

ESS

Electronic Services System – Standards Subcommittee Meeting

AGENDA **January 23, 2024** **Virtual** **9:00 A.M. to NOON**

Welcome and Introductions

October 17, 2023, Meeting Summary – Approval

Iowa Recording Fee and Business Process Modernization Project

- Project Charter
- Project initiative Concepts
 - BTB Redaction Program Reforms
 - “Normalize” County Location and PIN Information
 - Internalize Redaction Processes
 - Index External Registry References
 - Create an ILR Blockchain
 - Integrate with Local “LookUp” Tables and Establish ILR LookUps
 - Modernize the External Submitter API
 - Create a Fraud Alert Notification System
 - Digitize and Index Historical Surveys and Plats (including unrecorded surveys)
 - Create Multi-Jurisdiction Plat Approval Process
 - Re-establish Integration with Beacon and Integrate with Other GIS systems
 - Other Forward Looking Topics (Document Types: E-Submission and Search)
- Document Formatting and Indexing Policies
 - Formatting – Legible, Reproducible, Discernable
 - Stamp Area
 - Recording PII
 - Document Content - Submitter Responsibilities
 - Parsed Location Info, PIN, associated references, instrument dates
 - “Preparers” or “Processors”
 - Responsibility for “legal effects”
 - Cover Sheets
 - Index Legends
 - Document Content – Recorder Responsibilities
 - Parsed Location Info, PIN, associated references, instrument dates
 - Surveyors/Groundwater Hazard
 - Declining Documents
 - Recorder Fee Adjustments
 - Nonconforming Fee Repeal
 - No-Acceptance Repeal
 - Indexing Notary Commission Information
 - Indexing Considerations
- Other Policy Ideas
 - Additional Transactions
 - Standardized Reference Numbers

Policies and Procedures

- Associated Reference Update – Chapter 3 – Pending
- Parcel Identification Number Update – Chapter 3 – Pending

Software Development Update

- Modifications to “Recently Recorded” Functions
Search Application Transition Status
- CESAPI Implementation
- County Upload API Development
- ILR Cloud Migration

Subcommittee Member Topics**2024 Regular Meetings:**

Tuesday, January 23 - (Virtual)
Thursday, April 23 - 10 AM to 2 PM (Virtual)
Tuesday, July 23 - 10 AM to Noon (Possible In-Person)
Thursday, October 17 - 1 to 3 PM (Virtual)

**Standards Subcommittee
Teleconference Meeting
Summary
October 17, 2023**

Participants

Jayne Schultz, Winneshiek County Recorder
Joan McCalmant, Linn County Recorder
Ashten Wittrock, Carroll County Recorder

Jolynn Goodchild, Plymouth County Recorder
Katie Carlton, Union County Recorder
Naomi Ellis, Marion County Recorder

Other Participants

Ann Ditsworth, Dickinson County Recorder
Nancy Booten, Lee County Recorder
Deb McDonald, Greene County Recorder
Melissa Bahnsen, Cedar County Recorder
Roxann Vokaty, Howard County Recorder
Shirley Troyna, Chickasaw County Recorder
Sheri Jones, Jones County Recorder
Toni Wilkinson, Franklin County Recorder

Dianna Longhenry, Poweshiek County Recorder
Sue Meyer, Clayton County Recorder
Jamie Stargell, Adams County Recorder
Karen Mathis, Allamakee County Recorder
Shanna Eastvold, Winnebago County Recorder
Stacie Herridge, Story County Recorder
Teresa Olson, Worth County Recorder

Census Lo-Liyong, Iowa Land Records
Phil Dunshee, Iowa Land Records
Kay Kelleher, Iowa Land Records

Lisa Long, Iowa Land Records
Kristen Delany-Cole, Iowa Land Records

Welcome

A meeting of the ESS Standards Subcommittee was held via web conference. The participants included the regular ESS Standards Subcommittee members and members of the Document Formatting working group.

July Meeting Summary

The Subcommittee reviewed the July 18, 2023, meeting summary. Jayne Schultz made a motion to approve the meeting summary. Katie Carlton seconded, and the motion was approved.

Subcommittee Nominations and Appointments

The Subcommittee members have been notified that the terms of three current members will come to an end in December. It is the responsibility of the six districts to put forward nominees. Members of committees may serve multiple terms.

Software Development Updates

Search Application Transition Status - Submitters, Organization Searchers, Individual Searchers

ESS has successfully migrated E-Submission organizations to the new search application. As part of this transition, the legacy search system will be discontinued by the end of 2023. Notifications about this change have been prominently displayed on the Iowa Land Records website. Furthermore, all organizations and individual users now have the capability to submit online application forms.

Linn County

In early September, Linn County successfully launched its online registration renewal system, which has been operating smoothly. The integration of the Linn County application with the ESS payment service is functioning correctly, and daily reports are being provided to Linn County. Although there was a minor issue recently, it has been resolved, and the system is performing as planned and expected. Credit is due to Linn County for achieving this significant milestone. The collaboration with Linn County will continue,

and there are plans to explore expanding this service in the future.

CESAPI

This E-submission API for local service providers is now operational, with Solutions as the first service provider actively integrating it into the initial counties. ESS has completed the development work, and collaboration between the development team and local service providers is ongoing. The aim is to retire the legacy system (LCM). Solutions has made substantial progress in this transition, and other service providers are also working on it.

PENDING COUNTY UPLOAD TECHNICAL ADJUSTMENTS

County Upload API

A report was provided on the ongoing development of the County Upload API. The County Upload API acts as a bridge between county recording systems and the land records system for data exchange. This is how county records are added to the database and then posted on the ILR website. Some components of this new system are still under development, and service providers will likely receive extra time to complete these aspects. The targeted implementation date for the completed system is December 2024. This update will be shared with local service providers, and the emphasis is on ensuring a smooth data transfer process between county systems and land records databases.

One aspect of the County Upload API are the data elements which are transferred to Iowa Land Records. As a part of this update, ILR will be communicating with local service providers to ensure that certain data, if present in local systems, will be correctly transferred. These data elements are:

- Instrument Date. Generally, this is the date a document is executed – defined as when the parties sign the document traditionally, or by electronic means.
- Parcel Identification Numbers. The ILR database and website has included this data element since the beginning of the system. However, the information has either not been consistently indexed or it has not been consistently transferred to ILR. PIN numbers, if present in local systems, should be transferred to ILR.

There are some other data elements being considered for this County Upload API update. These elements include:

- Consideration Amounts. “Consideration” (the sale amount) and “Mortgage Consideration” are included in the ILR data schema. When the new API is published, local service providers would be instructed to transfer the data, if present, to Iowa Land Records, and the data would be persisted into the ILR database for presentation in the Search application.
- Additional Location Information for Platted Land. Stakeholder organizations have expressed a desire to use unplatted location elements, such as section numbers, when searching for platted land. The ILR data schema includes Section numbers with the platted land structure, and we’re exploring options for including it in the County Upload API.

No decisions have yet been made on these data elements. It is being discussed with local service providers and stakeholders.

Firewall As a Managed Service

The Project Manager reported that ESS is currently planning to transition from an internally managed firewall to a managed firewall service provided by the data center host, Lightedge. This will help ensure that ILR systems will have the appropriate redundancy and security, reduce risks associated with equipment failure, and free up valuable time for members of the ILR development team. The change also

signals a potential move of ILR systems from its own equipment to a cloud-based infrastructure. ESS already stores backups in the cloud using Amazon Web Services.

External Submitter API

The Subcommittee received information that ESS will be planning to update the External Submitter API, which is used by national eRecording companies and the Iowa Department of Revenue. Like other ILR systems it needs a technology update, but change may also be used to address some important service and support issues. For example, there is a need to require external submitters and their customers to process and return declined documents within the same package rather than abandoning them. There is also a desire to access end-user customer information to improve communication with customers – particularly when documents must be declined. Development work on an External Submitter API is expected to start sometime in 2024.

Redaction Policies and API

It was reported that current budget constraints due to declining housing and mortgage market activity is compelling a reevaluation of the document processing and redaction methodology for personally identifiable information (PII). This entails questioning whether every document, regardless of type, needs to undergo a redaction review, particularly documents like surveys which typically do not contain PII. Alternative redaction review processes and services may also be considered.

Policies and Procedures

Chapter 7 - Terms of Service

The Subcommittee received a recommendation from staff to make several changes to the ESS Terms of Service. Several substantive updates had recently been approved by the ESS Standards Subcommittee and the ESS Coordinating Committee. Following these actions, when updating the master Policies and Procedures document, several non-substantive words and phrases were identified as being in need of an update or correction. Proposed changes were as follows:

- Section 7.5 (Paragraph 1 and 6) Instead of using the term "he/she," the suggestion was to replace it with the phrase "they agree." As a result, the phrases would now read: "Each registered organization and user represents and warrants that they agree that the user identification and authentication procedures ..."
- Section 7.6 (unnumbered paragraph 2) A phrase is amended by inserting the term "physical" prior to the term document. It acknowledges the difference between physical and electronic documents. "Each registered organization and user agree that submission of a document through the Iowa Land Records Electronic Submission Service is equivalent to delivery of a physical document through the U.S. mail, courier service or over-the-counter at designated offices in each county or jurisdiction."
- Section 7.7 (Subsection 3) Language is added to clarify that ESS may require an applicant to provide government documents to verify their identity (such as a Passport or Real ID).
- Section 7.8 A corrective edit to consistently use the term ESS throughout the Terms of Service.
- Section 7.9 (subsections 1 and 2) Language is modified and added to clarify that Individual Users not affiliated with an organization may request a temporary adjustment to document image view limits.

The Subcommittee was asked to give approval to the proposed amendments to Chapter 7. Ashton Wittrock made a motion to approve the amendment to Chapter 7. Jolynn Goodchild seconded, and the motion was approved.

Chapter 3 – Associated Document References

Staff presented a proposed amendment to policies concerning Associated References. The Subcommittee had previously approved a similar amendment which was advanced to the ESS Coordinating Committee for consideration. The ESS Committee expressed concern that some might interpret the language in a way that would cause recorders to decline documents if they did not include an association reference, and they remanded it back to staff and the Standards Subcommittee for further consideration.

The amendment presented to the Standards Subcommittee included revisions intended to address this concern. Generally, language was added to require the indexing of associated references if it is present in a document and to affirm that certain contemporaneously filed documents a document should not be declined if no Associated Reference is present.

The Subcommittee discussed a question about whether the document type “Deed of Trust” and associated releases should be included in the policy. It was noted that some counties index Deed of Trust documents as mortgages. This topic was deferred to a future discussion.

Staff requested approval of the updated associated reference policy as presented. Joan McCalmant made a motion to approve the amendment to the associated reference policy. Jayne Shultz seconded, and the motion was approved.

Chapter 3 – Parcel Identification Numbers

Staff presented a proposed policy change pertaining to the use of Parcel Identification Numbers (Parcel ID Numbers or PIN) and their inclusion in electronic indexes. The primary purpose is to link these numbers to other data in assessor's offices and external databases like the Beacon system. The amendment updates the language and requires that all counties include parcel identification numbers assigned by an Assessor in their recording indexes. This is a common data element for geographic information systems.

As presented, the amendment would specify a number of business days for adding the PIN to the recorders index. The Subcommittee expressed that it would be more workable to say that a PIN should be entered as soon as practicable following the recording date. This change was accepted by consensus of the Subcommittee.

As presented, the amendment would become effective in January 2025.

A motion to approve of the proposed amendment, as modified by the Subcommittee was stated based on the group discussion. Ashten Wittrock made a motion to approve and Joan McCalmant seconded. The motion was approved.

Chapter 6 Back the Blue (PII)

The Subcommittee received information and discussed the operation of the Back the Blue program. The discussion revolved around Chapter 6, subsection 8 of the Policies and Procedures, which currently allows certain law enforcement officers to request the redaction of their names from property records. Redaction removes the individual's name but does not remove documents or index information from the Iowa Land Records website. This conforms to the requirements of the Iowa Code, but it may not match the expectations of the law enforcement community. The Project Manager advised that ESS is investigating alternative approaches that would allow for redacted records while providing information access to certain authorized parties. A stakeholder review process, involving representatives from the Land Title Association, Iowa Title Guaranty, and the Iowa State Bar Association, is currently in progress to address this issue. A summary of those discussions will be provided at a future meeting.

Affidavit Non-Transfer

The Subcommittee was asked to provide comment about the document type Affidavit Non-Transfer. The discussion centered on the configuration of this document type in the E-submission application. Currently, this document type is configured to enable “Additional Transactions.” ESS staff has had internal discussions regarding whether this is correct. It was noted that affidavits often reference multiple previously recorded documents, which is viewed simply as a reference rather than as an additional transaction. A reference, if it takes no action or makes no modification to a previous transaction should not be considered as an Additional Transaction and no additional recording fee should be charged. It was determined that no change in configuration would be implemented at this time. However, there may be future conversations about this in the future.

Document Formatting Standards Work Group Homework

331.606B, Subsection 1

The Project Manager presented an updated version of the potential changes to the language in Section 331.606B of the Iowa Code relating to document formatting standards. The updated version focused only on potential changes to the Code of Iowa (not Policies and Procedures), and incorporate some changes suggested in previous discussions. The information has been labeled as “homework”, because the Standards Subcommittee and other recorders participating in a document formatting work group have been asked to study and think about the potential changes. No action was requested at this meeting, and there are no plans to file any legislation in the 2024 legislative session.

The presentation began with a review of possible changes to Subsection 1 of 331.606B, which might be characterized as a “modernization” effort to reflect current technology and business practices. These potential changes were previously approved by the Standards Subcommittee and working group.

HOMEWORK

Recording PII (331.606, subsection 3)

ESS has identified a conflict between current practice and the law regarding the recording of documents containing PII. Presently, the practice encourages recording such documents despite legal prohibitions because they undergo a redaction process. To align the law with the existing practice, the proposal suggests adding language that allows the recording of documents containing PII, provided they undergo the specified redaction process as outlined in section 331.606, subsection 3. Essentially, this proposed change aims to legalize the organization's current procedures.

Section 331.606B Subsection 1 – Introductory Statement

It is suggested that the introduction in subsection 1 of 331-606B be revised to have a more positive purpose. The proposed change aims to adopt a more customer-friendly approach by emphasizing the purpose of the standards, which is to create a high-quality, permanent, unaltered archive of information for the citizens of Iowa. Instead of using the term "shall refuse," it suggests using language that reflects the organization's objectives.

Other Concepts

Three-Inch Margin Requirement: The organization is discussing whether the three-inch margin requirement at the top of the first page could be replaced with a white area sufficient for a recording stamp. The goal is to make it more user-friendly for submitters and preparers. This would be similar to the current allowances for surveys and plats.

Information Required for Recording: Reordering and restructuring subsection 2 is suggested

to place more focus on information necessary for a county recorder to archive and index documents accurately. It specifies what must be included in an instrument, emphasizing information needed for recording and indexing.

Inclusion of Preparer Information: The proposal suggests that documents retains the requirement that the name, mailing address, and phone number of the person who prepared the document be provided, but it also provides the alternative of providing the same information about the person is best able to respond to questions about a submitted document. This begs the questions about what is meant by “preparer” and what is the underling purpose of this information. It also offers the opportunity to position the information in a different location.

Metadata for Electronic Documents: Recognizing the differences between physical and electronic documents, the proposal allows information to be submitted as metadata for electronic documents. As a practical matter electronic and physical documents can and perhaps should have different standards. Is it sufficient to electronically present information about preparers (or best responders) electronically rather than “on the page”? If the purpose is retaining a history for a document, are there other ways this could be achieved?

Acknowledgment of Recorder's Role: The proposed changes emphasize that it is not the recorder's role to evaluate the legality of a document - reinforcing that this responsibility lies with the preparer or the legal parties.

1st Page, Index Legend, or Cover Sheet: The draft proposal explores the possibility of permitting submitters to prepare an index legend and include it as part of the document or cover sheet. This approach aims to encourage preparers to provide essential information for the recording process in a concise and easy-to-understand format. In the proposed draft for cover sheets, it is explicitly mentioned that attestation statements should not be included in a cover sheet. The rationale behind this is that a cover sheet is considered separate from the legal instrument itself and is primarily an artifact associated with the recording process.

No action was taken on these topics. Subcommittee members were encouraged to review the so-called “HOMEWORK” concepts, and the materials relating to other “Forward Looking” discussion topics which will be considered at a future meeting.

The meeting was adjourned at 12:00 PM. A prospective calendar was provided for the 2024 meeting schedule.

Next Meeting: **January 23, 2024 (Regular Meeting) (Tentative)**

Iowa Recording Fee and Business Process Modernization Project

Project Charter Sponsor: ICRA Executive Board

Project Purpose: To develop recommendations and options for updating recording fees and to consider changes to the recording process that would be of benefit to recorders, customers, and stakeholders. Changes in recording fees would be for the purpose of sustaining recording services in county offices, to provide sustainable resources for the operation of the Iowa Land Records system, and to carry out possible special purpose projects in collaboration with key stakeholders.

Timeframe: Begin planning process following the Thanksgiving holiday and through August 2024. Advance recommendations for consideration to policy makers for consideration in the 2025 legislative session.

State Level Stakeholders: Iowa State Bar Association, Iowa Bankers Association, Community Bankers of Iowa, Iowa Mortgage Association, Iowa Credit Union League, Iowa Realtors Association, Society of Land Surveyors of Iowa, Iowa Land Title Association, Iowa Title Guaranty, IEDA and the State of Iowa, Iowa Journalists and Media, Taxpayer Advocacy Groups and the ESS Coordinating Committee itself.

Local Stakeholders: Recording Customers, Local Affiliates of the State Level Stakeholders, Other Customers, Locally Elected State Policy Makers, Other County Officials

Planning Processes: The planning processes would involve several different committees and workgroups as follows.

Fee Planning Work Group. This group will be comprised of the legislative co-chairs in each of the six ICRA districts plus the ICRA legislative co-chairs and the ICRA representative to the ISAC governing board.

Auditor Transfer Fee Subcommittee. This subcommittee, appointed by the ICRA President, would be tasked with communications with ISAC and the ISAC Auditor's affiliate concerning the Auditor's transfer fee, which may be affected by any modification to recording fees. To be initiated by ICRA President with the Auditor's affiliate President.

ESS Standards Subcommittee and Document Formatting Work Group. These groups, which have been meeting jointly through much of 2023, would continue their work to review document formatting policy and to consider other policies such associated references, parcel identification number indexing and other reforms and best practices. Key stakeholders would be engaged in this process to provide input and recommendations.

Surveyors Working Group. This joint working group, appointed by the ICRA President and the leadership of the Society of Land Surveyors of Iowa, would be charged with reviewing indexing and formatting practices for surveys and plats and related documents, and to develop recommendations for a process and budget to digitize, index and electronically post older survey documents. Likely SLSI participants include members of their governing board.

Large County Advisory Committee. Recorders from the top ten highest population counties would be asked to act as an advisory body to the ICRA Executive Board concerning plans and recommendations that might have a specific effect on counties with higher populations.

As the planning processes unfold, there may be a need or benefit to creating other subcommittees or working groups to address specific topics.

Iowa Recording Fee and Business Process Modernization Project

Estimated Meeting Schedules

Fee Planning Work Group (Suggested/Tentative Schedule)

Thursday, December 14 (2023)

January 25

February 21

March 13 (Wednesday – possible special meeting (County Day at the Capitol))

March 20

April 24

May 15

June 19

July 17 (target recommendation date)

August 21 (if needed)

Auditor Transfer Fee Subcommittee

Meeting Schedule TBD

At Least One Scheduled Joint Meeting with the Fee Planning Work Group

ESS Standards Subcommittee and Document Formatting Work Group.

January 23 (Tuesday)*

March 13 (Wednesday – possible special meeting (County Day at the Capitol))

April 23 (Tuesday)*

June (possible special meeting – stakeholder discussions)

July 23 (Tuesday)*

*Regularly Scheduled Meeting

ICRA Advocacy Webinar – February 7, 2024 – 9:00 AM

Surveyors Subcommittee

Meeting Schedule TBD (Planning meeting with SLSI leaders held on Nov. 21). Subcommittee members selected – Kickoff meeting pending.

Other Stakeholder Meetings

Follow Up meetings with Iowa Bar, ITG, and ILTA pending

Meeting with IBA lobbyist – follow up policy discussion planned

Meetings with Iowa Realtors and CBI pending

Communications with Iowa Credit Unions (they are interested in doing a member survey)

August-December 2024 – Presentations to stakeholder groups/governing boards/lobbyists

Large County Advisory Committee

TBD

State Officials (TOS, AOS, SOS, DOR Governor)

Met with TOS Staff December 12 to review payment process and update on activities.

ICRA Executive Board

February 8 – possible presentation to supervisor's conference

June 25-28 – possible presentation to Auditors summer conference

August 15 - possible joint meeting with ESS Coordinating Committee*

* Regularly Scheduled ESS Meeting

Iowa Recording Fee and Business Process Modernization Project

Activities and Tasks Associated with Committees and Work Groups

Fee Planning Work Group

Review inflation data since 1985
Review service and technology changes since 1985
Discuss “Principles” that should guide recording fee decisions, e.g., to pay 100% of local maintenance fees
Survey recorders for preliminary impressions about recording fees
Survey E-Submission and traditional customers for impressions about recording fees
Update research on state recording fees (Ernst and Black Knight tools)
Calculate average pages per document
Review judicial filing fees and policies
Review and compare recording fee models
Survey recorders about alternative recording fee models
Survey E-Submission and traditional customers about alternative recording fee models
Review research results from 2020
Explore selected updates to 2020 research (costs of providing recording services)
Update flat fee model(s) for estimating recording fees
Run scenarios of flat fee models and estimate impact on counties (including population analysis)
Run scenarios of flat fee models and estimate impact on submitters
Prepare recommendations

Auditor Transfer Fee Subcommittee

Set Up meeting with Auditor Leadership (including ISAC staff)
Survey of Counties To document Income from Auditor Transfer Fees (2023)
Document uses of the Auditor Transfer Fees
Comparison with data from E-Submission (2023)
Develop alternative ideas for providing equivalent income to county auditors
Discuss collaborative opportunities between county auditors and recorders (tasks that can be performed by recorders?)
If there is opportunity, discuss ongoing conversations about eliminating recorders or combining offices

ESS Standards Subcommittee and Document Formatting Work Group.

Survey Submitters for E-Submission enhancements
Survey Searchers for Search enhancements
Survey Stakeholders and their members for suggested policy changes
Conduct user/stakeholder focus groups
Consider document formatting policies
Design projects for normalizing data
Design project to review document type mapping and to normalize document types
Design project to modify Back The Blue
Design project to facilitate associated references between title documents
Study options/benefits/costs to integrate with private registries and blockchain platforms
Design project to integrate ILR with other GIS systems (Beacon, et al)
Implement parcel identification numbers policy
Design project to establish a fraud alert notification system
Design project to begin indexing notary information (numbers/names)
Design project to modernize integration with External Submitters

Iowa Recording Fee and Business Process Modernization Project

Surveyors Working Group

Review existing processes to identify potential improvements (index legend, recording stamp area, multi-office workflow, color management)
Review proposed policy changes for associated references
Design project to add associated references to older surveys
Review procedures for digitizing older surveys
Develop cost estimate for project to digitize older surveys
Review procedures for indexing platted land
Develop indexing method to permit searches to follow a property's survey history

Large County Advisory Committee

Ongoing Communications and Dialogue with large counties concerning all activities
Review all modernization proposals to assess special impacts on large counties

Other Working Groups

To Be Formed based on topic/need

ICRA-ESS MODERNIZATION INITIATIVES

A core proposition of the proposal to update recording fees is that it will provide a return on investment and benefits for citizens and the real estate industry. The following is an abstract of modernization initiatives that will require greater investment beyond the recording fees that fund the operation of county recorder offices. The next steps will require the development of a project scope of work and cost estimate. The initiatives are listed in no particular order or priority.

BTB Redaction Program Reforms; In 2021 the Iowa General Assembly adopted legislation to allow for the redaction of a peace officer's name from an electronic document displayed for public access through an internet site. The policy was implemented in July 2021. However, the structure and terms of the legislation may not provide as much protection as intended. The program is administered by Iowa Land Records. There may be better methods for shielding the personal information of peace officers while enabling professionals in certain professions to continue provide important financial services to them.

"Normalize" County Location and PIN Information; Iowa Land Records provides access to more than 23 million records. However, the formatting of certain data may not be consistent across all counties, making searching more difficult. For example, in prior years counties may not have parsed location information such as section, township and range into separate fields. A special project to fill in and "normalize" the electronically indexed data is proposed. A primary focus would be on the following data elements: section, township, range, quarter section, and lot, block, subdivision, city/town and the applicable parcel identification number(s).

Internalize Redaction Processes; In 2009 Iowa Land Records established a centralized process for redacting personal identification information (PII) from all electronic documents posted on the public website. An external service provider was selected through a competitive process, and that provider has been used to redact both historical records and recently recorded documents. OCR technology and artificial intelligence software has significantly in the past 15 years, and Iowa Land Records believes that these processes could be effectively internalized. Software development is required to integrate these tools into ILR systems.

Index External Registry References; Alternative private registries for certain real estate business functions such as mortgage registrations, remote notarial systems, and distributed ledgers for business transactions are growing, but there is no common method for tracking where this information resides. A land records system such as ILR could be a repository for this registry information - making it accessible to the public. Incorporating this information into the recorders index would require additional work and investment by recorders, their local technology service providers and by ILR.

Create an ILR Blockchain; Blockchain has been identified as one of the top five transformative technologies of this time (along with artificial intelligence and several others). One of the main benefits of blockchain is that once information is saved on the blockchain it can't be undone – providing additional certainty and security. Iowa Land Records, operating under a 28E agreement with all 99 counties, is uniquely situated to establish a distributed ledger system for maintaining a permanent official record of ownership for properties throughout Iowa. Once established, any legitimate, authorized, real estate professional could access information recorded on the chain. Software development and collaborative work with stakeholders and other technical service providers are required to create such a system – which would be the first in the nation.

ICRA-ESS MODERNIZATION INITIATIVES

Integrate with Local “Look Up” Tables and Establish ILR Look Ups; County electronic indexing systems incorporate standard “Look Up” tables to establish consistency in spelling and abbreviations for certain data points such as subdivision names and abbreviations and city names and abbreviations. Iowa Land Records is integrated with each county land records management system through an application programming interface (API). Modifications to the API would permit Iowa Land Records to use the standard lookup tables for the ILR land record search application and the ILR E-Submission service. This would make searching and E-Submission easier for the user and potentially increase efficiency with county indexing processes. Planning and software development work is required.

Modernize the External Submitter API; Iowa Land Records provides an API for national electronic recording service providers. There are many companies in the real estate industry who transact business in all fifty states. For this reason, those companies work with electronic recording service providers so they can reach every state through one system. However, there are some inefficient steps in this process – recorders have difficulty communicating with the original submitter, and the service providers abandon recording packages if they are declined by recorders instead of making corrections in the same package. ILR wishes to update the External Submitter API to address these issues.

Create a Statewide Fraud Alert Notification System; Legislation has been introduced to require Iowa counties to implement a property fraud notification system. Such a system would notify a property owner if there was any recording activity associated with their property or surname. Iowa Land Records is developing a plan to establish a notification system which would serve property owners in all 99 counties. A statewide system will be more efficient than 99 separate (and varied) systems, and the intention is to leverage the recently created “citizen search” to submit their alert requests. Planning and software development work is required.

Digitize and Index Historical Surveys and Plats (including unrecorded surveys); Discussions with the Society of Land Surveyors of Iowa indicate that there would be substantial benefit to surveyors and the consumer if more historical surveys were digitized and made available through the Iowa Land Records website. Work to build associated references between recently recorded surveys and plats and prior historical documents would also be valuable. A coordinated process digitized surveys in each county, enter index information and associated references and to post the information on Iowa Land Records is required.

Create A Multi-Jurisdiction Plat Approval Process; Discussions with the Society of Land Surveyors of Iowa indicate that there would be substantial benefit to creating a system to support the electronic review of plats and surveys by city and county officials. Once approved by the city or county, it would be available to electronically submit the county recorder for recording. A secure “approval” stamp could be provided to each jurisdiction to signify completion of a review process. The intent is to create a smooth and seamless workflow from surveyor/engineer to the city/county. Within the same “package” errors could be identified, then corrected by the submitter, and returned to the city/county (similar to the current ILR E-Submission service). Software development and collaborative work are required to create such a system.

ICRA-ESS MODERNIZATION INITIATIVES

Re-establish Integration with Beacon and Integrate with Other GIS Systems; For many years Iowa Land Records has had an integration with Schneider Corporation's "Beacon" system. Because users could serve for a property address and when found, a link to the conveyance document posted on the Iowa Land Records website would be presented. With the creation of a new ILR search application and the retirement of the ILR legacy search system, that link has been broken. ILR wishes to work with Schneider Corporation to create a new API that would permit authorized Beacon users to access information about a property on the ILR website, and conversely for ILR users to access property information from the Beacon system. The ability to access information from both systems would provide substantial benefits to real estate professionals. An updated API could also be made available to other geographic information systems to provide reciprocal access.

DRAFT
FOR DISCUSSION

Forward Looking Topics

1. Notary Information. In conjunction with the recent discussions about property fraud, we have noted that one of the big vulnerabilities is crooked notaries. Notary information, if tracked, could be a preventative measure with respect to property fraud. If this is true, one way to track notary information is to index the notary information present on a recorded document. One or more of the notary data elements could be made to be “searchable.”
2. There are a growing number of outside “registries” like MERS and emerging blockchain products that the industry is wanting to pursue. This introduces the idea that indexes could include cross references to those external systems. One or more of the registry data elements could be made to be “searchable.”
3. Through the PRIA blockchain working group ILR is being introduced to companies that are using blockchain to execute real estate transactions. There are conversations in that context that are exploring how those systems would/should interact with the public land registry. No specific direction has emerged to date, but those conversations are expected to continue.
4. Many county systems have “Look Up” tables in their indexing systems. If county systems regularly provided updated “Look Up” Table information, it could help ensure consistent spelling for data elements such as for subdivision names, town names and even company/organization names in E-Submission. It is possible, technically, to set up such a system through the APIs.
5. The following data elements are included in the ILR data schema: “Package,” “Parties,” “Contact Detail” and “Contact Points.” Contact information about the External Submitter customers could be presented to the recorders when reviewing documents so they could communicate with each other directly. The Package and Party information would also be relevant to changing the External Submitter API so we can stop abandoned packages and require the return of documents to ILR and recorders within the same package when corrections are made. This will likely be addressed in a future rewrite of the External Submitter API.
6. In the beginning of ILR it was believed that creating a short list of documents would make it easier for recorders and customers to navigate. And this has turned out to be mostly true for E-Submission. But we have also learned that the short list of E-Submission document types has not made it easier to search. There is a case to be made for creating an expanded, but still consistent, list of document types for the ILR database and search application. In summary, a short list for E-Submission, and a longer (but still uniform) list for search.

1. Section 331.606B, Section 1, introductory statement, is amended to read as follows.

1. ~~Except as otherwise provided in subsection 7, the county recorder shall refuse any document or instrument presented for recording that does not meet the following requirements:~~ The purpose of document or document formatting standards is to ensure that the documents and their associated images are legible and contain the necessary information for the county recorder to perform their duty to create a permanent, unaltered archive and index of information that is accessible and searchable by the citizens of Iowa and commercial and government organizations. If the form or content of a document or instrument prevents or inhibits the county recorder from performing this duty, the county recorder may decline to record a document or instrument.

The standards may relate to the processing or handling of a physical document, the processing of an electronic document, or the content of a document, and they are enumerated as follows.

EXPLANATION

331.606B (1) - Clarifies that purpose and intent of document or document formatting standards is to facilitate the recording process, provide the information necessary for record indexing and for the benefit of the users of the public land registry. The changes are also intended to set a more positive tone – instead of “shall refuse” it says “may decline” if necessary

GENERAL DOCUMENT FORMATTING REQUIREMENTS

Section 331.606B, Subsection 1 is amended to read as follows.

331.606B Document or document formatting standards.

1. Except as otherwise provided in subsection 7, the county recorder shall ~~refuse~~ decline 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. For the purposes of this section, continuous form shall mean individual one-sided pages. The A document or instrument in a physical form shall not be permanently bound, have any attachment stapled, taped, or otherwise affixed to any page except as necessary to comply with statutory requirements, or contain text or graphics on the back side of a page. However, the individual pages of a document or instrument in a physical form may be ~~stapled~~ clipped together for presentation for recording. A label that is firmly attached to a document or instrument in a physical form with a bar code or return address may be accepted for recording.
 - b. All ~~preprinted~~ text shall be in a legible font of at least ~~eight~~ ten 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. However, a plat or survey or a drawing related to a plat or survey may contain text in a legible font of at least eight point in size.~~
 - c. Each document shall be of sufficient legibility to produce a clear reproduction. If all or a portion of 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 illegible portion of the document or instrument shall be accompanied by a legible copy as an attachment ~~an exact typewritten or printed copy that meets the type size requirements of paragraph "b" and which shall be recorded contemporaneously as additional pages of the document or instrument.~~
 - d. Each physical document or instrument, ~~other than a plat or survey or a drawing related to a plat or survey,~~ shall be on standard white paper of not less than twenty-pound weight without watermarks or other visible ~~inclusions~~ markings. All text within the document or instrument shall be of sufficient ~~color and clarity~~ legibility 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~~ clear and discernable 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.

GENERAL DOCUMENT FORMATTING REQUIREMENTS

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

EXPLANATION

331.606B (1) - Substitutes the term “decline” for the term “refuse”.

331.606B (1a) - Clarifies the meaning of the following document characteristics.

- Defines “continuous” form to mean individual one-sided pages, and further clarifies that the back side of a page should not contain text or graphics
- Clarifies terms that can apply only to “physical” documents
- Clarifies that a document in a physical form cannot be “permanently bound” (the intention to be that submitted documents must be individual pages that could be processed through a scanning device)
- Affirms that attachments cannot be stapled or affixed to any page, and clarifies that attachments should also not be “taped”
- Clarifies that physical pages should not be stapled together when submitted for recording, but the use of a binder type “clip” is permissible
- Clarifies that a document in a physical form may have a label that is “firmly attached” if it displays a bar code or a return address
- The phrase “except as necessary to comply with statutory requirements” when referencing permanent binding or attachments was removed as the purpose of it was unclear. It is expected that anyone aware of its purpose or origin will speak to it as stakeholder discussions proceed.

331.606B (1b) - Addresses legibility and font size

- The reference to and exception for “preprinted” text is removed
- Adds the adjective “legible” to the font requirement for both plats and all other document types
- Specifies that all text (except text in a plat, or survey or drawing) must be at least 10 point in size. “Legible” is in part defined by the 10 point size requirement for fonts.
- Removes the requirement for no more than sixteen characters and spaces per inch.
- For a plat or survey or drawing, the minimum font size would continue as eight point in size; Section 354,18 provides that the recorder must keep a “reproducible” copy of a plat “from which legible copies can be made”

331.606B (1c) - Further emphasizes the importance of legibility

- Continues to require each document to be “of sufficient legibility to produce a clear reproduction”
- Requires that a legible copy of all or a portion of a document must accompany an illegible document and be recorded as additional pages
- The reference to “an exact typewritten or printed copy” is removed, meaning that the legibility requirement applies not just to physical documents but also to electronic documents

GENERAL DOCUMENT FORMATTING REQUIREMENTS

331.606B (1d) - Clarifies current “paper” requirements for recording and further emphasizes the importance of legibility

- Removes the reference to paper which is not less than twenty-pound weight and clarifies that any physical document must use standard white paper; typical copy paper has a twenty-pound weight
- Substitutes the term “markings” for the term “inclusions.”
- Substitutes the term “legibility” for the term “color and clarity” – the section references “readable” text, which is generally associated with the term legible
- Removes references to surveys, the effect being that the requirements would be the same as for any other document type; standard white paper, no watermarks, and no “markings”. [Refer for review by surveyors]

331.606B (1e) - Clarifies requirements for signatures and removes antiquated references (typing)

- Retains the term “color and clarity” but changes the term “readable” to be “clear and discernable” - acknowledging that often signatures literally cannot be “read” with clear spelling
- Retains the requirement that that names be “printed” beneath the signature.
- The terms type, typed, and typing have been removed.

Note: Except where noted, these revisions are intended to reflect the consensus of the working group at their meeting on April 20, 2023. Working group members are asked to give further review.

Note: Suggested amendments to paragraphs f and g have been proposed separately and follow.

DRAFT
FOR DISCUSSION

Section 331.606B, Subsection 1 subsection f, is amended to read as follows.

- 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~~ one half inch of vertical space from left to right and with a space at the top of the first page which shall be of sufficient size to accommodate the area required for a recording stamp as specified in subsection 4b reserved for the recorder's use. The stamp area shall be adjacent to the top margin. 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.

EXPLANATION

Item f in Section 331.606B, Subsection 1 currently reads as follows.

- 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.

Since 2016 the provision allowing for a stamp area for surveys and plats has been implemented with success. The minimum stamp area is sufficient for the recorders' purposes, and provides some additional flexibility in the preparation of documents. It is proposed that this same flexibility be extended to other document types.

Section 331.606B, Subsection 1g is amended to read as follows.

g. Each document or instrument presented for recording shall meet the requirements of section 331.606A, subsection 2. However, a document which includes personally identifiable information shall be recorded provided that the document is subjected to a redaction process as specified in Section 331.606A, section 3.

EXPLANATION

331.606B (1g) - Clarifies that a document submitted with PII may be recorded, if it is processed to redact PII.

For reference, see Section 331.606A, sections 2 and 3.

2. Inclusion of personally identifiable information. The preparer of a document shall not include an individual's personally identifiable information in a document that is prepared and presented for recording in the office of the recorder. This subsection shall not apply to documents that were executed by an individual prior to July 1, 2007.

3. Redaction from electronic documents. Personally identifiable information that is contained in electronic documents that are displayed for public access on an internet site, or which are transferred to any person, shall be redacted prior to displaying or transferring the documents. Each recorder that displays electronic documents and the county land record information system that displays electronic documents on behalf of a county shall implement a system for redacting personally identifiable information. The recorder and the governing board of the county land record information system shall establish a procedure by which individuals may request that personally identifiable information contained in an electronic document displayed on an internet site be redacted, at no fee to the requesting individual. The requirements of this subsection shall be fully implemented not later than December 31, 2011.

1. Section 331.606B, Section 2, introductory statement, is amended to read as follows.
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 on the first page of a document or instrument submitted for recording the following information necessary for a county recorder to archive and index the document or instrument for public access or for other statutory requirements on the first page below the three-inch margin:

EXPLANATION

331.606B (2) - Clarifies that the effect of this section of 331.606B is to specify the information required of submitters for the purposes of recording and indexing a document or instrument. The responsibility of providing the information is with the submitter. Inclusion of the specified information is necessary for recording and indexing, and it is more efficient if the information is presented in a complete but succinct form on the first page, in a cover sheet or an alternative format such as index legend. Complete and accurate index information provides a substantial benefit to citizens and the real estate industry. The revision also would remove the reference to the top "three inch margin".

Note: An alternative version of this language could more explicitly reference the terms Index Legend and Cover Sheet as follows.

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 necessary for a county recorder to archive and index the document or instrument for public access. on the first page below the three-inch margin: The information may be provided on the first page of a document or instrument submitted for recording or alternatively as a cover sheet or Index Legend as specified in Subsection 3.

Section 331.606B, Subsection 2, paragraphs a-i is amended by striking the paragraphs and inserting in lieu thereof the following.

- a. The title of the document or instrument, sometimes referenced as a document type.
- b. All grantors' names.
- c. All grantees' names.
- d. The parsed location information if applicable, including the quarter section, section, township, and range, and the lot, block, subdivision name and city or town, if platted.
- e. The date on which the document was executed by the parties, a.k.a. instrument date, if applicable.
- f. For any instrument of conveyance, or for any survey or similar documents related to a property, the parcel identification number.
- g. A recording reference number of an associated, recorded document or instrument including references between conveyance documents for the same property, references between mortgage and satisfaction or mortgage documents, references between liens and lien releases, references between an originally recorded document and a re-recorded or corrected document, references between conveyance documents and any recorded companion documents such as groundwater hazard statements, and references between surveys and similar documents related to the same property, or for other statutory requirements, if applicable.
- h. For any instrument of conveyance, the name of the taxpayer and a complete mailing address.
- i. A full legal description of the property, if required.
- j. A page reference within the document if there is insufficient space for the placement of any information as required by this section.

Section 331.606B, Subsection 2, paragraphs a-j is amended by inserting the following unnumbered paragraphs after lettered paragraphs a-j.

In addition to the information required for archiving and indexing, a document or instrument that is presented for recording shall contain any address required by statute.

A document or instrument shall also contain the name, mailing address and phone number of either the person who prepared the document or instrument or if the document is in a physical form, the person best able to address any issue affecting the recordability of the document or instrument. If a document or instrument is presented in electronic form, the information about the person may be submitted as metadata which accompanies a document or instrument.

The information specified in this section is for the purpose of providing the information necessary for recording and indexing a document or instrument and to facilitate public access to information. Document information necessary to execute a transaction or to have legal effect shall be included in a document as determined by the parties in accordance with established legal standards.

Section 331.606B, Subsection 3 is amended by striking the subsection.

EXPLANATION

331.606B (2 a-j) – Modifies the enumerated requirements that submitters must specify on the first page of a document, a cover sheet or other approved format to facilitate the work of the recorder to archive and index a record. Two new items are added: instrument date and parsed legal descriptions. Note, all required information specified in the current statute are retained, but they may be reordered or reworded in some fashion as described below.

- a. document title – similar to item d in the current statute
- b. all grantors' names – identical to item e in the current statute
- c. all grantees' names – identical to item f in the current statute
- d. parsed legal description – new, and intended to aid recorders with indexing – similar to current ESS policies (legal descriptions – 3.8(3) and surveyor index legends – 3.13(6))
- e. instrument date – new; the date the document was executed and/or notarized
- f. parcel identification number – similar to item h in the current statute
- g. associated reference numbers – similar to item i in the current statute – and consistent with the proposed ESS policy regarding associated references – approved by the Standards subcommittee and pending action by the ESS committee
- h. name of taxpayer for conveyances – identical to item b in the current statute
- i. full legal description – similar to item h in the current statute
- j. page references – similar to section 331.606B, subsection 3 of the code

First unnumbered paragraph, The enumerated list in the current statute (item g) specifies that a submitted document must include any address required by statute. The purpose and origin of these is unclear. Rather than remove it and risk unintended consequences, it is proposed to remove it from the enumerated list, but still include it as an unnumbered paragraph. As the overall amendment is reviewed by stakeholders and policy makers, this requirement may be reexamined.

Second unnumbered paragraph. The enumerated list in the current statute (item a) specifies that a submitted document must include the name, address, and telephone number of the individual who prepared the document. Note: this is also intended to address the current statutory requirement for a return address (item c). There are some different opinions on this requirement. Some have said that the preparer may be an important historical reference (the identify of the attorney who authored the document, for example). But in today's world, so many documents are not authored, they are auto-generated. Does the "preparer" have the same meaning that it used to?

Another view is that the contact information of the person who can best respond to a recording question is more valuable. The language in the second unnumbered paragraph provides the submitter with the option to provide either. If a document is electronically submitted through ILR, provisions are being made to facilitate communications with the submitter – the “metadata” about the submitter is included in the E-Submission process, and as written the information need not be included in the document itself.

In the context of modernization, it is recommended that opting for the person best able to address any issue affecting the recordability of the document or instrument as the better choice, and the term might be changed from “preparer” to something like “submitter administrator”

Note: 331.606A defines preparer to be “the person or entity who creates, drafts, edits, revises, or last changes the documents that are recorded with the recorder.”

One last question – for surveys and plats, the surveyor provides their personal name, which is indexed. In a very real sense they are the “preparer”. If a submitter identifies the name of the preparer – someone who literally created the document and stands behind it – should that name be indexed as well? Just food for thought.

Third unnumbered paragraph. A recommendation has been made to modify the introductory paragraph of 331.606B, section 2, to clarify that the purpose of the section is to specify what a submitter should include in the document – primarily for the purpose aiding the recorder with indexing the document. The introduction also states that this is done to aid with “public access.” Key information at the beginning of a document is certainly helpful to the future reader of the document.

This new paragraph is intended to reinforce this purpose. But it is also intended to clarify that, otherwise, the document information necessary to execute a transaction or to have legal effect is the responsibility of the parties (the grantors and grantees). In a way, this helps underscore the idea that “recorders record” and are not engaged in any legal interpretation.

Section 331.606B, Subsection 3, is amended is amended by striking the Section and inserting in lieu thereof the following.

3. In lieu of providing the information specified in Section 2 on the first page of a document or instrument, the information may be provided in one of the following alternative forms. The purpose of these alternatives is to provide the preparer with the means to effectively communicate information required by a recorder to fulfill their recording duties.
 - a. Cover Sheet. A cover page or sheet may be used to accompany a document being submitted to a county recorder for recording. A Cover Sheet shall be included as the initial page of a document or instrument and recorded contemporaneously as an additional page of the document or instrument. The Cover Sheet may include a page reference for the document or instrument where information is located. An attestation statement, or any information intended to have legal effect shall not be included on the Cover Sheet.
 - b. Index Legend. An Index Legend may be incorporated with the first page of a document or instrument or with a Cover Sheet. An Index Legend, if utilized, shall be configured in a compact grid format to provide the information specified in Section 2, which may include the page reference of the document or instrument where information is located. An Index Legend, if included on the first page of a document or instrument other than a plat or survey or a drawing related to a plat or survey, shall be placed at the top of the page.

A Cover Sheet or Index Legend shall conform to the formatting standards specified in this section and other specifications established by the county land record information system.

EXPLANATION

Subsection 3 currently reads as follows.

3. If insufficient space exists on the first page for all of the information described in subsection 2, the page reference of the document or instrument where the information is located shall be noted on the first page.

This page reference would now be included in the enumerated list of information in Subsection 2, providing the opportunity to repurpose the subsection for enabling and clarify the options for a Cover Sheet and Index Legend.

DOCUMENT INDEXING REQUIREMENTS – Required Document-Instrument Information

Section 331.606, Subsections 1 AND 2 are amended by striking the subsections and inserting in lieu thereof the following.

331.606 General filing requirements.

1. The recorder shall note in the county index system the information required by Section 558.49 and Section 331.606B, subsection 2, paragraphs a-g.

In numbering the instruments, each calendar year the recorder may start with the number one and continue to number them consecutively until the beginning of next calendar year. In addition to the sequential number of each recorded document, a county may also assign reference numbers using book and page numbers. The time of filing shall at a minimum be indexed with the following elements: year, month, day, hour, minute and second. If electronically filed, the index shall also specify the millisecond.

Section 558.49 is amended to read as follows:

558.49 Index records.

The recorder must shall keep index records to show the following:

1. Each grantor.
2. Each grantee.
3. The date and time when the instrument was ~~filed with~~ recorded by the recorder.
4. The date ~~of the~~ on which the document or instrument was executed by the parties.
5. The nature of the instrument, as indicated by the title of the document or instrument.
6. The document reference number where the record of the instrument may be found.
7. The description of the real estate affected by the document or instrument, as indicated by the parsed location information, including the quarter section, section, township, and range, or the lot, block, subdivision name and city or town, if platted.

EXPLANATION

This amendment aligns the indexing requirements with the proposed updates to 331.606B, subsection 2, of the Iowa Code, and an updated reference to index records in Chapter 558 regarding conveyances. This is intended to assure consistent and complete indexing practices.

Question. Do all county index numbering systems begin January 1?

Section 558.49 currently reads as follows.

558.49 Index records.

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 affected by the instrument.

See also 2001 Acts, ch 44, §23, 24; 2006 Acts, ch 1031, §8; 2010 Acts, ch 1023, §2 for recent historical references

Section 331.606B, Subsection 4, paragraphs a and b

First lettered paragraph a – Index Legend.

a. 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.

Second lettered paragraph b – Stamp Area.

b. 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.

EXPLANATION

These practices were enabled through legislation enacted in 2016. Senate File 2276, 2016 Acts, ch 1064, §1.

No change is suggested at this time. However, a special joint SLSI and ICRA subcommittee will be reviewing these practices, along with other possible policy changes and initiatives. In some respects, these policies provide a model for what could be possible for other document types.

Section 331.606B, Subsection 5, paragraph i

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.

EXPLANATION

With the exception of identifying the preparer and a return address, the groundwater hazard form published by the Department of Natural resources appears to conform to the current and proposed document formatting requirements. Should this document type be removed from the exemption list in subsection 5?

Are there other changes that should be considered for the exemption list? Should certain documents and instruments which are currently exempt be required to use a cover sheet or an index legend?

1. Section 331.606B, Section 6, declined documents, is amended to read as follows.

6. A physical document or instrument ~~rejected~~ declined for recording by a recorder shall be returned to the submitter ~~preparer or presenter~~ accompanied by an explanation of the reason for ~~rejection~~ the action to decline the document. When an electronic document or instrument submitted through the county land record information system is declined for recording by a recorder, the recorder shall notify the submitter of the reason for the action to decline the document. Whenever practicable, the recorder shall also advise the submitter of any steps necessary to correct the document or instrument.

When a recording fee is adjusted by a recorder to correct an error in the calculation of a fee, such as an error in the number of parcels being conveyed, or an error in the number of additional transactions, the recorder shall notify the submitter of the reason and basis for adjusting the recording fee.

EXPLANATION

In recent years recorders and Iowa Land Records have moved away from the use of terse terms such as “refuse” or “reject”. Instead, a polite “decline” is favored as efforts have been made to become more customer focused.

In addition to this change in terminology, an opportunity is presented to distinguish between physical and electronic documents. Physical documents submitted for recording are still literally returned to submitters. However, electronic documents are not returned, but the submitters are notified of the action and provided with the means to easily make corrections. Electronic documents which are recorded are also not returned in physical form. Submitters have the ability to download a stamped electronic document to their device.

Further when a fee adjustment is made to an electronic document, the payment amount is adjusted electronically. Fee errors which occur with physical documents may require the return of the document to the submitter.

1. Section 331.606B, Section 7a, non-conforming fee, is repealed.

The current statute reads as follows.

7. 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.

An alternative to the repeal would be to align the statute with current practice, which is to apply the non-standard fee only to physical documents and instruments – not electronic documents or instruments. This approach would read as follows.

Alternative - 1. Section 331.606B, Section 7a, non-conforming fee, is amended to read as follows.

7. a. ~~On and after July 1, 2005, a~~ A physical 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 physical documents or instruments dated on or after July 1, 2005, and does not apply to those documents or instruments specifically exempted in subsection 5.

This provision is effective July 1, 2025

EXPLANATION

Since 2006 Iowa counties have implemented a statewide electronic recording system. The system and county recorders are very efficient, usually recording documents the same day they are submitted. When a document must be declined due to a formatting error, the submitter is notified immediately, and the error can be corrected within hours or even minutes. For this reason, the electronic recording system is not even set up to accept a non-standard fee. There is no longer any basis for extra effort to record something that is incorrectly formatted when the error can be corrected so easily.

Further, the application of the non-standard fee for errors in physical documents or instruments is generally infrequent, and the non-standard fee is not a significant source of revenue for the operation of the recording office.

When a document does not conform to the formatting requirements of this section, it should simply be declined. If submitters wish to timely resolve formatting errors, they should make use of the electronic filing service.

1. Section 331.606B, Section 7b, No-Acceptance, is repealed.

The current statute reads as follows.

b. On and after July 1, 2009, a document or instrument that does not conform 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 dated on or after July 1, 2009, and does not apply to those documents or instruments specifically exempted in subsection 5.

EXPLANATION

In the current statute this provision applies to the following formatting requirements:

Subsection 1, paragraph c – text must be legible

Subsection 1, paragraph e – signatures must be readable

Subsection 2, paragraph b – documents must include required information

The mandate in 7b does not apply to documents which are exempted from the formatting requirements.

Essentially, subsection 7b provides that a recorder must not record a document that fails these three important formatting requirements. This provision is redundant and unnecessary. The current opening sentence of 331.606B, subsection 1 clearly states that the county recorder shall refuse any document or instrument presented for recording that does not meet the following requirements (including subsections 1c, 1e and 2b).

Further, the proposed amendment to the opening statement in 331.606B, subsection 1 clearly states that “the county recorder may decline to record a document or instrument” if it doesn’t conform to any of the formatting requirements. The suggested transition to “may” instead of “shall” is due to the subjective nature of determining what is legible or readable.

And as noted in other formatting amendments, since 2006 Iowa counties have implemented a statewide electronic recording system. When a document must be declined due to a formatting error, the submitter is notified immediately, and the error can be corrected within hours or even minutes.

When a document does not conform to the formatting requirements of this section, it should be declined. If submitters wish to timely resolve formatting errors, they should make use of the electronic filing service.

Section 331.606, Subsections 1 as if amended by amending the subsection as follows.

331.606 General filing requirements.

1. The recorder shall note in the county index system the information required by Section 558.49 and Section 331.606B, subsection 2, paragraphs a-g.

Additionally, if a document or instrument involves the conveyance of a property, the recorder shall note in the index the commission number and state of commission for the notary, and the consideration amount for the transaction.

In numbering the instruments, each calendar year the recorder may start with the number one and continue to number them consecutively until the beginning of next calendar year. In addition to the sequential number of each recorded document, a county may also assign reference numbers using book and page numbers. The time of filing shall at a minimum be indexed with the following elements: year, month, day, hour, minute and second. If electronically filed, the index shall also specify the millisecond.

EXPLANATION

The Property Records Industry Association (PRIA) has been examining the potential benefits and feasibility of indexing notary and consideration information. Because inappropriate notarial activity can be a source of property fraud, building a data trail for notary activity could possibly deter property fraud.

Indexing consideration information for property sales, mortgages, and liens could potentially be a valuable service to many parties in the property industry.

These opportunities raise the question of whether this information should be indexed in a standard form.

Transaction Definition

Section 331.601A, Subsection 9, is amended to read as follows.

Section 331.601A 9 Definitions

9. "Transaction" means a specific legal action in the form of or evidenced by one of the following:

- a. A title or caption including but not limited to a deed, deed of trust, mortgage, or power of attorney representing an action such as the conveyance of property, the provision of financing, or the power to act on behalf of another person.
- b. A subsequent action reference referring to an original action as represented by a document or instrument including but not limited to an assignment or release or satisfaction of mortgage. A simple reference to a previous action which itself takes no subsequent action is not a transaction.

EXPLANATION

Clarifies the definition of Transaction by stating that it must be an "action" and not just a reference to a previous action.

Section 331.601A 9 currently reads as follows.

9. "Transaction" means a specific legal action in the form of or evidenced by one of the following:

- a. A title or caption including but not limited to a deed, deed of trust, mortgage, or power of attorney.
- b. A subsequent reference to an original document or instrument including but not limited to an assignment or release or satisfaction of mortgage.

ESS – 3.7 Document Reference Numbers.
(Iowa Code Section 331.604, 3(a))

3.7(1) The purpose of establishing standards, policies and procedures for document reference numbers is to ensure that a unique reference number, code value or other identifier is assigned to each recorded document in Iowa. A document reference number should enable a citizen or customer to find a document without regard to the County in which the document is recorded. Document reference numbers should not be duplicated within a County or among multiple counties.

3.7(2) Document reference numbers assigned by a County should conform to generally accepted database management practices and conform to the objectives of Section 3.7(1) as soon as practicable.

3.7(3) Each County, County Recorder and County indexing system shall uniquely identify each document recorded. Reference numbers, book and page numbers or other unique identifiers shall be determined by the County Recorder.

3.7(4) Each County, County Recorder and County indexing system shall assign a Unique Code Value to each recorded document mapped to a PRIA document type as specified in Section 3.6. The Unique Code Value shall be used to identify each document transferred to the county land record information system, and the Unique Code Value shall conform to the specifications established by the county land record information system. If a County is served by separate indexing and imaging service provider, the County and County Recorder shall ensure that the same Unique Code Value for a document shall be assigned to both the index information and the document image.

3.7(5) The county land record information system shall encourage the adoption of specifications for Unique Code Values which incorporate the following elements: County number, year of recording, and a document reference number assigned to each document in the County document indexing system.

3.7(6) If recorded or filed, a Groundwater Hazard Statement shall be assigned a unique document reference number.

3.7(7) If recorded or filed, a Declaration of Value document shall be assigned a unique document reference number.

3.7(8) When recorded, or when indexed and filed, the instrument date of a document shall be specified in the County indexing system.

3.7(9) In the event that a County changes the indexing or imaging service, as applicable, the County and the new service provider shall retain any previously assigned Unique Code Value for each document and any Unique Code Value for associated documents. A County shall notify the county land record information system concerning any service provider changes.

Section 3.7(5) revised 7.11.12.

Section 3.7(5-7) amended 8.12.15. Revisions to be effective 1.1.16

SAMPLE CONCEPT

- a. The two-digit number assigned to each county
- b. the four-digit year in which the document is recorded
- c. An eight-digit sequential document reference number assigned to each document in the County document indexing system (00000001) or without leading zeros 1 or 11 or 111 or 1111, continuing to 11111111.

For reference, the last reference number in 2023 for Polk County was 202300068475.
Following the pattern described here it would be: 77202300068475.

DRAFT
FOR DISCUSSION