

568.10 Sale how effected rights of occupants.

Such lands shall be sold in the following manner: Any person who has in fact lived upon any such land and occupied the same, as a home, continuously for a period of three or more years immediately prior to the time of the appraisalment thereof, and such occupancy has been in good faith for the purpose of procuring title thereto, whenever by law such title could be vested in the occupant by purchase from the proper authority, or any person who has acquired possession of such land by inheritance, or by purchase made in good faith from a former occupant, or occupants, whose occupancy dates back over a period of three years prior to the date of appraisalment of the land, shall have first right to purchase such land at the appraised value; provided such bona fide occupant shall file an application for the purchase thereof at the appraised value with the secretary of state within sixty days after the day the appraisalment is made, and shall accompany such application with affidavits showing proof of such bona fide occupancy. If no application has been filed by such bona fide occupant within the sixty-day period above provided, then the secretary of state shall advertise the sale of such land once each week for four consecutive weeks in two newspapers of general circulation published in the county wherein the land is situated, and proof of publication shall be filed with the secretary of state. The sale shall be made upon written bids addressed to the secretary of state and the advertisements shall fix the time when such bids will be received and opened. All bids shall be opened by the secretary of state or by the clerk of the state land office at the time fixed, and the land thereupon may be sold to the highest bidder and at not less than the appraised value.

Any such sale shall be subject to the permanent right of a utility association, company or corporation to continue in possession of a right of way for its underground and aerial plant, including cables, wires, poles, fixtures, piers and abutments, where such right of way has existed on lands which have become subject to sale under section 568.1.

[S13, SS15, § 2900-a7; C24, 27, 31, 35, 39, § **10230**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 568.10]