

1706.

APPROVAL, ABSTRACT OF TITLE TO LAND OF EDWARD CUNNINGHAM, IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, February 13, 1928.

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

DEAR SIR:—I have carefully examined an abstract of title submitted to me on certain lands situated in Nile Township, Scioto County, Ohio, and more particularly described as follows:

“The whole of Survey No. 14771, quantity twelve (12) acres, bounded and described as follows, to-wit: Beginning at a double maple and an ash, lower corner to Thomas Bridwell’s Survey No. 14157; thence with a line thereof South sixteen (16) poles to an ash, dogwood and maple, another corner to said survey; thence S. 13° E. 36 poles to two hickories; thence S. 77° West thirteen poles to a white oak and red oak; thence S. 13° E. 27 poles to a gum and four dogwoods; thence N. 77° E. 47 poles to three hickories and a dogwood; thence N. 38½° E. 15 poles to three black oaks and a white oak; thence N. 30° W. 12 poles to a black oak; thence W. 40 poles to a dogwood; thence N. 13° W. 31 poles to a red oak and two dogwoods; thence 88° E. 36 poles to two beeches; thence N. 43½° W. 14 poles to three maples and a gum on the south bank of said run; thence up the run N. 75° W. 30 poles to the beginning.”

As the result of my examination of this abstract I find that Edward Cunningham has a merchantable fee simple title to the above described premises. I find some minor irregularities in the early history of the title to these lands, but I am of the opinion that the same can now be safely waived.

I find that under date of October 23, 1866, one, George W. Veach, was the owner of said land by fee simple title. Nothing further is shown with respect to the title to said lands until February 25, 1901, when it appears that D. H. Cuppett and wife executed a warranty deed for said land to one Simon Labold. There is nothing in the abstract to show that at said time either said D. H. Cuppett or his wife had any right, title or interest in said lands. However, it appears that on February 15, 1906, one Fred Tynes, as Auditor of Scioto County, Ohio, executed and delivered a tax deed for said premises to said D. H. Cuppett and D. L. Webb, and that thereafter on February 19, 1908, said D. L. Webb, together with his wife, executed and delivered a warranty deed for said premises to said Simon Labold. This deed was sufficient to convey to said Simon Labold the undivided one-half interest of said D. L. Webb in the premises. The said D. H. Cuppett having previously and before he had any interest in the premises, executed and delivered a warranty deed for said premises to Labold, said deed became effective to convey to said Simon Labold the undivided interest of said D. H. Cuppett in said lands as soon as the same was vested in him by the tax deed of the County Auditor. *Philly vs. Sanders*, 11 O. S. 490.

to said Simon Labold the undivided interest of said D. H. Cuppett in said lands except taxes for the current year. The amount of said taxes is not stated and some provision should be made for the payment of the same before the deed for said lands is taken.

I have examined the deed submitted with said abstract and find the same to be in proper form and sufficient to convey a fee simple title to the State of Ohio.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1707.

APPROVAL, ABSTRACT OF TITLE TO LAND OF EDWARD CUNNINGHAM, IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, February 13, 1928.

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

DEAR SIR:—I have carefully examined an abstract of title submitted to me on certain lands situated in Nile Township, Scioto County, Ohio, and more particularly described as follows:

“Being the whole of Survey No. 14157 and bounded and described as follows:

Beginning at a maple and an ash on the Northeast side of said Run, lower corner to a survey made by William Kendall for Henry Burrows; thence S. 51° E. 11 poles to a dogwood and beech; thence N. 75° E. 62 poles to a maple; thence S. 72½° E. 20 poles to a double maple on the north side and an ash on the south side of said run in a line of land belonging to John Turner; thence with said line S. 16 poles to an ash, dogwood and maple; thence S. 82½° W. 100 poles to two white oaks; thence N. 23½° E. 30 poles to the beginning.”

As the result of my examination of this abstract I find that Edward Cunningham has a merchantable fee simple title to the above described premises. I find some minor irregularities in the early history of the title to these lands but I am of the opinion that the same can now be safely waived.

I find that under date of October 23, 1866, one George W. Veach, was the owner of said land by fee simple title. Nothing further is shown with respect to the title to said lands until February 25, 1901, when it appears that G. H. Cuppett and wife executed a warranty deed for said land to one Simon Labold. There is nothing in the abstract to show that at said time either said D. H. Cuppett or his wife had any right, title or interest in said lands. However, it appears that on February 15, 1906, one Fred Tynes, as Auditor of Scioto County, Ohio, executed and delivered a tax deed for said premises to said D. H. Cuppett and D. L. Webb, and that thereafter on February 19, 1908, said D. L. Webb, together with his wife, executed and delivered a warranty deed for said premises to said Simon Labold. This deed was sufficient to convey to said Simon Labold the undivided one-half interest of said D. L. Webb in the premises. The said D. H. Cuppett having previously and before he had any interest in the premises, executed and delivered a warranty deed for said premises to Labold, said deed became effective to convey to said Simon Labold the undivided interest of said D. H. Cuppett in said lands as soon as the same was vested in him by the tax deed of the County Auditor. *Philly vs. Sanders*, 11 O. S. 490.