

the Fort Recovery Welfare Association, which deed purports to convey to the Ohio State Archaeological and Historical Society certain parcels of lands of historical interest in the village of Recovery, Mercer County, Ohio, the title to which is now owned and held of record by the Fort Recovery Welfare Association.

Considerable difficulty has been encountered in the consideration of this deed. There can be no question but that this property is of such historical interest as, under the provisions of section 10198-1, General Code, authorizes your society to acquire the same. The difficulty arises from the fact that the Fort Recovery Welfare Association, which is a voluntary unincorporated association of persons, is not legally competent to hold the title to this property in the association named. In this connection, it appears that the several parcels of land making up the larger tract of land described in the proposed deed of the Fort Recovery Welfare Association to your society, were conveyed to the Fort Recovery Welfare Association by name by three separate deeds, two of which were executed by individuals then owning the respective parcels of land thereby conveyed and one of which was executed to the association by the village of Recovery by the hands of its mayor and clerk.

It thus appears that in and by the deeds above referred to it was attempted to convey the title to this property to the Fort Recovery Welfare Association by name. An unincorporated association of this kind, as in the case of a partnership, is not a legal entity such as enables it to take the legal title to real property in the association named. And inasmuch as the Fort Recovery Welfare Association, for this reason, does not have title to the property here in question, it cannot confer the same to your society.

Obviously, in this situation the only way in which your society can obtain the legal title to this property is by securing quit claim deeds from the persons who do have legal title to the parcels of land making up the tract here in question who, I assume, are the individuals who signed the first two deeds to the association above referred to, and the village of Recovery. With respect to the quit claim deed to be secured from the village of Recovery, it is to be observed that such deed can only be executed by the mayor and clerk pursuant to the authority of council of the village by otherwise complying with the provisions of sections 3698, et seq.

For the reasons above stated, I am herewith returning without my approval the deed executed by the Fort Recovery Welfare Association, as well as the other deeds above referred to.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*

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1780.

APPROVAL, NOTES OF CITY OF AKRON, SUMMIT COUNTY, OHIO,  
\$57,750.00.

COLUMBUS, OHIO, October 26, 1933.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*