

CHAPTER 287

TOWN OF LEON LAND PATENT

H. F. 351

AN ACT authorizing a patent to issue to lots three and four (3 and 4) in block twenty-four (24) of original town of Leon, Decatur County, Iowa.

WHEREAS, the state of Iowa for the use and benefit of the permanent school fund acquired title to the following described lands:

Lots three (3) and four (4) in block twenty-four (24) of original town of Leon, Decatur County, Iowa, and

WHEREAS, it appears that the state of Iowa for the use and benefit of the permanent school fund acquired the above described property by warranty deed dated September 17th, 1936, from Clara Sauger, widow, based on a school fund mortgage dated October 25th, 1921, and satisfied of record September 17th, 1936, and

WHEREAS, it appears that the county board of supervisors of Decatur County, Iowa, attempted to convey the aforesaid described property by deed dated September 24, 1936, to Dan Alley, and

WHEREAS, it does not appear of record that the county auditor or the board of supervisors complied with the law governing the sale of school lands in conveying the aforesaid described property to the said Dan Alley in that there is no showing of record that:

(a) The county board of supervisors of Decatur County passed a resolution providing for the sale of said property and directing and authorizing the trustees of the township to appraise the value of said property.

(b) The trustees of the township certified to the said county board of supervisors their appraisal thereof finding and fixing the value of said property and action of the board thereon.

(c) The county auditor posted notice and advertised said property for sale at public auction to the highest and best bidder therefor as provided by statute.

(d) The county auditor exposed, offered for sale and struck off said property to the highest and best bidder therefor, and

WHEREAS, there are no provisions under the Iowa law which authorize the county board of supervisors to convey school land by deed or otherwise, and

WHEREAS, the said Dan Alley, his heirs, grantees or assigns have been in open, actual, notorious and adverse possession of said lands at all times since the attempted conveyance of September 24, 1936, and

WHEREAS, the State of Iowa has no claims upon said property adverse to those of the said Dan Alley, his heirs, grantees or assigns and it appears that the said Dan Alley, his heirs, grantees or assigns accepted the conveyance in good faith and for valuable consideration paid, and are, therefore, entitled to a patent conveying the aforesaid described property upon payment of sums due or to become due for the purchase of said land, now, therefore,

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That the auditor of Decatur County, Iowa, is hereby
 2 authorized, empowered and directed to issue a certificate of purchase
 3 and of final payment, which certificate shall contain reference to this
 4 Act, to Dan Alley, his heirs, grantees or assigns for the following
 5 described property, to wit:
 6 Lots three (3) and four (4) in block twenty-four (24) of original
 7 town of Leon, Decatur County, Iowa,
 8 upon the payment of all sums of money due or to become due for the
 9 purchase of said property, and when the same has been transmitted to
 10 the secretary of state, the governor and the secretary of state of Iowa
 11 are hereby authorized, empowered and directed to issue a patent to the
 12 said Dan Alley, his heirs, grantees or assigns for the use and benefit
 13 of the successive owners of said land.

Approved April 5, 1955.

CHAPTER 288

DECATUR COUNTY LEGALIZING ACT

H. F. 352

AN ACT to legalize a contract for sale and authorizing the issuance of a patent to the northwest quarter (NW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of section thirty (30) in Township sixty-eight (68) North, Range twenty-five (25) West of the fifth (5th) P. M., in Decatur County, Iowa.

WHEREAS, the state of Iowa for the use and benefit of the permanent school fund of Decatur County, acquired title to the following described lands:

The northwest quarter (NW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of section thirty (30) in township sixty-eight (68) north, range twenty-five (25) west of the fifth (5th) P.M., in Decatur County, Iowa; and

WHEREAS, it appears that the state of Iowa for the use and benefit of the permanent school fund of Decatur County, acquired the above-described premises by a warranty deed executed by J. W. McNelly and his wife, dated May 6, 1937, and recorded in Book 254, Page 489 of the records of the recorder's office of Decatur County, Iowa, based on a release, dated May 13, 1937, of a school-fund mortgage previously executed on February 8, 1923, by J. W. McNelly; and

WHEREAS, it appears that a contract for sale of the foregoing described premises was executed by the county auditor of Decatur county, Iowa, July 16, 1946, to Opal W. Toney who contracted to convey the above described premises to Monnie V. Crabtree on September 29, 1951, the said Monnie V. Crabtree to assume all obligations against the land; and

WHEREAS, it does not appear of record that the county auditor or county board of supervisors of Decatur County complied with the provisions of the law governing the sale of school lands in contracting to sell the aforesaid described property to the said Opal W. Toney in that there is no showing of record that: