

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

1 SECTION 1. That the auditor of Decatur County, Iowa, is hereby
 2 authorized, empowered and directed to issue a certificate of purchase
 3 and of final payment, which certificate shall contain reference to this
 4 Act, to Dan Alley, his heirs, grantees or assigns for the following
 5 described property, to wit:
 6 Lots three (3) and four (4) in block twenty-four (24) of original
 7 town of Leon, Decatur County, Iowa,
 8 upon the payment of all sums of money due or to become due for the
 9 purchase of said property, and when the same has been transmitted to
 10 the secretary of state, the governor and the secretary of state of Iowa
 11 are hereby authorized, empowered and directed to issue a patent to the
 12 said Dan Alley, his heirs, grantees or assigns for the use and benefit
 13 of the successive owners of said land.

Approved April 5, 1955.

CHAPTER 288

DECATUR COUNTY LEGALIZING ACT

H. F. 352

AN ACT to legalize a contract for sale and authorizing the issuance of a patent to the northwest quarter (NW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of section thirty (30) in Township sixty-eight (68) North, Range twenty-five (25) West of the fifth (5th) P. M., in Decatur County, Iowa.

WHEREAS, the state of Iowa for the use and benefit of the permanent school fund of Decatur County, acquired title to the following described lands:

The northwest quarter (NW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of section thirty (30) in township sixty-eight (68) north, range twenty-five (25) west of the fifth (5th) P.M., in Decatur County, Iowa; and

WHEREAS, it appears that the state of Iowa for the use and benefit of the permanent school fund of Decatur County, acquired the above-described premises by a warranty deed executed by J. W. McNelly and his wife, dated May 6, 1937, and recorded in Book 254, Page 489 of the records of the recorder's office of Decatur County, Iowa, based on a release, dated May 13, 1937, of a school-fund mortgage previously executed on February 8, 1923, by J. W. McNelly; and

WHEREAS, it appears that a contract for sale of the foregoing described premises was executed by the county auditor of Decatur county, Iowa, July 16, 1946, to Opal W. Toney who contracted to convey the above described premises to Monnie V. Crabtree on September 29, 1951, the said Monnie V. Crabtree to assume all obligations against the land; and

WHEREAS, it does not appear of record that the county auditor or county board of supervisors of Decatur County complied with the provisions of the law governing the sale of school lands in contracting to sell the aforesaid described property to the said Opal W. Toney in that there is no showing of record that:

(a) The county board of supervisors of Decatur County passed a resolution providing for the sale of said property and directing and authorizing the trustees of the township to appraise the value of said property.

(b) The trustees of the township certified to the said county board of supervisors their appraisalment thereof finding and fixing the value of said property and action of the board thereon.

(c) The county auditor posted notice and advertised said property for sale at public auction to the highest and best bidder therefor as provided by statute.

(d) The county auditor exposed, offered for sale and struck off said property to the highest and best bidder therefor; and

WHEREAS, the said Opal W. Toney, his assigns or grantees have been in open, actual, notorious and adverse possession of said lands at all times since the execution of the contract for sale on the 16th day of July, 1946; and

WHEREAS, the state of Iowa has no claims upon said property adverse to those of the said Opal W. Toney, his assigns or grantees, and it appears that the said Opal W. Toney, his assigns or grantees are entitled to a patent conveying the foregoing described property to him, his assigns or grantees upon payment of all sums due or to become due under the contract for sale, now, therefore,

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

1 SECTION 1. The contract for sale executed by the county auditor of
2 Decatur County, Iowa to Opal W. Toney on the 16th day of July, 1946,
3 for the sale of the following described property, to wit:

4 The northwest quarter (NW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$)
5 of section thirty (30) in township sixty-eight (68) north, range
6 twenty-five (25) west of the fifth (5th) P. M., in Decatur County,
7 Iowa,
8 is hereby legalized, validated and confirmed.

1 SEC. 2. The auditor of Decatur County, Iowa, is hereby authorized,
2 empowered and directed to issue a certificate of purchase and of final
3 payment which certificate shall contain reference to this Act, to Opal
4 W. Toney, his heirs, grantees or assigns for the following described
5 property, to wit:

6 The northwest quarter (NW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$)
7 of section thirty (30) in township sixty-eight (68) north, range
8 twenty-five (25) west of the fifth (5th) P. M., in Decatur County,
9 Iowa,
10 upon payment of all sums due or to become due upon the contract for
11 sale of said property, and when the same has been transmitted to the
12 secretary of state, the governor and the secretary of the state of Iowa
13 are hereby authorized, empowered and directed to issue a patent to the
14 said Opal W. Toney, his heirs, grantees or assigns for the use and
15 benefit of the successive owners of said land.

Approved April 5, 1955.