

1699.

APPROVAL, ABSTRACT OF TITLE TO LAND OF EDWARD CUNNINGHAM, IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, February 11, 1928.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—I have carefully examined an abstract of title submitted to me on certain lands situated in Nile Township, Scioto County, Ohio, and more particularly described as follows:

“Andrew J. Kendrick’s Entry No. 15183, being 7 acres of land, more or less, on part of Military Warrant No. 8726 on Pond Run, a branch of the Ohio River. Beginning at two white oaks, S. W. corner to Thomas Bridwell’s Survey No. 14157; thence with a line thereof N. 23½° E. 30 poles to the S. E. corner of Survey No. 13478; thence with the line on the south side of said Survey so far that a line to the beginning will include the quantity. Being the whole of Entry No. 15183 calling for 7 acres, more or less.”

As the result of my examination of this abstract I find that Edward Cunningham has a merchantable fee simple title to the above described premises. I find some minor irregularities in the early history of the title to these lands but I am of the opinion that the same can now be safely waived.

I find that under date of October 23, 1866, one, George W. Veach, was the owner of said land by fee simple title. Nothing further is shown with respect to the title to said lands until February 25, 1901, when it appears that D. H. Cuppett and wife executed a warranty deed for said land to one Simon Labord. There is nothing in the abstract to show that at said time either said D. H. Cuppett or his wife had any right, title or interest in said lands. However, it appears that on February 15, 1906, one, Fred Tynes, as Auditor of Scioto County, Ohio, executed and delivered a tax deed for said premises to said D. H. Cuppett and D. L. Webb, and that thereafter on February 19, 1908, said D. L. Webb, together with his wife, executed and delivered a warranty deed for said premises to said Simon Labold. This deed was sufficient to convey to said Simon Labold the undivided one-half interest of said D. L. Webb in the premises. The said D. H. Cuppett having previously and before he had any interest in the premises, executed and delivered a warranty deed for said premises to Labold, said deed became effective to convey to said Simon Labold the undivided interest of said D. H. Cuppett in said lands as soon as the same was vested in him by the tax deed of the County Auditor. *Philly vs. Sanders*, 11 O. S. 490.

The only liens or encumbrances on said lands noted in said abstract are those for taxes for the year 1927. The amount of these taxes is not paid and some provision should be made for the provision of the same before a deed for said lands is taken.

I have examined the deed submitted with said abstract and find the same to be in proper form and sufficient to convey a fee simple title to the State of Ohio.

Respectfully,
EDWARD C. TURNER,
Attorney General.