

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Walter.

FILED MAR 13 1950

SENATE FILE 2331

By COMMITTEE ON JUDICIARY  
*Wapron & Sullivan (p. 864)*

Passed Senate, Date 3-14-50 (p. 922) Passed House, Date 4/5/50 (p. 1100)  
Vote: Ayes 43 Nays 2 Vote: Ayes 88 Nays 2  
Approved April 21 1950

### A BILL FOR

1 An Act to legalize the sale of certain property in Lee  
2 county.

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1 WHEREAS, subsection thirteen (13) of section three hundred  
2 thirty-two point three (332.3) of the Code provides that a  
3 county may sell property no longer needed for the purposes  
4 for which the same was acquired by the county and requires  
5 notice of such sale to be published once in a newspaper of  
6 general circulation in the county in which the property is  
7 located; and

8 WHEREAS, section five hundred sixty-nine point eight (569.8)  
9 of the Code allows a county to sell property acquired by  
10 virtue of a tax deed after notice of the sale has been  
11 published twice in a newspaper or newspapers of general  
12 circulation in the county wherein the property is located;  
13 and

14 WHEREAS, these two sections appear to apply to property  
15 acquired by a county through different methods but property  
16 acquired by both methods often is sold at the same time and  
17 reliance is placed upon subsection thirteen (13) of section  
18 three hundred thirty-two point three (332.3) of the Code,  
19 which requires publication once, rather than section five  
20 hundred sixty-nine point eight (569.8) of the Code, which  
21 requires publication twice; and

22 WHEREAS, Lee County sold property on September 25, 1976  
23 and published notice of such sale only once in reliance on  
24 subsection thirteen (13) of section three hundred thirty-two  
25 point three (332.3) of the Code but should also have taken  
26 notice of the conflicting provision of section five hundred  
27 sixty-nine point eight (569.8) of the Code in making such  
28 sale; and

29 WHEREAS, failure to publish twice as required by section  
30 five hundred sixty-nine point eight (569.8) of the Code may  
31 create a cloud on the title of the land which was sold; NOW  
32 THEREFORE,

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

34 Section 1. That all proceedings taken by the board of  
35 supervisors of Lee county in the sale of property on September

1 25, 1976, are validated, legalized and confirmed and shall  
2 constitute a valid, legal and binding sale.

3 Sec. 2. This Act, being deemed of immediate importance,  
4 takes effect from and after its publication in the Daily Gate  
5 City, a newspaper published in Keokuk, Iowa, and in the West  
6 Point Bee, a newspaper published in West Point, Iowa.

7 EXPLANATION

8 Lee county sold a number of parcels of real property but  
9 only published the notice of sale once as provided in  
10 subsection 13 of section 332.3. Section 569.8, which refers  
11 to land acquired by tax deed, differs from subsection 13 of  
12 section 332.3 because it requires publication of notices  
13 twice. Lee county relied on subsection 13 of section 332.3.  
14 The conflicting requirements for publication have thus created  
15 a cloud on the sale of the property and this Act legalizes  
16 the sale.

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SENATE FILE 2331

AN ACT

TO LEGALIZE THE SALE OF CERTAIN PROPERTY IN LEE COUNTY

WHEREAS, subsection thirteen (13) of section three hundred thirty-two point three (332.3) of the Code provides that a county may sell property no longer needed for the purposes for which the same was acquired by the county and requires notice of such sale to be published once in a newspaper of general circulation in the county in which the property is located; and

WHEREAS, section five hundred sixty-nine point eight (569.8) of the Code allows a county to sell property acquired by virtue of a tax deed after notice of the sale has been published twice in a newspaper or newspapers of general circulation in the county wherein the property is located; and

WHEREAS, these two sections appear to apply to property acquired by a county through different methods but property acquired by both methods often is sold at the same time and reliance is placed upon subsection thirteen (13) of section three hundred thirty-two point three (332.3) of the Code, which requires publication once, rather than section five hundred sixty-nine point eight (569.8) of the Code, which requires publication twice; and

WHEREAS, Lee County sold property on September 25, 1976 and published notice of such sale only once in reliance on subsection thirteen (13) of section three hundred thirty-two point three (332.3) of the Code but should also have taken notice of the conflicting provision of section five hundred sixty-nine point eight (569.8) of the Code in making such sale; and

WHEREAS, failure to publish twice as required by section five hundred sixty-nine point eight (569.8) of the Code may create a cloud on the title of the land which was sold; NOW THEREFORE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That all proceedings taken by the board of supervisors of Lee county in the sale of property on September 25, 1976, are validated, legalized and confirmed and shall constitute a valid, legal and binding sale.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Daily Gate City, a newspaper published in Keokuk, Iowa, and in the West Point Bee, a newspaper published in West Point, Iowa.

\_\_\_\_\_  
CERRY E. BRANSTAD  
President of the Senate

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WILLIAM H. HARBOR  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2331, Sixty-eighth General Assembly.

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FRANK J. STORK  
Secretary of the Senate

Approved 4/21 1980

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ROBERT D. RAY  
Governor

S.F. 2331