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APPROVAL, CORRECTED DEED, PREMISES SITUATED IN PAULDING COUNTY, OHIO, CERTAIN LANDS WHICH LIE NORTH AND WEST OF MAUMEE RIVER.

COLUMBUS, OHIO, October 23, 1920.

HON. JAMES M. COX, *Governor of Ohio, Columbus, Ohio.*

MY DEAR GOVERNOR:—Nellie M. Hirzel and Tressie Buerkle, through their attorneys, Snook and Whitehill, of Paulding, Ohio, have duly made application to the governor and attorney-general for a corrected deed under the provisions of section 8528 of the General Code covering the following described premises:

Situate in the state of Ohio, county of Paulding, and being the north-west fraction of the southeast quarter of section number twenty-one (21), township number three north, of range number one east, containing one hundred and twenty-three acres and fifty-hundredths of an acre (123.50) of land, more or less. Said premises are further described as being all of the lands of the southeast quarter of said section twenty-one which lies north and west of the Maumee river."

In substance, the applicants claim that in the original conveyance by the state the premises in the description clause were described as being the "southwest" fraction of the southeast quarter of section twenty-one, when the grantee had purchased the "northwest" fraction of said quarter section, which should have been named in said deed.

The records in the office of the auditor of state show that the southeast quarter of section twenty-one was platted and sold in two fractional parts. The Maumee river cuts off the extreme southeast corner of said quarter section, which was platted and sold as the southeast fraction of said quarter section. The other fractional section according to the plat, included all of the land in said quarter section which lies north and west of the Maumee river. As a matter of fact, technically speaking, there was no "southwest" fraction of said quarter section. If it could be said that the description clause in the original deed conveyed any premises whatever, it must have conveyed a part of the same tract of land that should have been conveyed, that is, the "northwest" fraction. The records, in my opinion, sufficiently disclose that James Wadsworth purchased the northwest fraction of the southeast quarter of section twenty-one, or all that part of said quarter section which lies north and west of the Maumee river.

Said applicants have submitted an abstract, which is enclosed herewith, together with other evidence, which it is believed clearly shows them to have the title to said premises subject to whatever interests the Hicksville Building, Loan and Savings Company may have by virtue of a certain mortgage executed to them by the applicants.

It is therefore my opinion that said applicants are entitled to a corrected deed under the provisions of section 8528 of the General Code, as requested. Inasmuch as the original conveyance conveyed no other lands a release to the state will not be required.

A deed has been prepared which is enclosed herewith, which in my opinion is proper under the circumstances. If you concur with my views in this connection kindly execute the same and send it to the secretary of state to the end that it may be countersigned and transmitted to the auditor of state to be recorded and delivered to the parties entitled thereto.

Respectfully,

JOHN G. PRICE,
Attorney-General.