

CHAPTER 580

REAL ESTATE MORTGAGES; FORECLOSURE, ADVERTISEMENT

580.031 Temporary minimum notice.
580.17 Affidavit of costs.

580.24 Redemption by creditor.
580.25 Redemption, how made.

580.031 TEMPORARY MINIMUM NOTICE.

Notwithstanding the provisions of any other law to the contrary, eight weeks' published notice must be given prior to the foreclosure sale of a homestead, as defined in section 583.02, if the notice is published for the first time after May 24, 1983 and prior to May 1, 1984. The notice must contain the information specified in section 580.04. At least four weeks before the appointed time of sale, a copy of the notice must be served upon the person in possession of the mortgaged premises, if the premises are actually occupied.

History: 1983 c 215 s 3

NOTE: This section is repealed by Laws 1983, chapter 215, section 16, effective July 1, 1984.

580.17 AFFIDAVIT OF COSTS.

Within ten days after the filing for record of the certificate of sale, the party foreclosing, or his attorney, shall make and file for record with the county recorder an affidavit containing a detailed bill of the costs and disbursements of the foreclosure, including attorney's fees, and setting forth that the same have been absolutely and unconditionally paid or incurred. Costs and disbursements shall be allowed as provided in section 549.04.

History: 1983 c 93 s 2

580.24 REDEMPTION BY CREDITOR.

If no such redemption be made by the mortgagor, his personal representatives or assigns, the senior creditor having a lien, legal or equitable, upon the mortgaged premises, or some part thereof, subsequent to the mortgage, may redeem within five days after the expiration of the redemption period specified in section 580.23; and each subsequent creditor having a lien in succession, according to priority of liens, within five days after the time allowed the prior lienholder, respectively, may redeem by paying the amount aforesaid and all liens prior to his own held by the person from whom redemption is made; provided that no creditor shall be entitled to redeem unless within the period allowed for redemption he file for record notice of his intention to redeem with the county recorder or registrar of titles of each county where the mortgage is recorded.

History: 1983 c 99 s 3

580.25 REDEMPTION, HOW MADE.

Redemption shall be made as follows.

The person desiring to redeem shall pay to the person holding the right acquired under such sale, or for him to the sheriff who made the sale, or his successor in office, the amount required by law for such redemption, and shall produce to such person or officer:

(1) A copy of the docket of the judgment, or of the deed or mortgage, or of the record or files evidencing any other lien under which he claims a right to redeem, certified by the officer in whose custody such docket, record, or files shall be, or the original deed or mortgage, with the certificate of record endorsed thereon;

(2) Any assignment necessary to establish his claim, verified by the affidavit of himself or a subscribing witness thereto, or some person acquainted with the signature of the assignor. If the redemption is under an assignment of a judgment, the assignment shall be filed in the court rendering the judgment, as provided by law, and the person so redeeming shall produce a certified copy thereof and of the record of its filing, and the copy of the docket shall show that the proper entry was made upon the docket;

(3) An affidavit of himself or his agent, showing the amount then actually due on his lien.

Within 24 hours after such redemption is made, the person redeeming shall cause the documents so required to be produced to be filed with the county recorder, or registrar of titles, who shall be entitled to receive fees as prescribed in section 357.18 or section 508.82. If such redemption shall be made at any place other than the county seat, it shall be sufficient forthwith to deposit such documents in the nearest post office, addressed to such recorder or registrar of titles, with the postage prepaid.

History: 1983 c 99 s 4