

proper columns the name of the grantee, the grantor, date, and character of the instrument, the description of the real estate, and the number or letter of the plat on which the same is marked.

Sec. 56. Council's approval of plats - required before transfer. No conveyances or plats of additions to any city or town or subdivision of any lands lying within or adjacent to any city or town in which streets and alleys and other public grounds are sought to be dedicated to public use, or other conveyances in which streets and alleys are sought to be conveyed to such city or town, shall be so entered, unless such conveyances, plats or other instruments have indorsed thereon the approval of the council of such city or town, the certificates of such approval to be made by the city clerk.

Sec. 57. Judgments fixing title certified. Upon receipt of a certificate from the clerk of the district or supreme court, that the title to real estate has been finally established in any named person by judgment or decree of said court, or by will, the auditor shall enter the same upon the transfer books, upon payment of a fee of twenty-five cents (25c), which fee shall be taxed as costs in the cause, collected by the clerk, and paid to the auditor at the time of filing such certificate.

Sec. 58. Corrections of books, and instruments. The auditor from time to time shall correct any error appearing in the transfer books, and shall notify the grantee of any error in description discovered in any instrument filed for transfer, and permit the same to be corrected by the parties before completing such transfer.

Approved April 1, 1924.

#### CHAPTER 53

#### OCCUPYING CLAIMANTS

H. F. 78

AN ACT to amend, revise, and codify chapter three (3) of title twenty-three (23) of the compiled code of Iowa, relating to occupying claimants.

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

That chapter three (3) of title twenty-three (23) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

#### CHAPTER 3

#### OCCUPYING CLAIMANTS

Section 1. Occupying claimants - right to improvements. Where an occupant of real estate has color of title thereto and has in good faith made valuable improvements thereon, and is thereafter adjudged not to be the owner, no execution shall issue to put the owner of the land in possession of the same, after the filing of a petition as hereinafter provided, until the provisions of this chapter have been complied with.

Sec. 2. Color of title - defined. Persons of each of the classes hereinafter enumerated shall be deemed to have color of title within the meaning of this chapter, but nothing contained herein shall be construed as giving a tenant color of title against his landlord:

1. A purchaser in good faith at any judicial or tax sale made by the proper officer, whether said officer had sufficient authority to make said sale or not, unless want of authority in such officer was known to the purchaser at the time of the sale.

2. A person who has by himself or together with those under whom he claims, occupied the premises for a period of five (5) years continuously.

3. A person whose occupancy of the premises has been for a shorter period than five (5) years, if during such occupancy the occupant or those under whom he claims have with the knowledge or consent of the real owner, express or implied, made any valuable improvements thereon.

4. A person whose occupancy of the premises has been for a shorter period than five (5) years, if such occupant or those under whom he claims have at any time during such occupancy paid the ordinary county taxes thereon for any one (1) year, and two (2) years have elapsed without a repayment or offer of repayment of the same by the owner thereof, and such occupancy has continued to the time the action is brought by which the recovery of the real estate is obtained.

5. A person who has settled upon any real estate and occupied the same for three (3) years under or by virtue of any law, or contract with the proper officers of the state or of the United States for the purchase thereof and shall have made valuable improvements thereon.

Sec. 3. Petition - trial - appraisalment. The petition of the occupant must set forth the grounds upon which he seeks relief, and state as accurately as practicable the value of the real estate, exclusive of the improvements made thereon by the claimant or his grantors, and the value of such improvements. The issue joined thereon must be tried as in ordinary actions and the value of the real estate and of such improvements separately ascertained.

Sec. 4. Rights of parties to property. The owner of the land may thereupon pay to the clerk of the court, for the benefit of the occupying claimant, the appraised value of the improvements and take the property and an execution may issue for the purpose of putting the owner of the land in possession thereof, but should he fail to make such payment within such reasonable time as the court may fix, the occupying claimant may pay to the clerk of the court, within such time as the court may fix, for the use of the owner of the land, the value of the property exclusive of the improvements and take and retain the property together with the improvements.

Sec. 5. Plaintiff and defendant - tenants in common. Should the owner of the land fail to pay for the improvements and the occupying claimant fail to pay for the land within the time fixed by the court as provided in the preceding section, the parties shall be held to be tenants in common of all the real estate including the instruments, each holding an undivided interest proportionate to the values ascertained on the trial.

Sec. 6. Waste by claimant. If the occupying claimant has committed any injury to the real estate by cutting timber or otherwise, the owner may set the same off against any claim for improvements made by such claimant.

Sec. 7. Option to remove improvements. Any person having improvements on any real estate granted to the state in aid of any work of internal improvement, whose title thereto is questioned by another, may remove such improvements without injury to such real estate at any time before he is evicted therefrom, or he may have the benefit of this chapter by proceeding as herein directed.

Approved February 15, 1924.