

Senate File 371

PAG LIN

1 1 SENATE FILE 371
1 2
1 3 AN ACT
1 4 RELATING TO FORMATTING STANDARDS FOR RECORDING DOCUMENTS OR
1 5 INSTRUMENTS BY A COUNTY RECORDER, SPECIFYING A RECORDING
1 6 FEE FOR CERTAIN DOCUMENTS OR INSTRUMENTS, AND PROVIDING AN
1 7 EFFECTIVE DATE.
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1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 11 Section 1. NEW SECTION. 331.601A DEFINITIONS.
1 12 As used in this part, unless the context otherwise
1 13 requires:
1 14 1. "Document" or "instrument" means a writing or drawing
1 15 presented to the recorder for recording, consisting of one or
1 16 more pages of text and attachments.
1 17 2. "File or submit" means the act of delivering a document
1 18 or instrument to a recording office for recording into the
1 19 public records.
1 20 3. "Grantor and grantee" means the names of the transferor
1 21 and transferee in the transaction used to create the recording
1 22 index.
1 23 4. "Legible" means capable of being read or deciphered
1 24 without magnification regardless of the recording process.
1 25 5. "Page" means a writing, printing, or drawing, other
1 26 than a plat or survey or a drawing related to a plat or
1 27 survey, occurring on one side only and covering all or part of
1 28 such side, and not larger than eight and one-half inches in
1 29 width and fourteen inches in length.
1 30 6. "Record" means a process whether by manual, mechanical,
1 31 electronic, optical, magnetic, microfilm, or other methods of
1 32 storage, after filing or submission, to incorporate a document
1 33 or instrument into the public record.
1 34 7. "Transaction" means a specific legal action in the form
1 35 of or evidenced by one of the following:
2 1 a. A title or caption including, but not limited to, a
2 2 deed, deed of trust, mortgage, or power of attorney.
2 3 b. A subsequent reference to an original document or
2 4 instrument including, but not limited to, an assignment or
2 5 release or satisfaction of mortgage.
2 6 Sec. 2. Section 331.602, subsection 1, Code Supplement
2 7 2003, is amended by striking the subsection and inserting in
2 8 lieu thereof the following:
2 9 1. Record all documents or instruments presented to the
2 10 recorder's office for recordation upon payment of the proper
2 11 fees and compliance with other recording requirements as
2 12 provided by law.
2 13 Sec. 3. NEW SECTION. 331.606B DOCUMENT OR DOCUMENT
2 14 FORMATTING STANDARDS.
2 15 1. Except as otherwise provided in subsection 6, the
2 16 county recorder shall refuse any document or instrument
2 17 presented for recording that does not meet the following
2 18 requirements:
2 19 a. Each document or instrument shall consist of one or
2 20 more individual pages not permanently bound or in a continuous
2 21 form. The document or instrument shall not have any
2 22 attachment stapled or otherwise affixed to any page except as
2 23 necessary to comply with statutory requirements. However, the
2 24 individual pages of a document or instrument may be stapled
2 25 together for presentation for recording. A label that is

2 26 firmly attached with a bar code or return address may be
2 27 accepted for recording.

2 28 b. All preprinted text shall be at least eight point in
2 29 size and no more than twenty characters and spaces per inch.
2 30 All other text typed or computer generated, including but not
2 31 limited to all names of parties to an agreement, shall be at
2 32 least ten point in size and no more than sixteen characters
2 33 and spaces per inch. If a document or instrument other than a
2 34 plat or survey or a drawing related to a plat or survey,
2 35 presented for recording contains type smaller than eight point
3 1 type for the preprinted text and ten point type for all other
3 2 text, the document or instrument shall be accompanied by an
3 3 exact typewritten or printed copy that meets the requirements
3 4 of this section.

3 5 c. Each document shall be of sufficient legibility to
3 6 produce a clear reproduction. If a document or instrument,
3 7 other than a plat or survey or a drawing related to a plat or
3 8 survey, is not sufficiently legible to produce a clear
3 9 reproduction, the document or instrument shall be accompanied
3 10 by an exact typewritten or printed copy that meets the type
3 11 size requirements of paragraph "b" and shall be recorded
3 12 contemporaneously as additional pages of the document or
3 13 instrument.

3 14 d. Each document or instrument, other than a plat or
3 15 survey or a drawing related to a plat or survey, shall be on
3 16 white paper of not less than twenty-pound weight without
3 17 watermarks or other visible inclusions. All text within the
3 18 document or instrument shall be of sufficient color and
3 19 clarity to ensure that the text is readable when reproduced
3 20 from the record.

3 21 e. All signatures on a document or instrument shall be in
3 22 black or dark blue ink and of sufficient color and clarity to
3 23 ensure that the signatures are readable when the document or
3 24 instrument is reproduced from the record. The corresponding
3 25 name shall be typed, printed, or stamped beneath the original
3 26 signature. The typing or printing of a name or the
3 27 application of an embossed or inked stamp shall not cover or
3 28 otherwise materially interfere with any part of the document
3 29 or instrument except where provided by law. Failure to print
3 30 or type signatures as provided in this paragraph does not
3 31 invalidate the document or instrument.

3 32 f. The first page of each document or instrument, other
3 33 than a plat or survey or a drawing related to a plat or
3 34 survey, shall have a top margin of at least three inches of
3 35 vertical space from left to right which shall be reserved for
4 1 the recorder's use. All other margins on the document or
4 2 instrument shall be a minimum of three-fourths of one inch.
4 3 Nonessential information including but not limited to form
4 4 numbers, page numbers, or customer notations may be placed in
4 5 a margin except the top margin. The recorder shall not incur
4 6 any liability for not showing a seal or information that
4 7 extends beyond the margin of the permanent archival record.

4 8 2. Each document or instrument, other than a plat or
4 9 survey or a drawing related to a plat or survey, that is
4 10 presented for recording and that contains any of the following
4 11 information shall have that information on the first page
4 12 below the three-inch margin:

4 13 a. The name, address, and telephone number of the
4 14 individual who prepared the document.

4 15 b. The name of the taxpayer and a complete mailing address
4 16 for any document or instrument of conveyance.

4 17 c. A return address.

4 18 d. The title of the document or instrument.

4 19 e. All grantors' names.

4 20 f. All grantees' names.

4 21 g. Any address required by statute.
4 22 h. The legal description of the property and parcel
4 23 identification number, if required.
4 24 i. A document or instrument number for statutory
4 25 requirements, if applicable.
4 26 3. If insufficient space exists on the first page for all
4 27 of the information described in subsection 2, the page
4 28 reference of the document or instrument where the information
4 29 is located shall be noted on the first page.
4 30 4. The recorder may record the following documents or
4 31 instruments which are exempt from the format requirements of
4 32 this section:
4 33 a. A document or instrument that was signed before July 1,
4 34 2004.
4 35 b. A military separation document or instrument.
5 1 c. A document or instrument executed outside the United
5 2 States.
5 3 d. A certified copy of a document or instrument issued by
5 4 a governmental agency, including a vital record.
5 5 e. A document or instrument where one of the original
5 6 parties is deceased or otherwise incapacitated.
5 7 f. A document or instrument formatted to meet court
5 8 requirements.
5 9 g. A federal tax lien.
5 10 h. A filing under the uniform commercial code, chapter
5 11 554.
5 12 5. A document or instrument rejected for recording by a
5 13 recorder shall be returned to the preparer or presenter
5 14 accompanied by an explanation of the reason for rejection.
5 15 6. On and after July 1, 2005, a document or instrument
5 16 that does not conform to the format standards specified in
5 17 subsections 1 through 3 shall not be recorded except upon
5 18 payment of an additional recording fee of ten dollars per
5 19 document or instrument. The requirement applies only to
5 20 documents or instruments dated on or after July 1, 2005, and
5 21 does not apply to those documents or instruments specifically
5 22 exempted in subsection 4.
5 23 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1,
5 24 2004.

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5 29 JEFFREY M. LAMBERTI
5 30 President of the Senate

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5 32 _____
5 33 CHRISTOPHER C. RANTS
5 34 Speaker of the House

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6 1 I hereby certify that this bill originated in the Senate and
6 2 is known as Senate File 371, Eightieth General Assembly.

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6 6 _____
6 7 MICHAEL E. MARSHALL
6 8 Secretary of the Senate

6 8 Approved _____, 2004
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6 12 THOMAS J. VILSACK
6 13 Governor

House Amendment 8312

PAG LIN

1 1 Amend Senate File 371, as passed by the Senate, as
1 2 follows:
1 3 [#1.](#) Page 5, line 5, by striking the word
1 4 and inserting the following: .
1 5 [#2.](#) Page 5, line 10, by striking the word
1 6 and inserting the following: .
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1 10 SANDS of Louisa
1 11 SF 371.701 80
1 12 sc/gg
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House Amendment 8314

PAG LIN

1 1 Amend Senate File 371, as passed by the Senate, as
1 2 follows:
1 3 [#1.](#) Page 1, line 31, by inserting after the word
1 4 the following: .
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1 10 sc/sh
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Senate Amendment 5172

PAG LIN

1 1 Amend Senate File 371, as passed by the Senate, as
1 2 follows:
1 3 [#1.](#) Page 1, line 31, by inserting after the word
1 4 the following: .
1 5 [#2.](#) Page 5, line 5, by striking the word
1 6 and inserting the following: .
1 7 [#3.](#) Page 5, line 10, by striking the word
1 8 and inserting the following: .
1 9 [#4.](#) By renumbering, relettering, or redesignating
1 10 and correcting internal references as necessary.
1 11 SF 371.H
1 12 sc/es/25
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