

**PLANNING & DEVELOPMENT**

500 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643 Fax: (563) 326-8257

Email: [planning@scottcountyiowa.com](mailto:planning@scottcountyiowa.com)



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Timothy Huey  
Director

To: Dee F. Bruemmer, County Administrator  
From: Brian McDonough, Planning & Development Specialist  
Date: July 7, 2015  
**Re: Discussion of request to transfer a one (1) acre school site, located in Section 16 of Lincoln Township, from Scott County to Donald and Elaine Schneckloth.**

This request comes from attorney Ryan Denman of Duffy Law Office representing Donald and Elaine Schneckloth. In the course of estate planning for the Schneckloth's Mr. Denman has discovered a title issue dating back to 1880. At that time a one acre school site was deeded to the Lincoln Township Trustees for the establishment of a rural school. This one acre site was separated from the surrounding farmland in the original 1880 deed for the prior owners. The Schneckloth family purchased the property in 1952, and this one acre exclusion carried over from that original title. When Scott County and the United States were originally surveyed land was set aside within each township for rural school sites. There are many such sites throughout the County which still exist in deed descriptions dating back to the 1800's. In most cases the adjacent property owner has used the land as their own and a school site was never built.

In this case, a separate parcel or legal description was never created for this site, and a school was never built. The Schneckloth's farm the adjoining land, and have for many years used and paid taxes on this one acre. There is a provision in civil law allowing a property owner to go through a condemnation proceeding to obtain land that is not legally theirs, but which has been used as their own for a certain number of years. However, this is not an option in this case because the provision does not apply to use of government land. At the advice of Assistant County Attorney Rob Cusack, we are asking the Board to transfer this one acre parcel to the Schneckloth's in order to clear up this title issue. If approved, a quit claim deed will be prepared and recorded.

# Duffy Law Office

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Dennis D. Duffy  
Ryan M. Denman  
Attorneys at Law  
Licensed in Iowa & Illinois

1840 E. 54<sup>th</sup> Street  
Davenport, IA 52807  
Tel (563) 445-7400  
(877) 355-7070  
Fax (563) 445-7474  
www.duffylawoffice.com

June 25, 2015

Scott County Board of Supervisors  
600 W. 4<sup>th</sup> Street  
Davenport, IA 52801

**Re: Section 16 Lincoln Township School**

Dear Scott County Board of Supervisors:

I represent Edwin Schneckloth as executor of the Donald H. Schneckloth and the Elaine A. Schneckloth estates. We are writing this letter in the hope of obtaining a quit claim deed to a one acre parcel of land located in Section 16, Lincoln Township, in Scott County, Iowa to correct a title issue.

During the course of the administration of the estates I uncovered a title problem. The title issue dates back to 1880 when this one acre parcel was transferred to the Lincoln Township Trustees for the purposes of building a school house. I enclose with this letter a copy of the deed showing this conveyance to the Lincoln Township Trustees. When Donald and Elaine Schneckloth purchased the property in 1952 this one acre parcel was excluded from the legal description. I enclose with this letter a copy of the deed showing the conveyance to the Schneckloths. Prior to their deaths, Donald and Elaine Schneckloth actually, openly and notoriously, exclusively, hostilely, and continuously used this one acre parcel for more than 50 years. In addition, they have been paying Scott County property taxes on this one acre parcel.

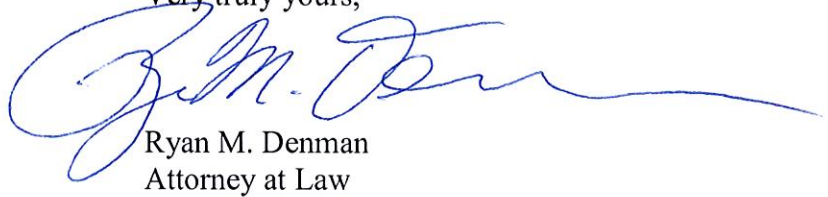
After reaching out to Brian McDonough and Tim Huey, as well as Assistant County Attorney Robert Cusack at the Scott County Attorney's office, they indicated the best course of action to correct this matter would be a quitclaim deed officially transferring this one acre back to the Schneckloth family. In order to proceed they requested I write this letter to the Board of Supervisors seeking your approval. This one acre parcel is bare ground that has been farmed by the Schneckloth family for approximately 50 years.

We thank you for your consideration and time and look forward to approval from the Board of Supervisors to correct this title issue for the Schneckloth family.

# Duffy Law Office

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Very truly yours,



Ryan M. Denman  
Attorney at Law

RMD/mam  
Enclosures

Cc: Edwin Schneckloth  
Brian McDonough  
Tim Huey  
Robert Cusack

No. 31.

HERBERT SCHNECKLOTH and  
LANORA D. SCHNECKLOTH,  
husband and wife,

To

DONALD H. SCHNECKLOTH and  
ELAINE A. SCHNECKLOTH, hus-  
band and wife.

WARRANTY DEED.

Dated: Jan. 30, 1952.

Ack'd: Jan. 30, 1952.

Filed: Feb. 1, 1952.

Rec'd: 91 Ld.D., 429.

Cons.: \$1.00 & O.V.C.

Conveys real estate situated in Scott County, Iowa, and described as follows: The North One-half of the South-West Quarter of Section 16, Township 79 North, Range 4 East of the 5th P.M. save and excepting one acre used for school house purposes containing in all 79 acres.

Also the West three-fourths of the North-West Quarter of Section 16 in Township 79 North, Range 4 East of the 5th P.M. containing 120 acres more or less, subject to easement granted to Scott County, Iowa, by deed recorded in Book 78 of Land Deeds, page 246, Records of Scott County, Iowa.

\$44.00 U. S. Internal Revenue Stamps affixed and cancelled.

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No. 24.

Jochim Wiese and Lena Wiese,  
his wife,

to

District Township of Lincoln in  
the County of Scott and State  
of Iowa.

WARRANTY DEED.

Cons.: \$75.00.  
Dated: May 19, 1880.  
Ack'd: May 26, 1880.  
Filed: Oct. 13, 1880.  
Rec'd: "48" Ld.D., 532.

Conveys one acre in the Northwest corner of the S.W. quarter (S.W.  $\frac{1}{4}$ ) of Section Numbered Sixteen (16) in Township Numbered seventy-nine (79) North, and of the Range Numbered 4 E. of the 5th Principal Meridian. The public highway running North and South on and along the West side of said Quarter section is included in said one (1) acre hereby conveyed. But grantor herein hereby reserves a strip twelve (12) feet wide on and along the North side of said one (1) acre hereby conveyed and which last Strip of twelve feet wide is not intended to be included in said one (1) acre. \* This land is sold to grantees to be used for School purposes, and for the erection and maintenance of a school house for said School District and it is a condition of this conveyance that if at any time said land herein conveyed shall cease to be used for the above purpose by said District, then the same is to revert to said grantor his heirs devisees and grantees upon repayment to the said District by the said grantor his heirs devisees and grantees of the sum of Seventy-five (75) Dollars being the consideration for this conveyance but the said land hereby conveyed is not to revert to the said grantor his heirs, devisees and grantees, unless the said sum is repaid. And the said second party agrees as a condition of this grant to at all times keep and maintain a good and lawful fence around said premises between the same and the land of the grantor.

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THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT  
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY  
THE BOARD OF SUPERVISORS ON \_\_\_\_\_  
DATE  
\_\_\_\_\_  
SCOTT COUNTY AUDITOR

**RESOLUTION**  
**SCOTT COUNTY BOARD OF SUPERVISORS**  
**July 16, 2015**

**APPROVING THE TRANSFER OF COUNTY PROPERTY**

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

Section 1. Scott County holds legal title to the following real estate: One acre in the Northwest corner of the S.W. quarter of Section 16, Township 79 North, Range 4 East of the 5<sup>th</sup> Principal Meridian (Lincoln Township).

Section 2. Said one acre tract being the tract conveyed for school purposes per Warranty Deed recorded in Book 48 of Land Deeds, Page 532 in the office of the Recorder of Scott County, Iowa.

Section 4. Said one acre tract has not, and will not, be utilized by Scott County for its original purpose, and may therefore be transferred to the estates of the current owners, being Donald H. and Elaine A. Schneckloth, to clear any title issues.

Section 5. The Chairman is authorized to sign the Quit Claim Deed.

Section 6. This resolution shall take effect immediately.