

January 25, 1961.
Passed on File.

Senate File 106
By MINCKS.

Passed Senate, Date 2-17-61 Passed House, Date 3-10-61
Vote: Ayes 45 Nays 0 Vote: Ayes 88 Nays 0
Approved 3-14-61

A BILL FOR

An Act to authorize and directing the issuance of a patent to certain real estate to Dale F. Rupe and Sylvia C. Rupe, by the governor and secretary of state.

WHEREAS, it appears of record that real estate described as Lot seventy-six (76) and seventy-seven (77) in Block fourteen (14) in Ingram and Ramsey's Addition to the town of Agency City, Wapello County, Iowa was on November 2, 1857 mortgaged by James Enyart to the school fund of Wapello County, Iowa, together with Lots seventy-five (75) and seventy-eight (78) in said Block fourteen (14) in Ingram and Ramsey's Addition to Agency City, Iowa, for the sum of One Hundred Fifty Dollars (\$150.00) with J. H. Cartwright and Robinson Myers as surety on the note; and

WHEREAS, it appears that said mortgage was recorded in School Fund Mortgage Record B, page three hundred sixty-nine (369) on January 5, 1958; and

WHEREAS, in 1864 said debt was merged in a judgment in the sum of Two Hundred Twenty-three Dollars and Forty-five Cents (\$223.45); and

WHEREAS, execution issued July 9, 1864, the execution having been returned September 14, 1864, return of which shows that Wapello County, through a board of supervisors, bid the sum of Five Dollars (\$5.00) per lot for each of the four (4) lots, or the total sum of Twenty Dollars (\$20.00); and

WHEREAS, in September of 1864 the commissioner appointed in said foreclosure executed a deed of conveyance, recorded in Record M, page five hundred four (504), to the state of Iowa, conveying all four (4) of said lots; and

WHEREAS, the patent thereafter issued from the state of Iowa to Samuel Rasp conveying only Lots seventy-five (75) and seventy-eight (78) in Block fourteen (14) in Ingram and Ramsey's Addition to Agency; and

WHEREAS, the information above recited is all of the information that can be obtained from the county records and county files for Wapello County; and

WHEREAS, the court proceedings for said action in relation to the foreclosure cannot be located; and,

WHEREAS, the County School Fund Mortgage Record in the auditors office covering this period of time is no longer in existence; and

WHEREAS, the abstract of title covering this real estate, which was prepared during the year 1900 when most of these records would have been available for inspection by the abstracter, indicates that the execution that issued in connection with the foreclosure

was returned satisfied in full, by virtue of sale of Lot seventy-eight (78) in Block fourteen (14) in Ingram and Ramsey's Addition to the city of Agency, Iowa, indicating that the court records in the year 1900 showed further proceedings in the matter in connection with the execution sale which resulted in the payment of the judgment; and that Lots seventy-six (76) and seventy-seven (77) should not have been conveyed by the commissioner to the state of Iowa; and

WHEREAS, it appears that through error or oversight that no patent was ever issued by the state of Iowa covering said Lots seventy-six (76) and seventy-seven (77) in Block fourteen (14) in Ingram and Ramsey's Addition to Agency relinquishing and conveying the rights of the state of Iowa in and to the above described real estate, but that the owners of record of said lots understood and believed that they owned and had been conveyed said lots; and

WHEREAS, Lots seventy-six (76) and seventy-seven (77) in Block fourteen (14) in Ingram and Ramsey's Addition to Agency came down through chain of title and are of record vested at the present time in Dale F. Rupe and Sylvia C. Rupe; NOW THEREFORE,

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

1 Section 1. That the governor of the state of Iowa and
2 the secretary of state of the state of Iowa are hereby authorized
3 and directed to issue a patent to Lots seventy-six (76) and seventy-
4 seven (77) in Block fourteen (14) in Ingram and Ramsey's Addition
5 to the town of Agency City, Wapello County, Iowa to Dale F. Rupe
6 and Sylvia C. Rupe.

1 Sec. 2. Nothing in this Act shall be deemed or construed to
2 affect pending litigation.

1 Sec. 3. This Act being deemed of immediate importance, it
2 shall take effect and be in force from and after its passage and
3 publication in the Ottumwa Daily Courier, a newspaper published
4 at Ottumwa, Iowa, and in the Blakesburg Excelsior, a newspaper
5 published at Blakesburg, Iowa.

SENATE FILE 106

Amend Senate File 106 by striking from line 4 section 3 the word
"the" and inserting in lieu thereof the word "The"

Filed
February 16, 1961

By MINORS