

2929.

APPROVAL, THREE WARRANTY DEEDS CONVEYING PARCELS OF LAND IN LIBERTY TOWNSHIP, JACKSON COUNTY, MEIGS TOWNSHIP, ADAMS COUNTY AND BENTON TOWNSHIP, HOCKING COUNTY, TO THE STATE OF OHIO BY JOHN J. WHITE, WILLIAM P. HELTMAN AND CHARLES F. DAVIS.

COLUMBUS, OHIO, July 14, 1934.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting, for my examination and approval, three certain warranty deeds, executed to the State of Ohio by John J. White, William P. Heltman and Charles F. Davis, and by their respective spouses, by which there is conveyed to the state as many different parcels of land, situated respectively in Liberty Township, Jackson County, Ohio, Meigs Township, Adams County, Ohio and Benton Township, Hocking County, Ohio.

The property conveyed to the State by these respective deeds is in each instance so conveyed to the end that the same may be used as a site for a forest fire lookout tower.

Upon examination of these deeds, I find that the same have been executed and acknowledged in the manner provided by law. Upon consideration of the provisions of these several deeds and of the conditions and restrictions therein contained, I find that the form of these deeds is such that they severally convey the parcels of land therein described to the state by fee simple title subject to a condition subsequent that the title to such property shall revert to these several grantors and to their respective heirs and assigns, upon the failure of the state to use such property for fire prevention purposes.

Although in each of these deeds there is a recital that the property therein described is conveyed to the state in consideration of One Dollar and other good and valuable considerations, I am advised that these conveyances are in fact donations or gifts of the several parcels of land conveyed. In this connection it is noted that by the provisions of Section 18, General Code, the state is authorized to receive by way of gift, lands or other properties and to hold and apply the same according to the terms of the gift. As to this, it is further noted that under the provisions of Section 1171, General Code, the Board of Control of the Ohio Agricultural Experiment Station is authorized to receive and hold in trust, in the name of the State of Ohio, and for the use and benefit of the Ohio Agricultural Experiment Station, grants of land and to apply the same to the general or special use of the Ohio Agricultural Experiment Station, as directed by the donor.

It is quite clear, therefore, from the statutory provisions above referred to, that the Ohio Agricultural Experiment Station, through its Board of Control, is authorized to accept the conveyances of the several parcels of land here in question in the name of the State of Ohio and for the use and purposes indicated in such conveyances.

It appears that two of the parcels of land here in question, to-wit, that conveyed by John J. White and Charles F. Davis, respectively, are subject to

incumbrances and that to effect a release of such incumbrances, release instruments have been prepared and submitted with the deeds.

Although there are some inaccuracies in the release instruments relating to the mortgages on the John J. White property, I am inclined to the view that the intention of the several mortgagees to release the parcel of land in question from the operation of such mortgages, is sufficiently clear.

The incumbrances on the Davis property, above referred to, was an oil and gas lease and the same has been properly released and discharged so far as the property here in question is concerned.

I am, therefore, accordingly approving these deeds as to legality and form, as is evidenced by my approval endorsed upon the several deeds, all of which, together with the other files, above referred to, are herewith enclosed.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2930.

TRUST—REGISTRATION OF TRUSTS WHERE CO-TRUSTEES ARE
COMMON CO-TRUSTEES OF TWO OR MORE TRUSTS.

SYLLABUS:

When two or more trusts, the security-holders or beneficiaries in which do not exceed ten in number, have co-trustees who are authorized to perform their trust duties only in conjunction with each other, the mere fact that one of such co-trustees is a common co-trustee to the two or more of such trusts does not in and of itself, prevent such trusts from being registered by description, pursuant to the provisions of Sections 8624-6 and 8624-7, General Code.

COLUMBUS, OHIO, July 17, 1934.

HON. SAM L. SUMMERS, *Prosecuting Attorney, Ravenna, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads:

“When several common law trusts are created, each having three trustees, one of which trustees is a common trustee to two or more of such trusts, the remaining trustees being different, and certificates of beneficial interest are issued to the beneficiaries of such trust in an aggregate number in excess of ten (10) but in no event to more than ten (10) beneficiaries or certificate-holders in each particular trust; the question has arisen as to whether such transactions are such as would constitute the trustees a dealer within the provisions of Section 8624-6, subsection 3, in view of your opinion rendered recently. In other words, my question is whether or not the fact that one trustee may be common to more than one trust would prevent such trusts from being registered by description, under the provisions of Section 8624-6, subsection 3 and Section 8624-7, of the General Code.”