

NEW PATENT TO STATE
LAND UNDER SECTION
446.180, RSMo 1949:

Documents submitted constitute sufficient
evidence to warrant issuance of patent.

June 6, 1951

6-7-51



Honorable Walter H. Toberman
Secretary of State
Jefferson City, Missouri

Dear Mr. Toberman:

We acknowledge receipt of your letter of June 1, 1951, in which you request an opinion of this department. Your letter is as follows:

"Since you have passed on this matter previously and the situation has been so complicated, we would like for you to review the enclosed letter from Stewart and Turner, Attorneys in Springfield, Missouri, affidavits and quit claim deed and advise if in your opinion a patent may now be issued to May Kelsay by mesne conveyance from William McFarland. An old quit claim deed to this land executed by H. Clay Ewing and I.L. Smith to Wm. A. McFarland is also enclosed."

Your inquiry is whether the documents transmitted with your said letter constitute sufficient evidence to warrant your issuing the patent desired by the person applying therefor. The documents mentioned include three affidavits, one from May Kelsay, the person who now owns the whole of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Section 13, Township 28, Range 21, Greene County, Missouri by virtue of mesne conveyances from Wm. McFarland who originally purchased said land from the State of Missouri, and another from Ellis Gallaway, a householder, in the township in which the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 13 is located, and another from T.W. Jones, a resident of the same township, and also includes a quitclaim deed from May Kelsay in which she quitclaims to the State of Missouri the land described in the original patent which said patent described the wrong land. We have examined said documents submitted, having in mind the requirements of our opinion of January 3, 1951, and also of our opinion of May 7, 1951, which requirements are based upon Section 446.180, RSMo 1949, and we find all of said documents

Hon. Walter H. Toberman

in satisfactory form and we are of the opinion that they, taken together, constitute all of the evidence required by said section as prerequisite to the issuance of a new patent.

CONCLUSION

We are accordingly of the opinion that a new patent should be issued conveying the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 13, Township 28, Range 21, Greene County, Missouri, from the State of Missouri to May Kelsay (a single woman).

We are transmitting herewith all of the documents submitted.

Respectfully submitted,

SAMUEL M. WATSON
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

SMW:mw