

February 16, 1955.  
Judiciary 2.

House File 355  
By TABOR.

Passed House, Date *March 8, 1955*  
Vote: Ayes..... Nays.....  
Passed Senate, Date.....  
Vote: Ayes..... Nays.....  
Approved .....

## A BILL FOR

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-three (33) in Township sixty-eight (68) north, range twenty-four (24) 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, 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-three (33) in township sixty-eight (68) north, range twenty-four (24) 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, acquired the above-described premises by a warranty deed executed by Eva Sinclair and John H. Sinclair, her husband, dated May 23, 1940, based on a school-fund mortgage executed by Eva Sinclair and J. H. Sinclair, her husband, on December 14, 1914; and,

WHEREAS, it appears that a contract of sale of the foregoing described premises was executed by the county auditor of Decatur County, Iowa, April 12, 1944, to Ruth Merle Powell who executed a deed of the above-described premises to Miles F. Phelps, dated January 24, 1952; 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 Ruth Merle Powell 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 appraisalment 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, the said Ruth Merle Powell, her assigns or grantees have been in open, actual, notorious and adverse possession of said lands at all times since the execution of the contract for sale on the 12th day of April, 1944; and,

WHEREAS, the state of Iowa has no claims upon said property adverse to those of the said Ruth Merle Powell, her assigns or grantees, and it appears that the said Ruth Merle Powell, her assigns or grantees are entitled to a patent conveying the foregoing described property to her, her assigns or grantees upon payment of all sums due or to become due under the contract for sale, now, therefore,

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

1 Section 1. The contract for sale executed by the county  
2 auditor of Decatur County, Iowa, to Ruth Merle Powell on the 12th  
3 day of April, 1944, for the sale of the following described  
4 property, to wit:

5 The northwest quarter (NW $\frac{1}{4}$ ) of the southeast quarter (SE $\frac{1}{4}$ )  
6 of section thirty-three (33) in township sixty-eight (68) north,  
7 range twenty-four (24) west of the fifth (5th) P. M., in Decatur  
8 County, Iowa, is hereby legalized, validated and confirmed.

1 Sec. 2. The auditor of Decatur County, Iowa, is hereby  
2 authorized, empowered and directed to issue a certificate of

3 purchase and of final payment, which certificate shall contain  
4 reference to this Act, to Ruth Merle Powell, her heirs, grantees  
5 or assigns for the following described property, to-wit:  
6 The northwest quarter (NW $\frac{1}{4}$ ) of the southeast quarter (SE $\frac{1}{4}$ )  
7 of section thirty-three (33) in township sixty-eight (68) north,  
8 range twenty-four (24) west of the fifth (5th) P. M., in Decatur  
9 County, Iowa, upon payment of all sums due or to become due upon  
10 the contract for sale of said property, and when the same has been  
11 transmitted to the secretary of state, the governor and the  
12 secretary of state are hereby authorized, empowered and directed  
13 to issue a patent to the said Ruth Merle Powell, her heirs,  
14 grantees or assigns for the use and benefit of the successive  
15 owners of said land.

EXPLANATION OF H. F. 355

This bill is for the purpose of legalizing a contract for sale of certain land in Decatur County and for the legalization of the acts of the county auditor and the board of supervisors in connection therewith and authorizing the issuance of a patent to such lands.

