers	7/1/2002	Judges are not required to use a notarial stamp or seal when performing a notarial act if that act is performed in accordance with state or federal statutory authority.
HF259	Notarial Office	1/1/2002	This bill makes several changes in Iowa's notary public laws. Every notary must use a stamp or seal in Iowa.

Groundwater Hazard

CODE	TITLE	EFFECTIVE	SUMMARY
HF636	Time of Transfer Inspection	7/1/2023	Holds inspectors responsible for any error in their time-of-transfer inspections of private sewage disposal systems.
6629C	Ground Water Hazard Documentation	11/2/2022	Updated groundwater hazard statement rules with recent changes in Iowa law and new form.
HF2343	Ground Water Hazard Statement	7/1/2022	This bill provides that a person does not include a groundwater hazard statement with a deed, instrument, or writing if no specified conditions exist on the property.
SF626	Collecting fees for GWH exemption	Sine Die	The county recorder shall charge or collect a fee for the submission or filing of a groundwater hazard statement.
SF2226	Formatting Requirements GWH	7/1/2018	Formatting requirements for GWH recorded with a county recording office. GWH are exempt from document formatting standards.
SF390	Time of Transfer	7/1/2009	Relates to certain title abstracts to property with private sewage disposal systems

HF2437	Private Sewer Inspections	7/1/2010	Act relating to private sewage disposal system inspections & GWH as part of certain property transfers.
SF261	Private Sewer Inspections	7/1/2009	Requires private sewer system inspection, pumping, and inspector certification/reporting requirements.

Hunting and Fishing

CODE	TITLE	EFFECTIVE	SUMMARY
SF528	Crossbow Hunting License	7/1/2023	Permits a crossbow to be used only by individuals with disabilities who are physically incapable of using a bow and arrow under the conditions in which a bow and arrow is permitted.
SF519	Electronic Registration Renewal	6/1/2023	The significance of this bill will make it possible for counties to complete DNR transactions electronically.
HF2209	Trapping/ Hunting with Minors	6/17/2022	This bill allows a resident under 16 years of age to accompany a parent or guardian while the other adult is hunting or trapping
HF234	Lifetime Trout License	7/1/2021	Establishes a lifetime trout fishing license to person at least sixty-five years of age.
HF2455	Deer Hunting— Use of Leashed Dogs	8/25/2020	This Act allows a hunter with a valid hunting license and deer hunting license who wounds a deer while hunting to use a dog to track and retrieve the wounded deer.

HF2410	Special Senior Statewide Anterless Deer Only Crossbow Licenses – Minimum Age	8/25/2020	This Act allows a resident who is 65 years of age or older to be issued a special senior statewide antlerless deer only crossbow deer hunting license to hunt deer during bow season as established by rule by the Natural Resource Commission.
HF716	Deer Hunting Regulations – Firearm & Projectile Specifications-Age Requirements	8/25/2020	This Act requires the Natural Resource Commission to define and categorize firearms to be consistent with federal definitions.
HF599	Regulation of Hunting – Persons Under Age Sixteen	7/1/2020	Any person under 16 years of age is required to have a license to hunt game and accompanied by the minor's parent, guardian, or other competent adult with consent from the minor's parent or guardian and the person accompanying the minor has a valid hunting license.
SF280	Residency of Active Duty & hunting, fishing & trapping privileges	7/1/2020	Act relating to the residency of members of the armed forces stationed at specified military installations for purposes of hunting, fishing & trapping privileges
SF537	Coyote Hunting	7/1/2020	Bill relating to taking coyotes while using an artificial light source.
HF325	Non-Ambulatory Hunters	7/1/2019	Bill relating to weapons requirements for non- ambulatory hunters

SF86	Logan's Law	7/1/2019	Organ donor indication- requiring the DNR to include anatomical donor symbols on certain DNR licenses
HF254	Tagging Deer	7/1/2018	Tagging requirements for deer carcasses & including penalties
HF2342	Forms of Licenses	7/1/2016	All hunting, fishing & fur harvester licenses shall contain a general description of the license. Change was made so a license can have an electronic signature & displayed on a mobile device.
HF2343	Keeping fur pellets	7/1/2016	Changes time you can hold, possess or store pelts.
HF467	Deer & Turkey	7/1/2015	Deer & Turkey Harvest Reporting Requirements
SF392	Hunter Ed/Apprentice Hunter	7/1/2015	Apprentice Hunter Designation offered to age 16 or older without completing hunter education if qualify.
HF499	Cross Bow Hunting	7/1/2014	Act permitting the use of crossbows to hunt deer & providing penalties.
HF2067	Youth Turkey Hunting	7/1/2014	Act relating to the use of youth spring wild turkey hunting licenses.
SF2198	Paddlefish Fishing Licenses	7/1/2014	Bill for the issuance of a paddlefish fishing license & tag & penalties.

Hunting and Fishing – Part 2

HF361	Nonresident Disabled Veteran Hunting	7/1/2013	Relates to the issuance of special hunting licenses to certain nonresident disabled veterans & disabled members of the armed forces serving on active federal service.
SF389	Hunter Safety	7/1/2013	Amends code 483A.27, residents 18 or older can obtain cert/completion w/o demonstrating fire arm skills
HF394	Lifetime Fur Harvester License	7/1/2013	Special hunting licenses to certain nonresident disabled veterans & disabled members of the armed forces on active federal service.
SF2317	Changes to fees	1/1/2013	Changes fees & adds some 3 year licenses and annual combination licenses.
HF461	Deer Tags	7/1/2011	Deer tag must be affixed to carcass withing 15 minutes.
SF2297	Veterans' benefits	7/1/2010	Added new code section which refunds any portion of hunting or fishing license fee covering the period of military services (Chapter 483A.24A)
SF187	Nonambulatory deer licenses	7/1/2009	A person who is paralyzed or has lost use of their legs may be issued an any sex deer license at no cost.
SF478	Standings Bill	5/26/2009	Section 214 of bill - Non- resident hunting license fees are increased

HF2177	Deer Tags	7/1/2008	Requires that an antlered deer tag be affixed to the antlers of the deer
HF2612	DNR Changes	7/1/2008	Changes regarding hunting accidents, reciprocity, hunter safety and changes to licenses.
SF2230	Special Non-resident Hunting License	7/1/2008	Authorizes the NRC to issue special non-resident turkey to those with a severe physical disability or terminal illness.
SF2328	Deer Depredation Matters	4/8/2008	Bill relating to deer depredation management program, establishing a deer study advisory committee.
HF671	Remote Control or Internet Hunting	7/1/2007	Makes remote control or internet hunting illegal.
SF435	Youth Deer	7/1/2007	Youth may use youth deer hunting license during any other firearm season to take an antlered or antlerless deer if they do not take a deer during youth deer season.
SF477	Non-Resident Hunting License	7/1/2007	Director of the DNR shall provide up to 75 non- resident deer hunting licenses
SF78	Boating & Hunting	7/1/2007	A person born after January 1, 1972 must complete a hunter safety course prior to obtaining a hunting license.
HF590	Crossbow Deer Hunting	7/1/2006	Age 70 or older may purchase one special statewide antlerless deer only crossbow. No habitat fee necessary.

HF2171	Elder Fishers	7/1/2006	Tenants of elder group homes or assisted living/adjust day care are allowed to fish as a supervised group with a group permit from the DNR.
HF2244	Veteran Fishing License	7/1/2006	Iowa Resident, who is a veteran, may purchase a lifetime fishing or lifetime combination for $5.
SF206	Deer Management	7/1/2005	Bill increases nonresident adult deer hunting license to $100. Defines FARM.
HF2186	Unlawful Deer Taking	7/1/2004	Increases damages payable to state for unlawfully taking or damaging any antlered deer.
HF2281	Nonresident Bait Dealers	4/26/2004	Allows nonresident bait dealers to sell to resident bait dealers.
HF2282	Aquaculture Bait Dealers	7/1/2004	Limits a nonresident aquaculture licensee to selling bait at wholesale.
HF2366	Visible Hunters	7/1/2004	Requires a person hunting deer with firearms to wear visible hunting apparel.
SF2213	Cancellation of Hunting & fishing licenses	7/1/2004	Allows DNR to make rules for cancellation of a hunting or fishing license if the applicable fees are not paid.
HF85	Tip-up fishing	7/1/2003	Allows use of up to 3 tip-up fishing devices in Missouri & Big Sioux Rivers.
HF411	Military Hunting License	7/1/2003	Allows active-duty members of military stationed in Iowa to be considered residents for hunting, trapping & fishing license purposes.

HF412	Mussel Fishing	7/1/2003	Allows DNR to set maximum amounts of mussels & shells a person may take.
HF680	Bait Dealers	5/9/2003	Creates bait dealer's license for resident & non- resident wholesale bait dealers and provides reciprocity.
SF348	Fishing License Fees	12/15/2003	Increases fishing license fees & removes fish habitat fee.
SF397	Deer Licenses	7/1/2003	Nonresident antlerless deer hunting licenses
HF2591	Hunting Fee Increase	7/1/2002	Fee for hunting license is increased from $12.50 to $17.50.
HF2616	Possession of Deer Venison	7/1/2002	Set up rules and dates, including the minimum fine for a violation from $10 to $20.
HF720	Hunting & Fishing License Fees	12/15/2001	Bill increases hunting & fishing license fees & establishes a fish habitat fee of $3.
SF407	Hunting & Fishing Licenses	7/1/2001	Bill makes several administrative changes to IA Code 483A.
HF2008	Military License Exemption	7/1/2000	Bill provides a member of the armed forces of the US an exemption from having to purchase a hunting or fishing license if Iowa residency requirements are met.
HF2486	Fishing Limits	7/1/2000	Residency requirements are clarified.
SF2300	Hunting & Fishing	7/1/2000	Bill prohibits interfering with a person who is lawfully hunting, fishing or fur-harvesting.

Office of the Recorder

Code	Title	Effective Date	Summary
HF527	Authority of County Boards to amend 28e Agreement with CLRIS	7/1/2021	Bill was a technical change to simplify the ESS Governance, as reviewed & supported by the State Auditor's Office
SF342	Back the Blue Bill	7/1/2021	Amends Section 331.605 (3) by adding a new paragraph f. Includes the redaction of peace officers names from public records.
SF574	Military property tax credit	7/1/2021	Relates to confidential information maintained by local government officials for certain veteran & military property tax credits & exemptions.
HF2236	Veterans Record Fees	7/1/2020	County recorder shall not charge for the examination or copying of records necessary to complete claims for veteran benefits
HF2502	Weapons Policies in Public Buildings	7/1/2020	Bill bans local governments from prohibiting weapons in a courthouse or other public building unless they could provide screening equipment & armed personnel.
HF2277	Inspection & Examination of Public Records	7/1/2018	Vital records in the custody of a county registrar may be inspected & copies as of right under chapter 22.
SF135	Campaign Finance	7/1/2015	Campaign finance requirements for electronic filing of certain statements & reports
SF167	Compensation of Elected County Offices	7/1/2015	Act related to compensation of elective county officers

SF199	Independent Expenditures	7/1/2015	Made changes to campaign finance laws relating to independent expenditures & making penalties applicable
SF435	Public Access	7/1/2015	Relates to public access to data processing software under Iowa's open records law.
SF457	Closed Session	7/1/2015	Allows ombudsman access to minutes & audio of closed session
SF289	Open Meetings/Public Records	5/12/2011	Bill relating to open records & public meetings
SF2354	Campaign Finance	7/1/2010	Regulates corporate involvement in campaigns.
SF2218	Election Matters	3/18/2010	Relates to elections by eliminating double election boards by requiring automatic tabulating equipment in certain elections.
SF2196	Substantive Election Bill	7/1/2010	Bill relating to the administration of election laws by SOS.
SF2195	Campaign Definitions	7/1/2010	Act relating to campaign finance requirements & reporting.
SF2194	Technical Election Changes	7/1/2010	Made technical laws relating to elections & voter registration.
SF2128	Electronic Campaign Financing	7/1/2010	Act requiring certain campaign finance statements & reports to be filed electronically.
HF2518	IPERS	7/1/2010	Makes numerous changes to IPERS. Effective upon reenactment & retroactive applicability.

HF243	Gender Balance	1/1/2012	Act providing for gender balance on local boards, commissions, committees & councils.
SF212	County Deputy Salaries	7/1/2008	1st and 2nd deputies may receive up to 85% of officer's annual salary. Additional deputies my receive up to 80% of officer's annual salary.
HF729	IPERS	7/1/2006	Employers contribution increased by .6 percent per year. New formula set. Members who retire after July 2007 will be given the lesser of their three year wage or their covered adjusted wage.
HF2245	IPERS Change	7/1/2006	Makes changes to IPERS.
HF312	Campaign Finance	7/1/2005	Makes changes in campaign finance reporting, political committee requirements and placement of campaign signs.
SF403	Open Records Costs	7/1/2005	This bill prohibits requiring a person to appear in order to make a request or receive a record under the open record law. Actual expenses for copies.
HF2262	IPERS/Pension Bill	7/1/2004	Makes several changes to IPERS retirement.
HF2318	Campaign Finance Changes	7/1/2004	Makes changes to campaign finance law.
HF2319	Campaign Disclosure Dates	7/1/2004	Sets dates for various filing dates for candidates.
HF2404	Consolidated Cities & Counties	7/1/2004	Changes relating to alternative forms of city & county government.
SF2270	County Recorders' Duties	7/1/2004	Recorders' clean up bill.

SF376	Fees for Bad Checks	7/1/2003	Allows to charge up to $30 for NSF.
HF311	Recording Requirements	7/1/2003	Recorders clean-up bill. Ends requirement that county recorders provide certificates for recording farm names and removes the recorder as a member of the jury commission.
HF2365	Recorders' Omnibus Bill	7/1/2002	Recorder's clean up bill on how indexes are maintained and preserved, including removal of social security numbers from any document.
SF372	Powers & Duties of County Recorder	7/1/2001	Made changes to the variety of ways the recorders maintain indexes and preserve the records. Added index, record or document or instrument reference numbers from book and page.
HF2376	Veteran's preference	7/1/2000	A public employer is required to notify an unsuccessful veteran applicant, if requested, within 10 days of denial of an appointment and provide a copy of specific grounds for denial.
HF2429	County Records	7/1/2000	Bill extends the use of electronic data storage & retrieval systems to county offices that keep lists, books, records, indexes, registers and/or schedules.
SF2061	County Recorder Duties	7/1/2000	A snowmobile or ATV in storage can no longer be transferred on a storage affidavit. In addition, county records may now choose whether or not to sell hunting & fishing licenses in their offices.

Real Estate

Code	Title	Effective Date	Summary
HF332	Disposal of real property	6/1/2023	Disposal of real property belonging to the state.
HF475	Real Estate Service Agreements, Enforceability and Recording Act	6/1/2023	The bill sets rules for agreements that can be considered as unfair. It requires recorders to choose whether to record or not.

HF634	Time of Transfer	6/1/2023	An Act related to persons certified to conduct time-of- transfer inspections of private sewage disposal systems and providing penalties.
HF111	Exception to Real Estate Transfer Tax for Deeds	6/1/2023	The legislation creates an exception to the real estate transfer tax for deeds that transfer distributions of assets to beneficiaries of a trust when conveyed without consideration.
SF2137	Mortgage/ Bond Maturity Filings	2/12/2020	This bill authorizes a grantor, mortgagor or other holder of real estate debt to file extension agreements related to maturity dates or indebtedness without the dual signature/filing of the borrower.
SF2300	Real Estate held in Trust	7/1/2020	Excludes a fiduciary from the exemption for providing certain disclosure statements to a transferee at the time of a real estate transfer from a trust if the fiduciary was an owner or occupant of the real estate in the 12 months prior to the transfer.
SF93	Abandoned Structures/ Public Nuisances	7/1/2019	Bill changes certain procedures relating to abandoned structures and abatement.
SF2175	Partition of Property	7/1/018	Relating to partition of property in kind & partition of property by sale.
SF2276	Land Surveying Standards	7/1/2016	Index Legend required for any plat of survey or a drawing related to it. Not applicable to corner certificates.

HF2131	Mortgages for Transmitting utilities	7/1/2014	Act modifying provisions applicable to the recording of a mortgage or deed of trust executed by a transmitting utility.
SF2091	Forms of Co-Ownership of Real Property	7/1/2014	Bill relates to common forms of co-ownership of real property & includes effective date and applicability provisions.
SF2312	Condos & Co-Ops	7/1/2014	Bill relates to documents creating or regulating Multiple Housing Cooperatives & horizontal Property Regimes.
SF2315	Land Use Restrictions	7/1/2014	Bill relates to the scope & nature of use restrictions on land. Amended 614.24 by adding new subsection.
HF566	Statement of Authority	7/1/2013	Bill amends provisions that allow various entities to file a statement of authority with SOS or County Recorder.
SF358	Real Estate Titles	7/1/2013	Makes changes relating to the sale of real estate by contract
SF390	Time of Transfer	7/1/2010	Relates to certain abstracts to property with private sewage disposal systems
SF445	Mortgage Release Certificates	7/1/2013	Relates to the transfer of real estate & the filing of a mortgage release certificate
HF243	County Transfer Books	7/1/2011	Bill strikes and rewrites code 558.66 relating to updating county transfer books
SF400	Conveyance or encumbrance of homestead	7/1/2011	Provides that the conveyance or encumbrance of a homestead by a married person which is owner is not automatically invalid if person's spouse has not joined in the conveyance or encumbrance.
SF2264	Subdivision Reviews	7/1/2010	Allows city to review subdivisions & plats within 2 mile radius plus adds condominiums as needed to be reviewed by city if city has passed a resolution requiring a review within the 2-mile area.
SF2192	Transfer Fee Ban	7/1/2010	Bans transfer fee covenants in real estate conveyances & defines such fees.
SF2157	Real Estate Contract Sales	7/1/2010	90 day requirement for contracts.

HF2376	Severance & Annexation	7/1/2010	Allows a landowner to request land be severed from a city if land could be annexed by another city without creating an island. Includes procedures for severance.
HF2282	Homestead Liens	7/1/2010	Bill specifies that judgment liens are not attached to a homestead except in specific cases.
SF400	Title guaranty release minimums	7/1/2007	Title Guaranty Division of Iowa Finance Authority may determine the principle mortgage loan amounts for which they will issue releases.
HF2490	Uniform Electronic Transaction	7/1/2004	Removes the requirement that a paper original document be recorded when a document is recorded electronically.
HF2544	Real Estate Fees	7/1/2004	Clarifies when a $5 auditor transfer fee is collected. Requires counties to adopt a standardized parcel identification numbering system. Also requires a Change of Title be recorded when a life estate is terminated.
HF612	Land Ownership restrictions	7/1/2003	Allows certain nonresident alien held businesses participating in the new Jobs & Income Program to receive extension for development certain agricultural land.
HF582	Subdivision, Plats & Annexations	7/1/2002	Made changes to the platting, subdivision and annexation laws, mostly for cities and counties.
SF2207	Conservation Easement	7/1/2002	Legislation adds to list of entities that may acquire conservation easements.
SF2272	Farmland Ownership	7/1/2002	and addresses the provision of status of permanent residential aliens.
HF713	County Auditor's Omnibus Bill	7/1/2001	Bill requires the recorder to collect an auditor's transfer fee on all real estate installment contracts. Repeals Chapter 595.5(2). Amends Chapter 598.21.
HF2239	Limited Partnerships	7/1/2000	Refers to Iowa Code section 487.1301 limited liability limited partnership.
HF2254	Real Estate Claims	7/1/2000	Bill strikes infancy, mental illness or absence as disabilities qualifying for the tolling of the statute of limitations in real estate actions.

HF2528	Eminent Domain Condemnation	5/10/2000	Bill set requirements for service, publication, public hearings, negotiations for purchase, and the makeup of the condemnation commission,

Recording

Code	Title	Effective	Summary
SF2322	Copying Records Cost	5/2/2022	This Bill relates to the assessment of fees when a person requests examination and copying of public records.
HF2443	Smart Contracts	7/1/2022	This bill added new section 554E.1 Definitions; 554E.2 Classification of digital assets, 554E.3 Legal effect of distributed ledger technology and smart contract, AND added new section 554E.4 Conveyance of real estate interest evidenced by electronic record.
HF2445	Controllable Electronic Records	7/1/2022	Provides for controllable electronic records to the uniform commercial code, adding new code section within Code chapter 554
HF837	Fee Flexibility Bill	7/1/2021	Relates to the use of fees collected by a county recorder or governing board of CLRIS for processing & recording instruments.
HF758	Remove Substantially from certain affidavits	7/1/2021	Bill modifies provisions related to certain affidavits accepted by county recorders for updating county transfer books and indexes when a conveyance of real estate has not occurred. Also affects affidavits of mergers. Strikes word substantially from 558.66 (3).

HF2481	Certificate to Treasurer	7/1/2020	A certificate of the treasurer issued for subdivision plats certifying the property is free from tax & special assessments would expire when the auditor delivers the new tax list to the treasurer
SF2137	Mortgage/Bond maturity filings	7/1/2020	Act relating to filing requirements applicable to extensions of real estate conveyances or transactions under specified circumstances.
HF308	Military Records	7/1/2017	This bill concerns the release of military personnel records maintained by a county recorder under Code section 331.608. The Recorder shall redact any Social Security number included in a record.
SF439	Original lien records	7/1/2017	Relates to the disposal or return of certain notices & certificates filed or recorded during certain periods of time.
HF2101	Corner Certs	7/1/2012	Permits more than one US Public Land Survey System corner may be included on a corner cert recorded by county recorder
HF364	Veterans Records	7/1/2011	Updated language to only provide for sharing of information between state & county VA Offices
SF2199	Manufactured Housing	4/7/2010	DOT Establishes procedures for an affidavit in lieu of surrender of cert of title to be recorded in recorder's office

HF2407	Recorder Technical Clean-Up	7/1/2010	Act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.
HF256	Tax Sale Bidders	3/13/2009	Act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.
HF477	Real estate forms	7/1/2009	Redaction of social security numbers or federal tax identification number on a DOV.
SF288	Recorders Technical Clean Up Bill	7/1/2009	Act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.
SF465	Identity Theft Protection	7/1/2009	Duties/authority of county recorders and CLRIS. Redaction compliance.
SF467	Ag & DNR Appropriations	7/1/2009	Adds 2 exemptions for septic inspection law
HF2633	Model LLC Law	1/1/2009	Creates Revised Uniform LLC Act & states person organized as a LLC under chapter 489 is not required to file a trade name.
HF2642	Treasurers Deeds	4/8/2008	Makes treasurer's deed void in certain circumstances & adds specifics to validity.

SF2308	Computer Security Information	7/1/2008	Bill pertaining to personal Information/biometric information.
HF808	28E Publishing	1/1/2008	28E entity with certain criteria with regards to total expenditures and cash balance records proceedings of board electronically free of charge.
SF212	PII on Recorded Documents	7/1/2008	Defines PII, liable, exemptions and redaction process.
SF319	COOP Membership	7/1/2007	Amends provisions relating to cooperative associations under code chapter 499 & removes requirement that articles be recorded in recorder's office.
SF337	Recorders' technical clean-up bill	7/1/2007	All remaining references to Recorder's claimant's books have been repealed and documents will only be indexed in computer system maintained by recorders. Aff of Possession will no longer require the signature of the county recorder or the recorder's certificate.
SF354	Overpayments	7/1/2007	County officers shall keep overpayments paid to the county up to $5, unless the person who made overpayment requests a refund.
HF2177	Subdivision Names	7/1/2006	County Auditor will be required to sign a statement approving the name of a subdivision plat. This will be part of the platting procedure when recorded.

HF2786	Mortgage Foreclosure	7/1/2006	Clerk of district court shall no longer prepare a certificate of foreclosure and record it with the county recorder.
HF2794	Dept of Revenue tax & policy	7/1/2006	Section 4 of bill states Recorders may not charge viewing, printing or accessing records on the Iowa Land Records Website.
SF2264	Recorder Duties Clean Up Bill	7/1/2006	Strikes Iowa Code Section 331.602(5); Modifies indexes and document formatting standards Document formatting standards including veteran records language.
HF175	Limited Partnerships	7/1/2005	Bill amends provisions on the Uniform Limited Partnership Act to include the use of fictitious name, that shall be filed with the Secretary of State. This bill removes requirement that co-partnerships, limited partnerships & cooperative and certain corporations record a trade name with the county recorder.
HF332	Mortgage Release	7/1/2005	Bill allows an abstractor who participates in title guaranty program to request a mortgage release from IFA.
HF374	Veteran's Benefits	5/5/2005	Allows members of reserve forces to be considered a veteran, those serving at least 20 years to record statement of retirement & lifetime combination hunting & fishing license for $30.
SF371	Recording Standards	7/1/2004	Recorders' document formatting proposal.

HF694	Judicial Duties	7/1/2003	Changes procedures for preparing & recording a cert of change of title.
SF94	Veterans Records confidentiality	7/1/2003	Makes military personnel records maintained by the county recorder confidential records.
SF453	Reinvention/ Standing Bill	7/1/2003	For the Fy2004, the Recorder shall collect a fee of $5 for each recorded transaction to comply with Iowa Codee 331.604.
HF2565	Real Estate disclosure statements	7/1/2002	This bill tightens the contract disclosure act and makes changes to recording contact.
SF2275	UCC search	7/1/2002	Chapter 554.9525(3) restored the provision that the BOS pass an ordinance or resolution to set fee for a UCC search for information.
HF2513	UCC Article 9 Changes	7/1/2001	Bill that reforms UCC law, making the Secretary of State the repository for all UCC filings, except for fixture filings which attach as liens to real estate.
SF453&SF	Treasurer's Clean Up Bill	4/18/2001	A certificate of change of title of real estate must include the name and address of the taxpayer
HF2205	E-Commerce	7/1/2000	Bill provides for the legal recognition of electronic records, signatures and contracts and provides for a means to electronically notarize signatures.
SF2253	County Records	7/1/2000	Document formatting standards exemption changes; Fees collected reports must be retained for 3 years after completion of an audit; Treasurer clarification for tax sale cert holder/tax sale deed.

Snowmobile

Code	Title	Effective	Summary
HF718	Property Tax, Assessments, and Bond Elections	6/1/2023	Division XII - The county recorder shall collect a writing fee of two dollars ($2) for each DNR (Department of Natural Resources) privilege.
HF846	Snow/ATV/Vessels of surviving spouses	06/1/2021	Bill requires that if the transferee is the surviving spouse of the deceased owner, the county recorder may waive the required fee.
HF389	Registration and title Bill	7/1/2019	Process and fees associated with the registration & title of vessels, snowmobiles & atvs
SF2231	Firearms/ATV & SNOW	7/1/2018	Act relating to carrying weapons & operating or riding a snowmobile or ATV while carrying a loaded firearm.
HF2467	Revisions to Code	7/1/2012	Resident & Non-Resident defined and User Permit requirements.
HF742	Security interest	7/1/2007	Regulations of snowmobiles & atv, proving fees & penalties. Security interest discharge process
HF879	Snowmobile Registration	7/1/2005	Excludes certain atvs from snowmobile definition, allows for electronic registration of snows and sets up antique snow registrations. User permit for non-residents.
SF297	Snowmobiles & ATVs	1/1/2005	Divides snow and atv regulations into two separate code chapters. Increases annual fee to $15 with $1.25 WF and provides for the issuance of an atv sticker issued thru ELSI for non-. resident use in ATV park.
SF437	Registration & Title of ATVs & Snowmobiles	7/1/2002	Bill clarifies rules for registering and titling.
SF2079	ATV & Snowmobile Flags	7/1/2002	Requirement that a bicycle flag be used while operating an atv or snowmobile on a highway is eliminated.

Universal Commercial Code (UCC)

Code	Title	Effective	Summary
HF2321	UCC	7/1/2013	Amends Article 9 of UCC
HF2513	UCC Article 9 Changes	7/1/2001	Bill was part of a nationwide reform to UCC law. Sec. of State in each state will become the repository for all UCC filings, except fixture filings that attach to real estate. Those still are recorded in Recorder's Office.

Vital Records

Code	Title	Effective	Summary
HF517	Biological Parent Information on adopted person birth certificate	7/1/2023	The bill provides for the addition of biological parent information of an adult adopted person to an original certificate of birth through amendment of the original certificate of birth.
SF577	Nonviable Birth Certificates	7/1/2022	This bill provides that a health care provider who attends or diagnoses a nonviable birth or a hospital at which a nonviable birth occurs shall provide a letter certifying the nonviable birth to the patient.
HF855	Original Birth Certs	7/1/2021	Bill gives access to a copy of an original birth cert by an adoptee or an entitled person.

HF2277	Public Records	71/2018	The inspection & examination of certain public records under the custody of the state archivist or a county registrar.
HF662	Access to Birth Records	7/1/2015	Relates to vital statistics, including access to birth records & vital statistics fees collected by state and recorders
SF452	Standings Appropriation Bill	7/1/2013	Electronic Death Record System requirement.
HF2368	Stillbirth Birth Cert	3/26/2012	Provides for a birth certificate to be issued for a stillbirth.
HF2369	Burial Transit Permits/County copy	4/5/2012	County registrar cannot issue burial transit permits (effective 7/1/2012). State registrar clarification to county copies or electronic access to vital records
HF245	Posthumously Conceived Children	7/1/2011	Relates to the status of posthumously conceived children in the context of legitimacy & inheritance rights
HF393	Death Certificates	7/1/2011	Allows physician assistant or an advanced nurse practitioner to sign death cert.
SF2297	Veterans' Benefits	7/1/2010	Amends several code sections Chapter 144.13B
HF380	Change of name	7/1/2009	Birth cert will automatically be amended when the court issues a name change.

SF2340	Birth Certificates & SS Numbers	7/1/2008	Requires DHS to obtain a certified birth cert in order to facilitate securing a social security card. Requires fee to be waived by state or county registrar.
HF789	IDPH Omnibus Bill	7/1/2005	Parent named on paternity may obtain a copy of the affidavit without a court order but proof of identity is required.
HF541	Birth Cert Fees	7/1/2003	Raises fee for birth certificates to $15 for FY 2004 & FY2005, then to $20 thereafter to fund a birth defects institute central registry
SF2302	Public Health Duties	1/1/2001	Cleanup bill that updates the marriage license fee ($35) and amount to be retained by the Recorder ($4).

Chapter 16 – Forms

Vital Records - Iowa Department of Public Health 202
UCC Forms - Iowa Secretary of State 202
Declaration of Value - Iowa Department of Revenue 202
Groundwater Hazard Statement - Iowa Department of Natural Resources 202
State Appeal Board 203

County Recorders handle many different types of forms in the performance of their duties. The following are links to some of the most encountered forms. The applicable forms are provided in Appendix M. Fillable PDF forms are available at the specified web sites.

Vital Records - Iowa Department of Public Health

View all Vital Records forms here.

a) https://hhs.iowa.gov/health-statistics/vital-records/

b) View IVES County Recorder User Guide Here

UCC Forms - Iowa Secretary of State

a) https://sos.iowa.gov/business/formsandfees.html

b) http://sos.iowa.gov/ business/FormsAndFees.html

c) SOS Business Entity Forms and Fees

d) New forms https://www.iaca.org/secured-transactions/forms/
   i. UCC 1 07.01.2023
   ii. UCC 3 07.01.2023

Declaration of Value - Iowa Department of Revenue

a) Iowa Tax Forms Page. Use the dropdown to search for Tax Forms:
   i. Property Taxes
   ii. Inheritance Tax

Groundwater Hazard Statement - Iowa Department of Natural Resources

a) Instructions for Completing Groundwater Hazard Statement

b) https://www.iowadnr.gov/Portals/idnr/uploads/forms/5420960%20Instructions.pdf

c) https://www.iowadnr.gov/Portals/idnr/uploads/forms/5420960%20Proposed.pdf

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Claim Form and Affidavit

a) Claim Form
b) State Appeal Board