

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Johnson of Howard.

*Do Pass 1/12 (p. 489)*

HOUSE FILE 2357

JAN 31 1980

By JAY

*Do Pass Judiciary & Law Enforcement 3/4  
Do Pass 3/25 (p. 1070)*

Passed House, Date 2-28-80 (p. 703) Passed Senate, Date 3/26/80 (p. 1091)  
Vote: Ayes 89 Nays 2 Vote: Ayes 42 Nays 2  
Approved April 4 1980

### A BILL FOR

1 An Act to legalize proceedings taken by the board of supervisors  
2 of Appanoose county relating to the sale of certain properties.

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2357

1 WHEREAS, the board of supervisors of Appanoose County ac-  
2 quired certain property by virtue of tax deed; and

3 WHEREAS, the board of supervisors of Appanoose County sub-  
4 sequently offered these properties for sale as provided in  
5 section five hundred sixty-nine point eight (569.8) of the  
6 Code on or after July 1, 1975 and on or before August 31,  
7 1977; and

8 WHEREAS, the board of supervisors complied with all the  
9 provisions of the law, except the notice was published only  
10 once and not twice, on different dates, in a newspaper of  
11 general circulation in the county as provided by law; and

12 WHEREAS, the lack of a second publication of notice in  
13 connection with each of these sales of property acquired by  
14 virtue of a tax deed has raised some doubt as to the validity  
15 of the sales of the properties and such doubts may raise an  
16 issue concerning the merchantability of the title to said  
17 properties sold on or after July 1, 1975, and on or before  
18 August 31, 1977, and said acts should be legalized and the  
19 matter once and for all put to rest; NOW THEREFORE,

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

21 Section 1. That all proceedings taken by the board of  
22 supervisors of Appanoose County pertaining to the sale of  
23 property acquired by virtue of tax deeds and sold on or after  
24 July 1, 1975, and on or before September 30, 1977, where the  
25 board of supervisors failed to publish a second notice of  
26 time and place and date of sale as provided by law are  
27 validated, legalized and confirmed, and shall constitute a  
28 valid, legal and binding sale of those properties sold on  
29 or after July 1, 1975, and on or before August 31, 1977, by  
30 the board of supervisors of Appanoose County.

31 EXPLANATION

32 This bill legalizes the sale of property by Appanoose  
33 County. The property was acquired by tax deed. Property  
34 acquired by tax deed can be sold after notice by two publica-  
35 tions. Counties can also sell property acquired through other

1 means after publication once according to subsection 13 of  
2 section 332.3. Because there is a difference in the publica-  
3 tion requirements of these two sections, some counties fail  
4 to publish twice, but instead rely on subsection 13 of section  
5 332.3. Appanoose County's action is thus subject to question  
6 and this bill would legalize such action.

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HOUSE FILE 2357

AN ACT

TO LEGALIZE PROCEEDINGS TAKEN BY THE BOARD OF SUPERVISORS OF APPANOOSE COUNTY RELATING TO THE SALE OF CERTAIN PROPERTIES.

WHEREAS, the board of supervisors of Appanoose County acquired certain property by virtue of tax deed; and

WHEREAS, the board of supervisors of Appanoose County subsequently offered these properties for sale as provided in section five hundred sixty-nine point eight (569.8) of the Code on or after July 1, 1975 and on or before August 31, 1977; and

WHEREAS, the board of supervisors complied with all the provisions of the law, except the notice was published only once and not twice, on different dates, in a newspaper of general circulation in the county as provided by law; and

WHEREAS, the lack of a second publication of notice in connection with each of these sales of property acquired by virtue of a tax deed has raised some doubt as to the validity of the sales of the properties and such doubts may raise an issue concerning the merchantability of the title to said properties sold on or after July 1, 1975, and on or before August 31, 1977, and said acts should be legalized and the matter once and for all put to rest; 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 Appanoose County pertaining to the sale of property acquired by virtue of tax deeds and sold on or after July 1, 1975, and on or before September 30, 1977, where the board of supervisors failed to publish a second notice of time and place and date of sale as provided by law are validated, legalized and confirmed, and shall constitute a

valid, legal and binding sale of those properties sold on or after July 1, 1975, and on or before August 31, 1977, by the board of supervisors of Appanoose County.

\_\_\_\_\_  
WILLIAM H. HARBOR  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2357, Sixty-eighth General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved April 4, 1980

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ROBERT D. RAY  
Governor

H.F. 2357