

CHAPTER 577

ASSIGNMENTS FOR BENEFIT OF CREDITORS

577.02 Real estate assignment must be recorded.

577.10 Powers of court; removal and discharge.

577.02 REAL ESTATE ASSIGNMENT MUST BE RECORDED.

If land, or any interest therein, be embraced in the assignment, a copy thereof, certified by such court administrator, shall be recorded with the county recorder of the county wherein the land lies; and every such assignment not so recorded shall be void as against any subsequent purchaser in good faith and for a valuable consideration of the same land, or any interest therein, whose conveyance is first duly recorded, and as against any attachment levied thereon or judgment lawfully obtained against the person in whose name the title to such land appears of record prior to the recording of such certified copy.

History: 2005 c 4 s 142

577.10 POWERS OF COURT; REMOVAL AND DISCHARGE.

The district court shall have supervision of all proceedings under this chapter. On petition of a creditor, the court, in its discretion, may, from time to time, require the assignee to render an account, and to file a report of the assignee's proceedings and of the condition of the trust estate, and may order distribution thereof. For cause shown, it may, in its discretion, remove the assignee, and appoint another instead, who shall give bond as the court may direct; and the order of removal and appointment shall, in terms, transfer all the trust estate to the new assignee, and may be recorded with the county recorder of any county wherein any land affected by the assignment is situated. Upon removal of an assignee, the court may require the removed assignee to deliver to the new assignee all property, books of account, and vouchers belonging to the trust estate, to execute all necessary transfers, and to render an account and report of all matters connected therewith. When the assignee has complied with all the orders of the court, and when any assignee has completed the trust, the assignee may apply to the court for discharge, first giving three weeks' published notice of such application; the last publication to be not more than three weeks prior to the hearing thereon. If upon the hearing the court is satisfied that the assignee is entitled to such discharge, it shall so order; but, if in its opinion anything remains to be done by the assignee, it shall require the performance thereof before making such order. A discharge shall not be refused because of any failure of the assignee to comply with the forms of law, if no damage has thereby resulted to any person. The order shall have the effect of discharging the assignee and the assignee's sureties from all further responsibilities in respect to the trust. When the trust estate is taken out of the hands of the assignee by proceedings in bankruptcy in the federal court, the assignee may be discharged upon showing that the assignee has fully accounted with the trustee in bankruptcy, and turned over the whole trust estate to the trustee in bankruptcy. When the trust estate is taken out of the hands of the assignee by legal proceedings in any court, or the assignment is declared void as to creditors, or for any reason the further administration of the trust is rendered impracticable, inadvisable, or nugatory, the assignee shall in like manner be discharged.

History: 2005 c 4 s 143