

Without further extending this discussion, it is my opinion, in specific answer to your question, that employes of a board of park commissioners created by virtue of sections 4053, et seq., General Code, are within the classified civil service of such city. By virtue of paragraph 8 of subdivision (a) of section 486-8, General Code, two secretaries, assistants or clerks and one personal stenographer of such board may be claimed as personal exemptions subject to rules or regulations applicable thereto.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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2816.

CORRECTION OF ERROR IN DEED EXECUTED BY GOVERNOR  
TO RUTH M. McCARRELL OF LIBERTY TOWNSHIP, FAIR-  
FIELD COUNTY, OHIO.

COLUMBUS, OHIO, June 12, 1934.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—Recently Robert L. McCarrell and Ruth M. McCarrell of Liberty Township, Fairfield County, Ohio, acting through their attorney, James T. Pickering of Lancaster, Ohio, made application to this office for a finding which, under the provisions of section 8528, General Code, would authorize the Governor to execute on behalf of the state a deed to the applicants correcting an error in a deed made by Governor Robert Lucas to one Frederick Soliday under date of April 9, 1835, and by which deed it was intended to convey to Frederick Soliday the east half of the southwest quarter of section 15, township 16 and range 19, Fairfield County, Ohio, containing eighty acres, a part of which tract of land is now held and possessed by said Robert L. and Ruth M. McCarrell, who have made this application.

Upon the facts noted and described in my opinion to you upon the application of Artamisha R. Breitenstein, I had no difficulty in reaching the conclusion that an error had, in fact, been made in the original deed of Governor Lucas to Frederick Soliday, in this that although it was thereby intended to convey to Frederick Soliday, as assignee of one William Fisher who had theretofore purchased the land, the east half of the southwest quarter of section 15, township 16, range 19, the tract of land intended to be conveyed was described in the deed as the east half of the southeast quarter of said section, township and range. It is noted in the other opinion above referred to that Artamisha R. Breitenstein, claiming under mesne conveyance back to Frederick Soliday, now holds and possesses the east half of the east half of the southeast quarter of said section 15, and that by reason of this fact she was entitled, under the provisions of sections 8528 and 8529, General Code, to a deed from the Governor correcting the error in the description of the property intended to be conveyed in and by the deed executed by Governor Lucas.

As further noted in the opinion above referred to, Frederick Soliday executed a deed for this property to one Jacob Auer under date of May 4, 1857, and that, following the error made in the prior deed, described this property as the east half of the southeast quarter of said section. Later, as noted therein, the executor of the estate of Jacob Auer, executed a deed to Mrs. Breitenstein by which he intended to convey to her the east half of the east half of the southwest quarter of said section, but, as above noted, said deed, following the error in the former deeds, described the property as the east half of the east half of the southeast quarter. On March 17, 1916, the executor of Jacob Auers' estate executed a deed to Orville Ray Looker and Dottie Looker apparently, intending thereby to convey to them the west half of the east half of the southwest quarter of said section. This deed, like former deeds, erroneously described the property as being the west half of the east half of the southeast quarter of said section. Thereafter, on March 25, 1920, Orville Ray Looker and Dottie Looker, his wife, executed a deed to William Fisher and Leota Fisher for the purpose of conveying to them the property then held and possessed by the grantors, to wit, the west half of the east half of the southwest quarter of said section. However, this deed, following the error in former deeds, likewise described the property as being the west half of the east half of the southeast quarter of this section. On May 24, 1932, William Fisher and Leota Fisher executed a deed of Robert L. McCarrell and Ruth M. McCarrell for the purpose of conveying this forty-acre tract in the west half of the east half of the southwest quarter of section 15. This deed, as in the case of the former deeds, erroneously described the property as being in the southeast quarter of said section.

On the facts above stated, I am of the opinion and so find that there was an error in the description of the property intended to be conveyed by Governor Robert Lucas to Frederick Soliday, and that, under the provisions of sections 8528 and 8529, General Code, Robert L. McCarrell and Ruth M. McCarrell are entitled to a deed from the Governor of this state for the purpose of correcting this description, conditioned upon the execution of the deed by Robert L. McCarrell and Ruth M. McCarrell of a deed to the State of Ohio quit-claiming and releasing any right, title and interest that they may have or claim to have in the west half of the east half of the southeast quarter of said section. Neither in this opinion nor in that on application made by Mrs. Breitenstein am I expressing any opinion as to whether the execution of these deeds will correct the titles to these respective tracts of land now held and possessed by Mrs. Breitenstein and by the McCarrells, respectively, with respect to the subsequent deeds in the chain of title which likewise described the property as being in the southeast quarter of said section. All that I am here finding in this opinion, and in the other opinion above referred to, is that there was an error in the description of the property intended to be conveyed in and by the deed executed by Governor Lucas to Frederick Soliday, and that the persons now holding and possessing these respective forty-acre tracts of land in the east half of the southwest quarter of said section are entitled under the statutory provisions above noted to deeds from the Governor correcting the error contained in the original deed.

Respectfully,

JOHN W. BRICKER,

*Attorney General.*