

**58-2235. Record of defective instruments made prior to 1887 as notice.** All instruments of writing now copied into the proper books of the office of register of deeds of the several counties of the state shall, upon the passage of this act, be deemed to impart to subsequent purchasers and encumbrancers, and all other persons whomsoever, notice of all deeds, mortgages, releases, powers of attorney, contracts, conveyances, or other instruments, so far as and to the extent that the same may be found recorded, copied or noted in said books of record, notwithstanding any defects existing in the execution, acknowledgment, either from the fact that the officer taking such acknowledgment failed to attach the officer's seal to such instrument, or that the register of deeds failed to record such seal, or for any other cause, recording, or certificate of recording the same; and the record of any such instrument, or a duly authenticated copy thereof, shall be competent evidence whenever by the party's own oath or otherwise the original is shown to be lost, or not belonging to the party wishing to use the same, or not within his or her control: *Provided*, That nothing herein contained shall be construed to affect any rights heretofore acquired in the hands of subsequent grantees, assignors or encumbrancers.

**History:** L. 1887, ch. 15, § 1; March 18; R.S. 1923, 67-235.