

By ROBINSON.]

[SENATE FILE No. 180.

With amendments proposed by the Judiciary Committee of the Senate, incorporated. [Words proposed for insertion inclosed in brackets [ ]; those to be omitted printed in *italics*.]

# A BILL

FOR AN ACT TO AUTHORIZE ADMINISTRATORS, EXECUTORS, AND GUARDIANS APPOINTED IN OTHER STATES OR COUNTRIES TO RELEASE JUDGMENTS, MORTGAGES, AND DEEDS OF TRUST.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That a copy of the original record of the appointment and qualification of  
2 any administrator, executor, or guardian, in any other State or country, including the will  
3 of decedent, if any, as probated, together with the certificate of the custodian of such rec-  
4 ord that such appointment is then in full force, which copy of the record shall be duly at-  
5 tested and authenticated as is now provided by law in the case of judicial records of another  
6 State, may be recorded in the proper probate record of any county in this State. Such  
7 record or duly certified copy thereof shall be presumptive evidence in all cases of such ap-  
8 pointment and qualification.

SEC. 2. Any administrator, executor, or guardian, a copy of whose record of appointment  
2 and qualification is recorded as provided by section one of this act, is hereby authorized to  
3 release and fully discharge of record in any manner and by any instrument authorized by  
4 law, to the same extent as any administrator, executor, or guardian appointed under the  
5 laws of this State could do, any judgment rendered by the supreme court, or by any court  
6 of the county where such copy of the original record is recorded, or any mortgage or deed  
7 of trust given as a mortgage of property within such county, belonging to the estate or to  
8 the minor or other person represented by him, and may also in the same manner and to the  
9 same extent release and fully discharge any property in this State from the lien of such  
10 judgment, mortgage, or deed of trust; [provided, that the duly attested copies of the records  
11 herein provided for also show that the judgment, mortgage, or deed of trust is listed in the  
12 assets of the estate in the court from which such records come; and provided, further, that  
13 appended to and as a part of such release shall be the certificate of the judge or clerk of  
14 the foreign court, duly attested, that said executor, administrator, or guardian is, at the  
15 date of the execution of such release or instrument, still acting as such administrator, exe-  
16 cutor, or guardian, under authority of said court; and provided, further, that nothing  
17 herein contained shall authorize any administrator, executor, or guardian of another State

18 or country to release or discharge any judgment, mortgage, or deed of trust while any ad-  
19 ministrator, executor, or guardian of the estate to which such judgment, mortgage, or deed  
20 of trust belongs is authorized to act by virtue of appointment and qualification under  
21 the laws of this State.]

SEC. 3. All releases and discharges of record of any judgment, mortgage, or deed of trust  
2 heretofore made by administrator, executor, or guardian in the manner and to the extent  
3 authorized by this act where the copy of the original *record of appointment* [records] re-  
4 quired by this act has been or shall hereafter be recorded as required by this act are hereby  
5 declared to be legal and valid from the date of such release or discharge.

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[SENATE FILE No 180.—JUDICIARY.]

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 3 of decedent, if any, as probated, together with the certificate of the custodian of such rec-  
 4 ord that such appointment is then in full force, which copy of the record shall be duly at-  
 5 tested and authenticated as is now provided by law in the case of judicial records of  
 6 another State, may be recorded in the proper probate record of any county in this State.  
 7 Such record or duly certified copy thereof shall be presumptive evidence in all cases, of  
 8 such appointment and qualification.

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 3 release and fully discharge of record in any manner and by any instrument authorized by  
 4 law, to the same extent as any administrator, executor or guardian appointed under the  
 5 laws of this State could do, any judgment rendered by the supreme court, or by any court  
 6 of the county where such copy of the original record is rendered, or any mortgage or deed  
 7 of trust given as a mortgage of property within such county, belonging to the estate or to  
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 2 heretofore made by administrator, executor or guardian in the manner and to the extent  
 3 authorized by this act where the copy of the original record of appointment required of  
 4 this act has been or shall hereafter be rendered or required by this act are hereby declared  
 5 to be legal and valid from the date of such release or discharge.