

CHAPTER 601

LOST INSTRUMENTS

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601.01 PROOF OF LOSS.

When a party to an action is permitted to prove by the party's own oath the loss of any instrument, in order to admit other proof of the contents thereof, the adverse party, before the admission of such proof, may also be examined on oath to disprove such loss and to account for such instrument.

History: (9871) *RL s 4716; 1986 c 444*

601.02 [Repealed, 1965 c 811 art 10 s 336.10-102]

601.03 [Repealed, 1965 c 811 art 10 s 336.10-102]

601.04 DEED OR COURT RECORDS DESTROYED; ABSTRACT OF TITLE AS EVIDENCE.

When, upon the trial of any action or proceeding which is now, or hereafter may be, pending in any court in this state, any party to such action or proceeding, or the party's agent or attorney, shall make and file an affidavit in such cause, stating that the original of any deed or other instrument in writing or the records of any court relating to any lands, the title or any interest therein being in controversy or question in such action or proceeding, are lost or destroyed, and not within the power of such party to produce the same; and the record of such deed, instrument, or other writing has been destroyed by fire or otherwise, it shall be lawful for the court to receive as evidence in such action or proceeding, any abstract of title to such lands made in the ordinary course of business before such loss or destruction. It shall also be lawful for the court to receive as evidence any copy, extract, or minutes from such destroyed records or from the original thereof, which were, at the date of such destruction or loss, in the possession of any person then engaged in the business of making abstracts of title for others for hire.

History: (9874) *1905 c 193 s 1; 1986 c 444*

601.05 COPIES AS EVIDENCE.

A sworn copy of any writing admissible under section 601.04, made by the person having possession of such writing, shall be admissible in like manner and with like effect as such writing,

provided that the party desiring to use such sworn copy as evidence shall have given the opposite party a reasonable opportunity to verify the correctness of such copy.

History: (9875) 1905 c 193 s 2