

## A BILL FOR AN ACT

To remove certain clouds from the title to the north seventy (70) feet of lot one (1) and the north seventy-five (75) feet of lot two (2) in block twenty-seven (27) in Iowa City, Johnson county, Iowa, and to release a certain judgment and decree held by the state of Iowa for the use of the school fund, and to quitclaim all right, title and interest of the state of Iowa and of the state university of Iowa and of William Crum as treasurer of the state university of Iowa in and to said premises, and authorizing the execution of a quitclaim deed to said real estate to Frank X. Freyder, Jr., and Anna Freyder, the owners of said real estate, and authorizing the execution of a release of the said judgment and decree.

Whereas, The north seventy (70) feet of lot one (1) and the north seventy-five (75) feet of the east twenty (20) feet of lot two (2) in block twenty-seven (27) in Iowa City, Johnson county, Iowa, is now owned by Frank X. Freyder, Jr., and the north seventy-five (75) feet of the west sixty (60) feet of said lot two (2) in said block twenty-seven (27), Iowa City, Iowa, is now owned by Anna Freyder, and the owners of said real estate, together with their immediate grantor, Frank X. Freyder, Sr., have been in the open, uninterrupted and exclusive possession of said real estate and have improved the same and have paid the taxes thereon for more than fifty years last past, and,

Whereas, J. H. Deacon as treasurer of Johnson county, Iowa, on October 28, 1863, executed to William Crum, as treasurer of the state university, a tax deed conveying lots one (1) and two (2) in block twenty-seven (27) in Iowa City, Iowa, said deed being recorded in book 22, page 67, of the deed records of Johnson county, Iowa, and,

Whereas, William Crum, as treasurer of the board of trustees of the Iowa State University, on October 11, 1865, executed to F. X. Freyder a quitclaim deed to the north half of lot two (2) in said block twenty-seven (27) in Iowa City, Iowa, said deed being recorded in book 22, page 591,

of the deed records of Johnson county, Iowa, but said deed fails to disclose the authority under which the said William Crum, as treasurer, acted in executing the same, and the said William Crum has never conveyed the interest and title acquired by him as treasurer to lot one (1) in said block twenty-seven (27) in Iowa City, Iowa, under the said tax deed, and by reason of these facts a cloud is cast upon the title of the said Frank X. Freyder, Jr., and the said Anna Freyder, to the respective parcels of real estate owned by them as set out above, and,

Whereas, neither the state of Iowa nor the state university of Iowa nor William Crum, as treasurer of the state university of Iowa, has ever asserted or claimed title or the right to the possession of the real estate or any part thereof owned by the said Frank X. Freyder, Jr., and Anna Freyder as hereinbefore set out, but for more than fifty years last past the exclusive possession and ownership of said real estate has been claimed and exercised continuously by the said Frank X. Freyder, Jr., and the said Anna Freyder, and,

Whereas, On January 2, 1857, Thomas Snyder, the then owner, executed to James D. Eads, as Superintendent of Public Instruction of the state of Iowa, a mortgage upon lots one (1) and two (2) in block twenty-seven (27) in Iowa City, Johnson county, Iowa, to secure the payment of fifteen hundred dollars (\$1500.00), said mortgage being recorded in book 2, page 337, of the mortgage records of Johnson county, Iowa, and said mortgage being junior to a certain other mortgage executed by James D. Eads, the then owner, to Martin L. Morris, as treasurer, and covering the same real estate above described, said mortgage being executed August 26, 1854, to secure the payment of five hundred dollars (\$500.00) "borrowed of the university funds", and the same was recorded in book 1, page 347, of the mortgage records of said Johnson county. That both of said mortgages were thereafter foreclosed by action in the district court of Johnson county, Iowa, and judgment and decree of foreclosure entered upon each of said mortgages. That under the judgment and decree of foreclosure rendered upon the senior mortgage recorded in book 1, page 347, of the mortgage records of said county, the said real estate hereinbefore described was sold and a sheriff's deed was duly executed to the purchasers,

and by reason thereof the judgment and decree of foreclosure rendered upon the junior mortgage recorded in book 2, page 337, of the mortgage records of said county, constitutes an apparent lien held by the state of Iowa for the use of the school fund upon said lots one (1) and two (2), block twenty-seven (27), Iowa City, Iowa, and said judgment and decree upon said junior mortgage still remains unsatisfied and uncanceled of record and constitutes a cloud upon the title to said real estate.

*Be it Enacted by the General Assembly of the State of Iowa:*

1 Section 1. That all right, title and interest held  
2 by the state of Iowa, or by the state university of Iowa,  
3 or by William Crum as treasurer of the state university, or  
4 as treasurer of the board of trustees of the state university  
5 of Iowa, in and to the north seventy (70) feet of lot one  
6 (1) and the north seventy-five (75) feet of lot two (2)  
7 in block twenty-seven (27) in Iowa City, Johnson county,  
8 Iowa, according to the recorded plat thereof, is hereby  
9 released and relinquished unto Frank X. Freyder, Jr.,  
10 and Anna Freyder, and for the purpose of perfecting the  
11 title to said real estate of record, the president and  
12 secretary of the State Board of Education are hereby  
13 authorized and directed, without expense to the state, to  
14 execute in the name of said board and deliver to Frank X.  
15 Freyder, Jr., a quitclaim deed describing the real estate  
16 owned by him as set forth in this act, and to execute and  
17 deliver to Anna Freyder a quitclaim deed describing the  
18 real estate owned by her as set forth in this act, such  
19 deeds when so executed to convey all right, title and

20 interest which the state of Iowa and the state university  
21 of Iowa, or William Crum as treasurer of said university  
22 and his successors in office, have or may have in the said  
23 real estate.

1     Sec. 2. The county auditor of Johnson county, Iowa,  
2 is hereby authorized and directed to release and cancel of  
3 record that certain judgment and decree rendered by the  
4 district court of Johnson county, Iowa, in favor of the  
5 state of Iowa for the use of the school fund and against  
6 Thomas Snyder and others, said judgment and decree being  
7 recorded in Record J, page 565, of the records of said  
8 district court, and in Judgment Docket 2, at page 133.