### **LIST SERVE ISSUES**

DAN A. MOORE
MOORE, CORBETT,
MOELLER & MEIS, L.L.P.
501 Pierce Street, #300
P.O. Box 3207
Sioux City, Iowa 51102-3207
Telephone: (712) 252-0020
Fax: (712) 252-0656

SPONSORED BY DRAKE UNIVERSITY LAW SCHOOL REAL ESTATE TRANSACTIONS SEMINAR DES MOINES, IOWA FRIDAY, APRIL 5, 2024

### **TABLE OF CONTENTS**

### ISBA List Serve Issues.

Condominiu	ms	
1.	Developer Control Period of Horizontal Property Regimes and Associations.	,
Contracts		
2.	Buyer Also Shown as Seller on Real Estate Contract.	3
3.	Do It Yourself Mobile Home Sale.	4
4.	Memorandum of Real Estate Contract.	5
5.	Real Estate Contract Issue.	7
6.	Real Estate Contract Mess.	10
Easements		
7.	Drafting an Express Easement.	11
8.	Order of Recording.	12
Foreclosure		
9.	2 <sup>nd</sup> Foreclosure, Same Property, Different Mortgagee.	13
10.	Foreclosure.	16
11.	Refinance from Foreclosure.	19
Judgments a	and Liens	
12.	Developer Agreement Lien Language.	20
13.	Dissolution and Property Held in One Spouse's Name.	21
14.	Divorce/Child Support Matters.	23
15.	Lien and Quiet Title Action.	24
16.	Name Variants.	26
17.	New Trial and Judgment after Execution of Writ of Possession.	27
18.	Old Child Support Lien-No Release or Satisfaction in Full.	30
Landlord/Ter	nant	
19.	FDCPA Notice with Notice to Cure.	32
20.	Grounds for Forcible Entry and Detainer. [Attachment]	33
21.	Inconsistency of Transfers for Building on Leased Land.	34
22.	Landlord Liability for Criminal Tenant.	35
23.	Landlord/Tenant Matter – CARES ACT 30 Day to Vacate	38
24.	Proposed Amendment to Create a Landlord-Tenant Relationship	
	After a Contract Forfeiture – Input Needed. [Attachment]	40
25.	Termination of Tenancy at Will.	44
26.	Timing of Posting Notice to Quit with Mailing.	46

Mech	nanic's	Lien	
	27.	Foreclosure of Mechanic's Lien Against Condo, Pending Litigation Affect on Individual Unit.	47
	28.	Mechanic's Lien – Does a Contractor Who Will Not Hire Subs Need to Provide Owner Notice, Commencement of Work Notice? [Attachment]	
	29A.		50 52
Misce	ellaneo	us	
	29B.	Annexation.	53
	30.	Club Wyndham.	54
	31.	Common Sense Has Left the Building.	55
	32	Condemnation of Real Estate Subject to Permanent Injunction.	57
	33.	Dissolved Corporation.	58
	34.	Grain Bin Rental Agreement.	59
	35.	Homestead Credit for Family Farm LLCs.	60
	36.	Linn County Plat Map or Farm & Home Directory [Attachment]	61
	37.	Looking For a Form – Release of Restrictions and Covenants.	62
	38.	Looking for Good Doc Form.	63
	39.	Prenuptial Agreement for Out of State Couple Regarding Iowa	
		Farm Land.	64
	40.	Railroad Crossing. Iowa Code Sections 327G.11 & 327G.12.	65
	41.	Real Estate Never Transferred to Partnership.	66
	42.	Real Estate & Title Law Section Proposed 2024 Legislative Agenda. [Attachment]	68
	43.	Restrictive Covenants. [Attachment]	69
	44.	Right of First Refusal (and Second)?	70
	45.	Service of Process on Discover Bank. [Attachment]	71
	46.	Solar Lease Company: BFA Energy.	72
	<b>4</b> 7.	US Attorney – Southern District Handling Real Estate Matters.	73
		The state of the s	70
Mortg	ages		
	48.	Federal National Mortgage Association (Fannie Mae).	74
	<b>4</b> 9.	Follow up Scenario to No Redemption After Sheriff's Sale Discussion.	
	50.	Joint Tenant Not Signing Mortgage.	75 70
	51.	Mortgage Consideration.	76
	52.	No Merger/Assignment of Mortgage.	79
	53.	Release of Mortgage.	80 82
Notan	/ Public		
, total y	54.	Execution of Deed in Foreign Country – Notary?	02
	55.	Notary in Mexico.	83 84
		The same of the sa	OH

Probate		
56	5. 1990 Deed w/o JTWRS Language.	85
57	Can A Court Force an Heir to Pay Rent.	87
58	Competing Powers of Attorney. [Attachment]	88
59	Deed From Estate to Beneficiaries LLC.	93
60	. Iowa Code Section 614.14 Trustee Affidavits.	94
61	. Life Estate With Sale Requirement.	96
62	Power of Attorney – Written Certification of Physician.	97
63	Probate and LLC Intertwined.	99
64		100
65	Remainder Interest in Life Estate.	102
66	, , , , , , , , , , , , , , , , , , , ,	103
67		105
68		
	Whose Estate Was Administered?	106
69		108
70	. Trust as Joint Tenants.	109
Tax Sale		
71	. Being in Jail – Service of Notice – Tax Sale.	110
72	. How to Purchase Old Tax Sale.	111
73	Old Parcel Never Sold at Tax Sale.	112
74	. Tax Sale Against Decedent/Notice of Estate Recovery. [Attachment]	114
Title Issu	es e	
75	. 30+ Years. [Attachment]	117
76	. Change of Title.	118
77	. Changing a Legal Description After Deeding Away a	
	Portion of the Property.	122
78	. Deed/Title.	123
79	Delivery of Deed – Presumption of Delivery. [Attachment]	124
80		126
81		129
82		130
83	. Manufactured Home Title.	131
84		133
85	Out of State Purchaser Requesting Out of State Title	
	Insurance Instead of Abstracting.	135
86	Title Question: Relation Back Doctrine. [Attachment]	138
87	Title Standard 4.7	139

### ISBA Listserve.

The ISBA Listserve for the Real Estate and Title Law Section continues to be a valuable resource for Iowa lawyers. And, as Iowa lawyer Mark V. Hanson points out, the responses have been clear evidence for the following principles:

- A. Lawyers' collegiality in Iowa is good.
- B. Lawyers with in-depth knowledge on a topic are willing to share and raise the knowledge level of all lawyers.
- C. Lawyers wanting to do what they can to have good land titles in Iowa and if they can point another attorney in the right direction, they have contributed significantly to that goal.
- D. Good example of what a useful tool the email net is to share among the real estate lawyers.

The following issues and responses have been obtained from the ISBA Listserve for the Real Estate and Title Law Section. The author has edited the facts, issues and responses for the reader.

The author encourages Iowa lawyers to participate in the ISBA Listserve and, upon review of these materials, send in additional information or comments which can be added to these topics.

In Memoriam

George F. Madsen

3-24-33 12-14-22



St. John 3:16

In Memoriam of Sioux City lawyer George F. Madsen, Marshall's Iowa Title Opinions and Standards Second Edition, with pocket part, has been re-printed and is available from The Iowa State Bar Association, who now owns the copyright.

In the words of Mr. Madsen's Preface to Second Edition: "In the finest tradition, Jesse E. Marshall gave dignity to the law, and this volume is published as a tribute to him." – May 1, 1978

Forty-five years later, ISBA Past President Dan Moore (2008–2009) states: "In the finest tradition, George F. Madsen gave dignity to the law, and this volume is re-printed as a tribute to him." – September 14, 2023

Pricing

\$25.00 Digital Copy

\$60.00 Print Copy

Contact the ISBA for your electronic or print copy.

# MARSHALL'S IOWA TITLE OPINIONS AND STANDARDS

# ANNOTATED

## SECOND EDITION

By
GEORGE F. MADSEN, B.A., LL. B.
Sioux City, Iowa

An Annotated Compilation of Opinions on Title Problems and Iowa Title Standards With Commentary

THE ALLEN SMITH COMPANY
Publishers
Indianapolis, Indiana 46202