

3837.

ABSTRACT, STATUS OF TITLE TO 9.20 ACRES OF LAND IN EAST UNION TOWNSHIP, WAYNE COUNTY, OHIO, BEING IN SECTION 20, TOWNSHIP 16, RANGE 12; ALSO PART OF SECTION 21, TOWNSHIP 16, RANGE 12, TO BE USED AS PART OF THE SITE FOR AN ADDITIONAL INSTITUTION FOR THE FEEBLE MINDED IN NORTHERN OHIO.

COLUMBUS, OHIO, November 27, 1926.

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract, warranty deed and other data submitted for my examination and approval, discloses the following:

The abstract as submitted was prepared by The Wayne County Abstract Company, of Wooster, Ohio, and is certified under date of October 7, 1926, and pertains to 9.20 acres of land in East Union township, Wayne county, Ohio, to be used as part of the site for an additional institution for the Feeble Minded in Northern Ohio, and which real estate is more particularly bounded and described as follows:

Situated in the township of East Union, county of Wayne, State of Ohio, known as the northeast part of the southeast quarter of section 20, township 16, range 12, beginning at the northeast corner of said southeast quarter; thence west on the north line of said quarter 2 chains 10 links; thence south $12\frac{1}{2}^{\circ}$ west 12 chains 66 links; thence south 23° west 9 chains 35 links; thence south $89\frac{1}{2}^{\circ}$ east 8 chains 24 links to the east line of the quarter; thence north on said east line of said quarter 21 chains 6 links to a stone the place of beginning, containing 9.80 acres. Also the northwest part of the southwest quarter of section 21, township 16, range 12, beginning at the northwest corner of said southwest quarter; thence south $43\frac{3}{4}^{\circ}$ east 4 chains 43 links to a post; thence south $4\frac{1}{2}^{\circ}$ west 1 chain 79 links to a post; thence south 14° west 1 chain 57 links to a post on the west line of said southwest quarter; thence north of said west line of said quarter 7 chains 72 links to a stone the place of beginning, containing .20 of an acre, the two above tracts containing 10 acres, excepting .80 of an acre deeded to J. F. Reinhardt and surveyed September 22, 1911, in said township, section and range as above and described as follows: The point of beginning being north $87^{\circ} 15'$ west 6.41 chains from a stone in the center of the road which stone is on the section line between sections 19 and 20, and 19 chains from the southeast corner of section 20; thence north $87^{\circ} 15'$ west 1.86 chains to a stone being a corner of the old survey; thence along the line of the old survey north $25^{\circ} 45'$ east 9.37 chains to a stone; thence south $14\frac{1}{2}^{\circ}$ west 8.82 chains to the place of beginning, containing .80 of an acre leaving 9.20 acres.

The abstracter calls attention to the fact that the marital status of the grantor, Thomas Mullen, is not given in deeds set forth on pages 6 and 8 of the Abstract. However, these deeds were executed in 1814 and 1816 respectively so that any inchoate rights of dower have long since been extinguished.

The partition of the estate of John Cheney as set forth on page 17 of the Abstract was made subject to the dower rights of the widows, Tacy Cheney and Rachel Cheney, which have never been released of record. However, the husbands of these two widows as set forth in the Abstract both died in 1828, so that the dower rights of these widows have likewise no doubt been extinguished.

The abstracter also calls attention to the fact that the records do not show the appointment of the guardian of William Cheney and Hibben Cheney, who entered an appearance in said partition suit. See page 19 of the Abstract. However, this action was filed nearly a century ago and the Abstract shows that these minors accepted the portion set off to them and later when of full age conveyed title to said portions by warranty deed, thus ratifying the partition.

On page 42 is an uncancelled moragage given by Elizabeth Cotterman and Abraham Cotterman to Kesiah Ross dated April 1, 1874. However, this mortgage was only for \$100.00. The affidavit of Jennie D. Jameson is submitted herewith to the effect that the mortgagors at least are dead and that no claim or demand has been made on her by virtue of said mortgage. I am of the opinion that the same may be disregarded.

On page 54 is an uncancelled oil and gas lease given by Mary E. and J. H. Fouts to The Inter State Oil Company, dated April 20, 1904. The affidavit of Jennie D. Jameson submitted herewith to the effect that no well was ever drilled under this lease and that no rentals have been paid to her thereon, shows the conditions of said lease to have been violated by the lessee, thus rendering the same null and void.

There is also submitted herewith an assignment of the oil and gas lease now held by The East Ohio Gas Company as set forth on page 69, of the Abstract, which lease the state in its contract of purchase agreed to assume.

On page 71 of the Abstract is an uncancelled mortgage held by The People's Savings & Loan Company of Wooster, Ohio, which Jennie D. Jameson in her contract of sale agreed to pay, and payment of which should be made a condition of the delivery of the voucher.

Taxes for the year 1926, the amount of which is not set forth in the Abstract, are a lien. However, Mrs. Jameson in her contract of sale has agreed to pay these taxes. Payment should of course be made a condition of the delivery of the voucher.

A warranty deed from Jennie D. Jameson, a widow and now unmarried, is submitted herewith and is in my opinion sufficient to convey the title of said premises to the State of Ohio.

It also appears from a copy of the minutes herewith enclosed that said purchase has been approved by the Controlling Board. A regularly certified encumbrance estimate should accompany this abstract.

The Abstract, warranty deed and other data submitted are herewith returned.

Respectfully,
C. C. CRABBE,
Attorney-General.

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AN ADDITIONAL INSTITUTION FOR THE FEEBLE-MINDED IN
NORTHERN OHIO.

COLUMBUS, OHIO, November 27, 1926.

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of two abstracts, warranty deeds and other data submitted for my examination and approval, discloses the following: