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DEED, TO STATE, FROM BROWN COUNTY U. S. GRANT MEMORIAL ASSOCIATION, PRESIDENT GRANT'S SCHOOL HOUSE, INLOT 35, GEORGETOWN, BROWN COUNTY.

Columbus, Ohio, October 4, 1941.

Hon. E. C. Zepp, Curator, State Memorials,  
Ohio State Archaeological and Historical Society,  
Columbus, Ohio.

Dear Sir:

There has been submitted to this office for examination and approval, an abstract of title and deed relating to a parcel of land which is owned of record by the Brown County U. S. Grant Memorial Association, a corporation not for profit under the laws of Ohio, and which land is more particularly described as follows:

“Situate in the County of Brown, State of Ohio, and in the incorporated village of Georgetown, and being Inlot No. 35, as the same is known and designated on the recorded plat of said village.”

On March 27, 1941, the 94th General Assembly passed an Act, House Bill No. 170, authorizing the purchase in the name of the State

of Ohio, of President Grant's School House in the Village of Georgetown, Ohio, and directing the Ohio State Archaeological and Historical Society to establish and maintain a state memorial on this property. The General Assembly, in House Bill No. 665, an Act to make general appropriations for the biennium beginning January 1, 1941, and ending December 31, 1942, appropriated monies to the credit of the Ohio State Archaeological and Historical Society for the purchase of this property.

Upon examination of the abstract of title submitted in this connection, which abstract of title is certified by the abstracter under date of September 25th, 1941, I find that as of said date, The Brown County U. S. Grant Memorial Association, a corporation organized not for profit, under the laws of Ohio, for the purpose of perpetuating the name of General U. S. Grant, had a good, merchantable, fee simple title to the above described tract of land and that said corporation owned and held the same free and clear of all encumbrances except as herein noted:

1. An uncanceled mortgage executed by William Moore, Jr. to E. H. Kirkpatrick under date of July 12, 1910. With respect to this mortgage the abstracter reports that the mortgage was not refiled for record in accordance with Section 8546-2, General Code, which section provides *inter alia*, that a mortgage which remains unsatisfied or unreleased of record for more than twenty-one years after the last due date of the principal sum shall not be deemed to put on inquiry any person dealing with the land described in the mortgage. While the abstracter does not indicate the due date of the mortgage he does state that the mortgagee has been dead for at least twenty-one years. It would appear, in view of the foregoing, that the mortgage lien has expired.

2. Real estate taxes due and payable in December, 1941, and June, 1942, are a lien upon the premises.

I am unable to approve the deed submitted in this connection, and I have accordingly prepared a general warranty deed, which, when properly executed and acknowledged by its Board of Trustees, consisting of at least three members, as provided in Section 8523-106, General Code, will convey to the State of Ohio, a good, merchantable, fee simple title to the property described therein.

Inasmuch as I do not know what the State is paying for the prop-

erty, I have omitted from the deed the consideration passing hands, and this sum should be inserted in the deed of conveyance at the time of closing the transaction.

Subject to the exceptions and observations herein noted, the title to the land is hereby approved.

Respectfully,

THOMAS J. HERBERT,  
Attorney General.