

An examination discloses that said deed did grant said premises to the said Nellie M. Bolin, her "successors" and assigns forever as claimed in said application, and it is my opinion that according to the object of said purchase and conveyance said grantee was entitled to a deed granting said premises to her and her "heirs" and assigns forever. In other words, it is believed that it was the intent of the state to convey absolutely all its title to said premises to the said grantee. It will be observed that said habendum clause would have been in proper form if the conveyance had been made to a corporation. However, the conveyance having been made to an individual it is believed that said clause should have conveyed said premises to said grantee, her "heirs" and assigns forever.

Section 8528 G. C. provides:

"When, by satisfactory evidence, it appears to the governor and attorney general, that an error has occurred in a deed executed and delivered in the name of the state, under the laws thereof, or in the certificate of any public officer, upon which, if correct, a conveyance would be properly required from the state, the governor shall correct such error by the execution of a correct and proper title deed, according to the intent and object of the original purchase or conveyance, to the party entitled to it, his heirs, or legal assigns, as the case may require, and take from such party a release in due form, to the state, of the property erroneously conveyed."

Mr. Kibler has furnished a certificate, which is enclosed herewith, to the effect that the said premises are free from all incumbrances and that the said Nellie M Bolin has all the title to said premises as conveyed to her by the state.

In view of the foregoing, I am of the opinion that the said Nellie M. Bolin is entitled to a corrected deed as requested in her application.

Enclosed herewith you will find form of deed which I regard as proper under the circumstances. If it meets with your approval, kindly sign and seal the same and forward to the secretary of state in order that he may countersign the same and transmit it to the auditor of state for record and delivery to the party entitled to the same

Inasmuch as the error in this case goes to the form of deed rather than the description and no premises were conveyed to the grantee in the original conveyance other than the premises described in the corrected deed, no release to the state in this instance will be required.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1041.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN
HOLMES COUNTY, OHIO.

COLUMBUS, OHIO, March 2, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*