

1119.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF GREENVILLE HISTORICAL SOCIETY, IN NEAVE TOWNSHIP, DARKE COUNTY, OHIO.

COLUMBUS, OHIO, October 29, 1929.

HON. HARRY D. SILVER, *Director of Finance, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval an abstract of title and warranty deed relating to a certain tract of land in Neave Township, Darke County, Ohio, which is owned of record by the Greenville Historical Society and which is more particularly described as follows:

“Commencing at a stone on the north line of the southeast quarter of Section Twenty-eight (28), Town Eleven (11), North, Range Two (2) East, Twenty-eight (28) chains and forty-five (45) links East from the North-western corner of said quarter section;

Thence North Eighty-nine (89) degrees and Fifteen (15) minutes East on and along the North line of said quarter, Five (5) Chains and Six (6) links to a stone corner;

Thence Fifty-two (52) degrees and Twenty (20) minutes East, Five (5) chains and Ninety-nine and 25/100 (99.25) links to a stone corner;

Thence North Eighty-six (86) degrees West Three (3) chains and Ninety-two and 5/10 (92.5) links passing a stone corner at Three (3) chains and One and eight-tenths (1.8) links;

Thence Fifty-three (53) degrees and Five (5) minutes West and Forty-eight and One-tenth (48.1) links to the North line of the Sebastian Victor's land;

Thence North Eighty-nine (89) degrees and Thirty (30) minutes West with the north line of said Victor's land Two (2) chains and Thirty-two (32) links to a stone corner;

Thence North Eight (8) degrees and Forty-five (45) minutes East, Six (6) chains and Eighteen and five-tenths (18.5) links to the place of beginning, containing 3.349 acres of land more or less.”

It is quite impossible to trace the history of the title to the above described parcel of land from the abstract of title submitted. Apparently this tract of land is a part of a tract of eighty-eight acres of land described in a deed executed by William Patty, administrator of W. O. Patty, deceased, to F. D. Coppock and William Patty under date of June 5, 1911. There is nothing in the abstract to show how W. O. Patty obtained title to this property, nor are the proceedings relating to the sale of this property by the administrator abstracted so as to show his authority to sell and convey the same to said F. D. Coppock and William Patty. This defect in the abstract is in itself sufficient to require my disapproval of the title to the property here under investigation.

Apparently, thereafter on the same day, said William Patty and F. D. Coppock sold and conveyed said larger tract of eighty-eight acres of land to one Maggie A. Patty, who, it seems, was the widow of said W. O. Patty, and thereafter under date of July 11, 1911, said eighty-eight acre tract of land was conveyed by the deed of said Maggie A. Patty, William Patty and F. D. Coppock and wife to the Greenville Gravel Company.

On July 10, 1913, the Greenville Gravel Company conveyed the property here under investigation, the same being a tract of 3.349 acres, to one S. A. Longfellow.

Thereafter on February 2, 1927, this property was conveyed by one S. L. Longfellow, as guardian of S. A. Longfellow, to George A. Katzenberger. The proceedings relating to the sale of this property by said guardian are not abstracted, and consequently his authority to sell and convey said property does not appear. This obviously is a defect in the apparent title by which this property is now held, which in itself would require my disapproval of the same on the abstract submitted.

The trustees of the Greenville Historical Society obtained their record title to the property here under investigation by a deed from said George A. Katzenberger and Grace M. Katzenberger, his wife. By reason of the objections above noted, the title of the Greenville Historical Society to the tract of land here in question is disapproved.

With said abstract of title there is submitted the deed of the Greenville Historical Society conveying this property to the State of Ohio. This deed has apparently been executed and acknowledged in the manner required by law and to be in form sufficient to convey the property here under investigation to the State of Ohio free and clear of all encumbrances whatsoever. By reason of the defect in the abstract of title relating to the title to this property you are, of course, advised not to accept said deed, until said abstract of title is corrected to show that the Greenville Historical Society has a good and indefeasible fee simple title to the property here in question.

I am herewith returning to you the files submitted by you with said abstract of title, to wit: warranty deeds executed by the Greenville Historical Society and by one Katherine H. Schlechty, respectively; and two quit claim deeds executed respectively by the American Aggregates Corporation to the Greenville Historical Society and by George A. Katzenberger and wife to the Greenville Historical Society. I am likewise forwarding to you opinions relating to the title of certain tracts and parcels of land now owned of record by Katherine H. Schlechty, Carl W. Engle and Lona Engle, and by the trustees of Neave Township, Dark County, Ohio, the respective title to which are covered by the abstract of title above referred to.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1120.

APPROVAL, ABSTRACT OF TITLE TO LOTS 46 AND 47 OF KATHERINE H. SCHLECHTY, IN THE TOWN OF FORT JEFFERSON, DARKE COUNTY—DISAPPROVAL, LOTS 44 AND 45 OF SAME.

COLUMBUS, OHIO, October 29, 1929.

HON. HARRY D. SILVER, *Director of Finance, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of a communication from you submitting for my examination and approval an abstract of title and a warranty deed relating to certain parcels of land held of record by one Katherine H. Schlechty, the acquisition of which is sought by the Greenville Historical Society under the authority of House Bill No. 143, passed by the 88th General Assembly under date of April 5, 1929, 113 O. L. 593. The property above referred to is more particularly described as follows:

Tract 1. Being lots 44 and 45 of the plat of the towns of Fort Jefferson, Ohio, laid out and dedicated by Hezekiah Viets under date of September 23, 1818.