

February 16, 1955.
Judiciary 2.

House File 358
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 fractional west half ($W\frac{1}{2}$) of the southwest quarter ($SW\frac{1}{4}$) of section eighteen (18) 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 school fund, acquired title to the following described lands:

The fractional west half ($W\frac{1}{2}$) of the southwest quarter ($SW\frac{1}{4}$) of section eighteen (18) 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 school fund, acquired the above-described premises by a warranty deed executed by T. James Griffin, Margaret Griffin Reader and Winford Griffin, sole heirs of T. J. Griffin, deceased, dated February 5, 1937, given in satisfaction, dated February 5, 1937, of a school-fund mortgage executed by T. J. Griffin on June 25, 1938; and

WHEREAS, it appears that a contract of sale of the foregoing described premises was executed by the county auditor of Decatur County, Iowa, October 14, 1948, to J. D. King who assigned said contract to A. E. Gochenour on September 17, 1949, who assigned said contract to O. M. Peterson on May 1, 1951; 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 J. D. King 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, the said J. D. King, his 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 14th day of October, 1948; and

WHEREAS, the state of Iowa has no claims upon said property adverse to those of the said J. D. King, his assigns or grantees, and it appears that the said J. D. King, his assigns or grantees are entitled to a patent conveying the foregoing described property to him, his 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 J. D. King on the 14th day
3 of October, 1948, for the sale of the following described
4 property, to wit:

5 The fractional west half ($W\frac{1}{2}$) of the southwest quarter
6 ($SW\frac{1}{4}$) of section eighteen (18) in township sixty-eight
7 (68) north, range twenty-four (24) west of the fifth

8 (5th) P.M., in Decatur County, Iowa,
9 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 J. D. King, his heirs, grantees or
5 assigns for the following described property, to wit:

6 The fractional west half ($W\frac{1}{2}$) of the southwest quarter
7 ($SW\frac{1}{4}$) of section eighteen (18) in township sixty-eight
8 (68) north, range twenty-four (24) west of the fifth
9 (5th) P.M., in Decatur County, Iowa,
10 upon payment of all sums due or to become due upon the contract
11 for sale of said property, and when the same has been transmitted
12 to the secretary of state, the governor and the secretary of
13 state are hereby authorized, empowered and directed to issue
14 a patent to the said J. D. King, his heirs, grantees or assigns
15 for the use and benefit of the successive owners of said land.

EXPLANATION OF H. F. 358

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.

