

892.

APPROVAL, ABSTRACT OF TITLE TO LAND IN ATHENS TOWNSHIP, ATHENS COUNTY, OHIO.

COLUMBUS, OHIO, August 18, 1927.

HON. ELMER B. BRYAN, *President, Ohio University, Athens, Ohio.*

DEAR SIR:—You have submitted for my opinion an abstract of title continued and certified under date of July 2, 1927, by R. D. Williams, Abstracter, of Athens, Ohio, and a deed executed and acknowledged by Stella M. Moore and David H. Moore, her husband, on the 29th of June, 1927, for the following property, standing in the name of Stella M. Moore, situate in the Township of Athens, County of Athens and State of Ohio, and being parts of Inlots Nos. 11 and 124 in the City of Athens, and more particularly described as follows:

FIRST TRACT: Beginning at a point on the south line of Lot No. 11 which said point is 40 feet east of the southwest corner of Inlot No. 11 in said City of Athens, Ohio; thence north on a line parallel with the west line of said Inlot No. 11, 2.77 chains to the north line of said Inlot No. 11; thence east on and along the north line of said Inlot No. 11 to the northeast corner thereof; thence south on and along the east line of said Inlot No. 11 to the southeast corner thereof; thence west on and along the south line of said Inlot No. 11 to the place of beginning.

The property herein-above described as Tract No. 1 is subject to the rights and interests of Rachael E. Jennings, Ralph P. Jennings and George B. Parker and the successors in interest of them or either of them, over and within a 9 foot alley on the east side of said Inlot No. 11, which rights and interests are consummated and defined in a journal entry of record in the Court of Common Pleas, Athens County, Ohio, and in Journal Volume 37 at page 312 thereof, and being the final entry in cause No. 6297. Said property herein-above described as Tract No. 1 is also subject to the right and interest therein of one M. E. Twiss, over the 9 foot alley on and along the east side of said Inlot No. 11, as last herein-above described. Also the right of the said M. E. Twiss for a right of way over, along and across a strip of ground 10 feet in width on the north side of said premises and also a right of way over a rectangular piece of ground in the angle of the said two strips or rights of way herein described, having a length of 12 feet on each side or arm of said triangular tract. The rights of the said M. E. Twiss to which Tract No. 1 is subjected, are more particularly defined in the deed from Lucy B. Ballard and Florence Kessinger to Milton E. Twiss, bearing date September 7, 1908, and recorded in Volume 106, at page 563, Deed Records of Athens County, Ohio, to which deed and the record thereof reference is hereby made.

SECOND TRACT: Beginning at the southwest corner of Inlot No. 124 in said City of Athens; thence north 38.5 feet; thence east 48.2 feet; thence north $82\frac{1}{2}^{\circ}$ east 14.6 feet; thence south 42.9 feet; thence west 62.7 feet to the place of beginning, containing $\frac{5}{100}$ of an acre, more or less.

After an examination of the abstract of title, it is my opinion that Stella M. Moore has a good and merchantable title to both tracts, subject to the rights of way and easements described in the deed, as shown in the description above set

forth, and taxes and assessments, if any, levied and assessed for the year 1927, which are not noted by the abstracter.

The deed is also approved and when delivered to the President and the Board of Trustees of Ohio University, grantee, it will convey a good title to said premises to the grantee.

The abstract and deed are herewith returned.

Respectfully,
EDWARD C. TURNER,
Attorney General.

893.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN ROSS TOWNSHIP,
JEFFERSON COUNTY, OHIO.

COLUMBUS, OHIO, August 18, 1927.

HON. CHARLES V. TRUAX, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have submitted for my opinion a form of deed and the abstract of title prepared by R. G. Porter of Steubenville, Ohio, up to and certified on June 1, 1927, on the following premises, standing in the names of Marcellus S. and Eva M. Dye, situate in the Township of Ross, County of Jefferson and State of Ohio, and bounded and described as follows:

“Beginning at the S. W. corner of Section 13, thence with Section line N. 2150 feet; thence N. 62½° E. 364 feet; thence S. 4° W. 754 feet; thence S. 61½° E. 580 feet; thence S. 20½° W. 300 feet; thence S. 77½° E. 379 feet; thence N. 84½° E. 719 feet; thence N. 65½° E. 840 feet; to the Shane Town Road; thence with road as follows, S, 221 feet; S. 22° W. 300 feet; S. 2° E. 250 feet; S. 24° E. 286 feet; S. 7° W. 366 feet to the Section line; thence with the Section line W. 2500 feet to the beginning, containing 74 acres.”

This parcel of land is a part of two tracts owned by the Dyes, containing 251 acres and 119.5 perches; and the abstract has been prepared presumably for the entire 251 acres and 119.5 perches.

Upon the showing made by the abstract of title as now prepared, the title cannot be approved for the following reasons:

1. There is a break in the claim of title from Henry Hanna in 1808 to John McElderry in July, 1924, when McElderry became possessed of 251 acres and 119.5 perches. In 1839, John McElderry transferred the land so acquired to Abraham Grafton; and the abstract contains nothing further concerning this land until 1858, when Isaiah Grafton and Hester Grafton, his wife, and Susannah Grafton transferred the same property to George W. Rex. The abstract says that a search of the indexes of the Probate Court and Recorder's office fails to disclose anything concerning this property in the periods mentioned. There might be some persons now living in the