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Iowa Real Property Law: A Program Materials Index

Patrick Bauer
University of Iowa
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EXPLANATION OF CONVENTIONS

The first number in the last line of each entry (followed by "pp.") indicates the page length of the main outline. In many instances, a second number (after a "+" sign) separately indicates the page length of any appended materials (e.g., forms, statutes).

The small italicized letters and numbers to the right of the title of each volume of program materials is the Library of Congress call number at which the volume is located in the collection of The University of Iowa Law Library.
PREFACE

Preparing this continuation of an index of materials presented at more than forty Iowa Law School real estate programs across a span of almost fifty years has reinforced a set of impressions about the functions of continuing legal education and the roles Iowa lawyers have played in the planning and execution of this distinctive series of educational offerings.

Some parts of land law can be particularly old and especially local. With stability and predictability being highly valued in circumstances where the interests at issue are as enduring as the ownership or use of real estate, issues presented and resolved more than a century and a half ago may continue to be “good law” in ways that require parsing the logic of ancient pronouncements and assessing their ongoing soundness in settings where other relevant dimensions of law and practice have changed in possibly consequential ways. In a somewhat different vein, how things are handled elsewhere always is interesting, but the manner in which “trends in the law” sometimes sweep across the nation in other areas of practice differs importantly from the way in which Iowa authorities are of central importance in considering questions about the ownership, use, or effective transfer of Iowa land.

Somewhat opposite effects follow from the frequency with which Iowa land law has been altered by significant legislative changes. Land’s central role in the economic and social history of our state, the pivotal role Iowa lawyers play in real estate transactions and assessments of land title, and the organized bar’s resulting interest and willingness to pursue appropriate legislative measures have each contributed to almost every session of the General Assembly producing some basic or tangential change that may or may not be easily integrated into prior principles and previous practices.

These factors of constancy and change have been admirably addressed by the host of lawyers who have taken time away from their other professional endeavors to prepare and present the materials included in this index. The results of extensive legal research and analysis have been integrated with important practical insights and considered professional judgments, and those in attendance almost always take away a number of valuable perspectives on matters they presently are handling for their clients.

In a state where the economics of legal publishing have limited the quantity of secondary sources, Iowa CLE materials function as a collectively authored substitute. Many lawyers have authored at least one contribution and some have authored many, but these individual efforts are all the more impressive in the resulting context of combined endeavor. The important roles lawyers play in serving the needs of their clients commonly are recognized, but this index reflects an important way in which lawyers help each other to acquire and hone the knowledge they need to help their clients achieve their desired ends.

For a third of a century, Iowa Law School CLE programs have been a valuable resource both by and for lawyers who face the challenges of practicing Iowa real property law. The materials included in this index usefully provide an appropriate foundation for like efforts going forward.

Patrick B. Bauer
August 2010
FOREWORD TO PRIOR EDITION

[from EXAMINATION OF ABSTRACTS: A PROGRAM MATERIALS INDEX (1999)]

Professor Patrick Bauer of the Iowa Law School performs a valuable service for the Iowa Bar in the preparation and publication of this booklet. With the cooperation of the Law Library, Professor Bauer has provided Iowa lawyers with an index to more than 20 years of continuing legal education (CLE) outline materials used in the Law School’s Examination of Abstracts programs. Iowa practitioners will find in this booklet a rich resource that will assist them in solving their title problems.

CLE materials about abstract examination are especially useful because of the small number of published works addressing the subject. We are fortunate to have two monumental works in Jesse E. Marshall’s IOWA TITLE OPINIONS AND STANDARDS (1963) and George F. Madsen's MARSHALL’S IOWA TITLE OPINIONS AND STANDARDS (2d ed. 1978). Abstract examination is an important subject, but the absence of other publications reflects the fact that few law professors or other legal experts have the breadth of knowledge required to do the work. The list of subjects with which a title examiner must be familiar resembles a law school course catalogue: property, contracts, probate, wills & estates, debtor-creditor matters, family law, limitations, taxation, remedies, conflicts, to name but a few.

CLE outlines differ from traditional research materials in that they often reflect the author’s practice experience. A trial lawyer might show how a particular case or set of facts was handled by the lawyer's firm. Judges might reveal how trial courts react to certain situations that have arisen in their courtrooms. The title examiner explains how certain problems are handled in his or her office or part of the state.

The outlines indexed in this booklet represent thousands of hours of writing and research that lawyers have donated to the bar. Examine the topics in detail. You are certain to find a wealth of information that will assist you in your title problems.

The Iowa Law School has a long and rich CLE tradition reaching back as far as the 1870s. The first series of CLE programs on examination of abstracts started in 1923 and ran through 1929. The next series started in 1978 and is still underway today. The course materials indexed in this book are from this latter series.

Thomas C. Senneff
Asst. Dean Emeritus
EXAMINATION OF ABSTRACTS

1978

78.1 SUFFICIENCY OF ABSTRACT
John R. Henderson
4 pp.

78.2 PLATING REAL ESTATE IN IOWA
E. W. Adams
14 pp. + 1

78.3 PROBLEMS CONCERNING REAL ESTATE SALES CONTRACTS
Theodore L. Kubicek
19 pp. + 5

78.4 PASSING TITLE THROUGH DECEDENTS ESTATES
Philip A. Leff
38 pp.

78.5 LIENS AFFECTING REAL ESTATE
Richard J. Vipond
28 pp.

78.6 THE MARKETABLE TITLE ACT
George F. Madsen
21 pp. + 3
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<td>Robert N. Clinton</td>
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<td>Also includes Robert N. Clinton &amp; Margaret T.</td>
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80.1  BANKRUPTCY FOR TITLE EXAMINERS AND ABSTRACTORS  
George F. Madsen and Richard F. Stageman  
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80.2  AMBIGUOUS WILL PROVISIONS AFFECTING MARKETABILITY  
Charles W. Davidson  
5 pp.

80.3  MORTGAGES  
Richard J. Vipond  
23 pp.

80.4  LAWYERS’, ABSTRACTORS’ AND PUBLIC OFFICIALS’ LIABILITY  
Nancy B. Willis  
26 pp. + 7

80.5  GUARDIAN AD LITEM PROCEDURES  
Jerry D. Van Scoy  
17 pp. + 1

80.6  REAL PROPERTY REFORM IN IOWA  
Jonathan C. Wilson  
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1981

81.1 MORTGAGE FORECLOSURES AND CONTRACT FORFEITURES
James F. Fisch
11 pp.

81.2 WHAT TITLE EXAMINERS AND ABSTRACTORS NEED TO KNOW ABOUT BANKRUPTCY
Thomas L. Flynn
9 pp.

81.3 OPTIONS FOR REPURCHASE
Charles W. Davidson
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81.4 WHAT TITLE EXAMINERS AND ABSTRACTORS NEED TO KNOW ABOUT SURVEYING
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2 pp. + 31

81.5 WHAT RECORD SEARCHES ARE BEHIND THE ABSTRACTOR’S CERTIFICATE
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7 pp. + 9

81.6 ABANDONMENT AND VACATION OF ROADS, STREETS, AND EASEMENTS
John L. Duffy
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81.7 DUE ON SALES CLAUSES
Charles W. Davidson
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81.8 THE ANATOMY OF A REAL ESTATE TRANSACTION
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81.9 CURRENT DEVELOPMENTS IN ABSTRACT EXAMINATION
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82.4 WHAT TITLE EXAMINERS AND ABSTRACTORS NEED TO KNOW ABOUT SURVEYING: PART II
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82.5 EXTINGUISHING FEDERAL TAX LIENS IN JUDICIAL AND NON-JUDICIAL SALES IN IOWA
Charles M. Peters
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82.6 NEW FORMS OF REAL ESTATE FINANCING
Richard E. Ramsay and Thomas E. Salsbery
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82.7 LIABILITY OF TITLE EXAMINERS AND ABSTRACTORS
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16 pp.
83.1 WHAT IS A MORTGAGE? – DEEDS, EQUITABLE MORTGAGES, CONTRACTS, DEEDS OF TRUST, ETC.
Dan A. Moore
26 pp.

83.2 THE MECHANICS OF HANDLING A MORTGAGE FORECLOSURE – FORMS AND PROCEDURE
George F. Madsen
12 pp. + 46

83.3 BANKRUPTCY AUTOMATIC STAY AND FORECLOSURE
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83.4 DEEDS IN LIEU OF FORECLOSURE AND THE BANKRUPTCY ACT
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