

4617.

APPROVAL, ABSTRACT OF TITLE TO LAND OF OSCAR L. BOLIN, IN  
HOPEWELL TOWNSHIP, MUSKINGUM COUNTY, OHIO.

COLUMBUS, OHIO, September 17, 1932.

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

DEAR SIR:—This is to acknowledge the receipt of your communication submitting for my examination and approval abstract of title, warranty deeds, encumbrance record No. 1796 and certificate of the Emergency Board relating to the proposed purchase of three certain tracts of land owned of record by one Oscar L. Bolin in Hopewell Township, Muskingum County, Ohio, which tracts or parcels of land are more particularly described as follows:

“First Parcel: Beginning at a point Eighty-nine (89) rods east of the Northwest corner of the Northwest quarter on the north line of said quarter section of Section Twenty (20), Township one (1), Range Nine (9) thence South parallel with the West line of said quarter section ninety (90) rods; thence East parallel with the north line of said quarter Section to the East line of the same. Thence North along said quarter section line Ninety (90) rods to the North line of said quarter section. Thence West along the North line of said quarter section to the place of beginning. Estimated to contain Thirty-nine and 15/16 (39 15/16) acres of land.

Second Parcel: Being in the same County and Township as the above described first parcel and being a part of the South West quarter of Section eleven (11), Township One (1), and Range Nine (9), and bounded and described as follows:

Beginning at the South West corner of the South West quarter of said section Eleven. Thence East along the South line of said quarter section to the East line of said quarter section. Thence North along said East quarter Section line to the center of the County road. Thence West along the center of said County Road following the meandering thereof to the North East corner of a lot of land upon which stand a pottery shop. Thence south one chain and Sixty links with garden paling to a corner. Thence West Three chains and Forty links to a corner of said pottery lot. Thence North Eight degrees East One Chain and Thirty links to a corner on the southerly side of said road. Thence along the center north 50 degrees West four chains and fifty links. Thence North 38 degrees West Three Chains and Fifty links to a point in the middle of said road. Thence south 70 degrees West Seven Chains and Twenty links to a point in same road. Thence South 50 degrees West five chains to a point in same road. Thence leaving said road north 79 degrees West Three chains and seventy-five links to a corner on the West boundary line of said quarter section. Thence south along said west line Eleven chains and eighty links more or less to the place of beginning. Estimated to contain Fifty-three acres of land.

*Third Parcel:* Beginning at a point in the road, said point being South eighty-four (84) degrees West, sixteen (16) chains from a corner of land owned by John Allen; thence south one (1) chain and sixty

(60) links with the garden palings to a corner; thence West three (3) chains and forty (40) links to a corner of a pottery lot; thence north eight (8) degrees East one (1) chain and fifty six (56) links to a corner on the southerly side of the road; thence following the meanderings of said southern side of said road to the place of beginning, said premises being known as the shop lot. Being the same real estate deeded to Oscar L. Bolin by Elvira Rector, by deed dated August 27, 1906, and recorded in Deed Book Vol. 143, page 324 of the Muskingum County Record of Deeds, to which reference is here had and made for a more particular description of said premises."

Upon examination of the abstract of title of the above described tracts of land, which abstract of title is certified by the abstracter under date of August 6, 1932, I find that as of said date Oscar L. Bolin, above named, has a good indefeasible fee simple title to said property free and clear of all encumbrances except certain oil and gas leases which have been executed from time to time by Oscar L. Bolin and his predecessors in title on the above described tracts of land or parts of the same, and except the undetermined taxes on the property for the year 1932.

The oil and gas leases, above referred to, which are apparent encumbrances upon the title of Oscar L. Bolin in and to the above described property or parts of the same, are:

1. An oil and gas lease executed by Reason Bolin and Mary D. Bolin to The Ohio Fuel Supply Company under date of February 22, 1911, which lease is recorded in Vol. 14, page 144 of the Lease Records in Muskingum County, Ohio. This lease, which is not cancelled of record, was one for a period of ten years and for such additional time thereafter as oil or gas is produced from the lands covered by the lease, which lands apparently included the first and second parcels above described.

2. An oil and gas lease issued by Oscar L. Bolin and Zua Bolin to The Carter Oil Company under date of August 29, 1917, and filed for record in Vol. 17, page 534, of the Lease Records of said county. This lease, which apparently covers only a small part of the lands here under investigation, was for a term of ten years from the date thereof and for such additional time as oil and gas are produced in paying quantities. This lease was assigned by The Carter Oil Company to the Hope Construction and Refining Company on January 1, 1926, which assignment is recorded in Vol. 38, page 263, of the Lease Records in the office of the recorder of Muskingum County.

3. An oil and gas lease executed by Reason Bolin and Mary D. Bolin to The Carter Oil Company under date of February 14, 1924, which lease was filed for record in Vol. 33, page 363, Recorder's Office, Muskingum County, Ohio. This lease, which apparently covered the first and second tracts of land above described, was for a term of five years and as much longer as oil or gas is produced on the land or the same is operated by the lessee in search for or in the production of these minerals. This lease was assigned by The Carter Oil Company to the Hope Construction and Refining Company January 1, 1926, which assignment is recorded in Vol. 37, page 263, of the Lease Records of said county.

4. An oil and gas lease executed by Oscar L. Bolin and Zua Bolin to the Hope Construction and Refining Company September 26, 1928. This lease is recorded in Vol. 43, page 471 of the Lease Records of the county.

The abstract of title submitted to me does not clearly show the lands covered by the lease and it is quite possible that the lands affected by this lease are for

the most part lands other than those above described. It is further observed with respect to this lease that there is nothing in the abstract to show the term of the same.

With respect to the oil and gas leases above referred to, it is to be noted that in each of the same there is granted to the lessee therein named the right to lay and maintain pipe lines and to construct and maintain telephone and telegraph lines, plants and buildings to be used in the production of said minerals, as well as the right to construct buildings for the occupancy of the employes of the respective lessees therein named.

Although it does not appear that any of these oil and gas leases have been cancelled of record, it is probable that upon further inquiry it will be found that the rights of the several lessees under some of these leases have been abandoned so that such lease or leases are no longer an encumbrance upon the property. This is a matter that can only be determined by further investigation.

In addition to the oil and gas leases above referred to, it is noted that on November 22, 1926, Reason Bolin, being then the owner of the larger part of the property above described, executed to the Ohio Telephone and Telegraph Company a certain deed or other instrument of like kind whereby he granted to said company the right by way of easement to construct and maintain in and upon said lands and in and upon the roads, streets and highways adjoining the same telephone and telegraph poles, wires and fixtures. This lease was recorded in Vol. 147, page 34, of the Deed Records of said county. Later on March 18, 1927, Oscar L. Bolin and Zua B. Bolin executed another like instrument to The Ohio Telephone and Telegraph Company whereby said company was given the right, privilege and authority to construct and maintain lines for telephone and telegraph, consisting of poles, wires, cables, conduits and other fixtures and appurtenances in and upon the property here in question and in and upon roads, streets and highways adjoining this property. This lease is found of record in Vol. 45, page 569, of the Lease Records of Muskingum County. There is nothing in the abstract of title to indicate what, if anything, has been done by The Ohio Telephone and Telegraph Company under the authority granted to it by the two separate instruments above referred to. This can only be determined by inquiry and investigation; and obviously the question whether the encumbrances on this property arising by reason of these easements and by reason of the oil and gas leases above referred to will interfere with the use that is to be made of this property by the Ohio Agricultural Experiment Station, is a matter for that department to decide.

I have examined the warranty deeds tendered by Oscar L. Bolin and find that the same have been legally executed and acknowledged by him and by his wife, Zua Bell Bolin, and that the form of said deeds are such that they are sufficient to convey the above described property to the State of Ohio by full fee simple title with a general warranty against all encumbrances as to the third parcel above described except as to the taxes on said parcel for the year 1932.

As to the first two parcels above described and the warranty against encumbrances thereon is general, except as to the taxes for the year 1932, with the provision that as to the said parcels the grantor reserves the rental accruing from the gas well now located on the premises.

Encumbrance record No. 1796, submitted as a part of the files relating to the purchase of the above described lands, has been properly executed and the same shows a sufficient balance in the proper appropriation account to pay the purchase price of the property, which purchase price is the sum of five thousand dollars (\$5,000.00).

You have likewise submitted to me a certificate over the signature of the

president of the Emergency Board showing that at a meeting of the Emergency Board held under date of May 17, 1932, said Board made an allowance of the sum of five thousand dollars (\$5,000.00) out of the appropriation made to the Emergency Board by House Bill No. 624.

I am herewith returning with my approval, except as above noted, said abstract of title, warranty deeds, encumbrance record No. 1796 and certificate of the Emergency Board above referred to.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

4618.

APPROVAL, CONDITIONALLY, ABSTRACT OF TITLE TO LAND IN  
HOPEWELL TOWNSHIP, MUSKINGUM COUNTY, OHIO.

COLUMBUS, OHIO, September 17, 1932.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval an abstract of title, warranty deed, encumbrance record No. 1797 and a certificate of the Emergency Board relating to the proposed purchase of three certain parcels of land in Hopewell Township, Muskingum County, Ohio, which parcels of land are more particularly described as follows:

“Being in Section twenty (20), township one (1) of Range Nine (9), United States Military lands, and described as follows:

*First Parcel:* Beginning at the northwest corner of said sections; thence east on the north line of said section eighty-nine (89) rods; thence south ninety (90) rods; thence east to the east line of the northwest quarter of said section; thence south on said quarter section line to the center of said section a distance of seventeen (17) chains and fifty-six and one-fourth ( $56\frac{1}{4}$ ) links; thence west along the south line of said quarter section thirty-nine (39) chains and eighty-six (86) links to the west line of said section; thence north along the west line of said section to the place of beginning, containing one hundred and twenty and ten hundredths (120.10) acres, more or less.

*Second Parcel:* Beginning at the center of said section; thence west along the line between the northwest and southwest quarters of said section thirty-nine (39) chains and eighty-six (86) links to the west line of said section; thence south along the west line of said section seven (7) chains and twenty (20) links; thence south eighty and one-half ( $80\frac{1}{2}$ ) degrees east thirty (30) chains and twenty-five (25) links; thence north eight (8) chains and thirty-five (35) links; thence south eighty-one (81) degrees east ten (10) chains to the quarter section line; thence north along the quarter section line five (5) chains and sixty-three (63) links, more or less, to the place of beginning, and containing thirty-three and forty-four hundredths (33.44) acres, more or less.