

Judiciary
Rush, Chairperson
Kudart
Dreczen

1/2/81
Pass 4/16 (p 1313)

HOUSE FILE 745

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

MAR 10 1981

Place On Calendar

(Formerly Study Bill 251)

Passed House, Date 4-3-81 (p 1028) Passed Senate, Date 4-23-81 (p 1393)

Vote: Ayes 90 Nays 1 Vote: Ayes 45 Nays 3

Approved May 4, 1981

A BILL FOR

1 An Act for the legalization of the proceedings of the
2 board of supervisors of Jones county relating to the
3 sale of certain real estate.

COMMUNICATIONS FROM THE SECRETARY OF STATE

May 18, 1981

Ms. Linda Howarth Mackay
Secretary of the Senate
State Capitol Building
LOCAL

I hereby certify that House File 745 was published in the Anamosa Journal-Eureka, Anamosa, Iowa, on May 13, 1981, and in the Monona Billboard, Monona, Iowa, on May 14, 1981.

ALSO:

I hereby certify that House File 787 was published in the Sioux City Journal, Sioux City, Iowa, on May 12, 1981, and in The Daily Reporter, Sioux City, Iowa, on May 8, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

745

1 WHEREAS, the board of supervisors of Jones county acquired
2 real estate by quit claim deed legally described as follows:
3 The West 80 feet of Lots 18, 19, 20, 21, 22 and 23
4 in the original Town of Oxford Mills, Jones County, Iowa;
5 and

6 WHEREAS, the board of supervisors of Jones county, on
7 October 17, 1978, offered the real estate described for sale
8 mistakenly pursuant to section 569.8 of the 1977 Iowa Code;
9 and

10 WHEREAS, the board of supervisors having acquired title
11 by quit claim deed, rather than by tax deed, the real estate
12 described should have been offered for sale pursuant to sub-
13 section 13 of section 332.3 of the 1977 Iowa Code; and

14 WHEREAS, notice of the October 17, 1978 sale of the de-
15 scribed real estate was published twice in a newspaper of
16 general circulation in Jones county but neither publication
17 was less than fifteen days prior to the date of sale; and

18 WHEREAS, doubts have arisen as to the validity of the sale
19 of the real estate and the doubts may raise an issue concerning
20 the merchantability of the title to the real estate sold on
21 October 17, 1978 and the transactions and sale should be le-
22 galized and the matter put to rest; NOW THEREFORE,

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

24 Section 1. That the proceedings taken by the board of
25 supervisors of Jones county pertaining to the sale of the
26 West 80 feet of Lots 18, 19, 20, 21, 22 and 23 in the original
27 Town of Oxford Mills, Jones County, Iowa, on October 17, 1978,
28 are validated, legalized, and confirmed and shall constitute
29 a valid, legal and binding sale of the real estate sold on
30 October 17, 1978, by the board of supervisors of Jones county.

31 Sec. 2. This Act, being deemed of immediate importance,
32 takes effect from and after its publication in The Anamosa
33 Journal-Eureka, a newspaper published in Anamosa, Iowa, and
34 in the Monona Billboard, a newspaper published in Monona,
35 Iowa.

EXPLANATION

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This bill legalizes the sale of real property in Jones county. Confusion in procedures resulted because of different methods of sale required by law depending upon how the property was acquired by the county. The 1980 General Assembly made the sale procedures the same but the transaction referred to in this bill occurred before 1980.

HOUSE FILE 745

AN ACT

FOR THE LEGALIZATION OF THE PROCEEDINGS OF THE BOARD OF SUPERVISORS OF JONES COUNTY RELATING TO THE SALE OF CERTAIN REAL ESTATE.

WHEREAS, the board of supervisors of Jones county acquired real estate by quit claim deed legally described as follows:

The West 80 feet of Lots 18, 19, 20, 21, 22 and 23

in the original Town of Oxford Mills, Jones County, Iowa; and

WHEREAS, the board of supervisors of Jones county, on October 17, 1978, offered the real estate described for sale mistakenly pursuant to section 569.8 of the 1977 Iowa Code; and

WHEREAS, the board of supervisors having acquired title by quit claim deed, rather than by tax deed, the real estate described should have been offered for sale pursuant to subsection 13 of section 332.3 of the 1977 Iowa Code; and

WHEREAS, notice of the October 17, 1978 sale of the described real estate was published twice in a newspaper of general circulation in Jones county but neither publication was less than fifteen days prior to the date of sale; and

WHEREAS, doubts have arisen as to the validity of the sale of the real estate and the doubts may raise an issue concerning the merchantability of the title to the real estate sold on October 17, 1978 and the transactions and sale should be legalized and the matter put to rest; NOW THEREFORE,

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

Section 1. That the proceedings taken by the board of supervisors of Jones county pertaining to the sale of the West 80 feet of Lots 18, 19, 20, 21, 22 and 23 in the original

Town of Oxford Mills, Jones County, Iowa, on October 17, 1978, are validated, legalized, and confirmed and shall constitute a valid, legal and binding sale of the real estate sold on October 17, 1978, by the board of supervisors of Jones county.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Anamosa Journal-Eureka, a newspaper published in Anamosa, Iowa, and in the Monona Billboard, a newspaper published in Monona, Iowa.

DELRWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 745, Sixty-ninth General Assembly.

FAT H. HARPER
Chief Clerk of the House

Approved _____, 1981

ROBERT D. RAY
Governor

H.F. 745