

72-2146. State may foreclose contracts of sale or renewals thereof, when; rights of owners; price; certificate of purchase; deed; bids by state. In all cases where a sale of school lands shall have been made by the state of Kansas under a contract of sale or renewal thereof, and the owner or owners of such contract or renewal shall have failed for the period of three months to pay any principal or installment thereof, or interest, which by the contract of sale, or the renewal, he shall have been required to pay to the state of Kansas, a foreclosure suit may be maintained by the state of Kansas to foreclose the contract of sale or renewal, in the same manner as provided by law for the foreclosure of mortgages upon real estate, and the real estate covered by such contract or renewal may be sold under a judgment of foreclosure as provided by law. The owner or owners of a contract of sale or renewal shall have the right at any time until the judgment shall be rendered to pay to the state the amount of principal and interest then due and the costs of suit and thereupon the suit shall be dismissed without prejudice. If such payment should not be made the judgment shall be for the full amount of the principal due and to become due under the contract or renewal, and interest to the end of the redemption period on the portion of the principal due and the costs of suit. The land shall not be sold under foreclosure for less than the total of such amounts.

Whenever such real estate shall be sold under foreclosure and the same shall not be redeemed from the judgment by the payment of the principal due and to become due, and interest due upon such contract or renewal to the end of the period of redemption and costs of suit, within eighteen months from the date of such sale, then such sale shall become absolute and the purchaser at such sale shall be immediately entitled to a deed to the real estate purchased. Upon the sale of any real estate under foreclosure as provided in this act, the sheriff making such sale shall execute and deliver to the purchaser at such sale a certificate of purchase showing the date of purchase, the person to whom sold, the description of the land sold and the time as provided herein within which the real estate may be redeemed, and if the land should not be redeemed within the time herein mentioned, the legal holder, upon the presentation of such certificate, shall be entitled to a deed for the land described, which deed shall convey the title of the state as well as the interests of the defendants. Upon any such foreclosure sale a bid may be made on behalf of the state, at the direction of the state auditor, for the purchase of the land, in a sum not to exceed the amount of the principal and interest in default, the amount of the remainder of the principal, and interest to the end of the redemption period on the portion of the principal due, and the costs of suit. If the bid by the state should be accepted the amount of its bid shall be credited upon the purchase price. If the deed should be made to the state the land shall continue to be treated as school land.

History: L. 1937, ch. 317, § 1; June 30.