

Opinion No. 271.

**State Lands—Certificate of Purchase—
Cancellation—Reinstatement—
Quitclaim Deeds, Title Passed By—
Section 3, Chapter 141, Laws of 1939.**

HELD: Section 3, Chapter 141, Laws of 1939 limits the authority of the Board of Land Commissioners to the reinstatement of a certificate of purchase to six years after cancellation.

Quitclaim deeds convey all rights of grantors, including mineral rights unless expressly reserved.

December 10, 1940.

Mrs. Nanita B. Sherlock
Commissioner of State Lands
The Capitol

Dear Mrs. Sherlock:

The State took a mortgage on lands and later accepted a quitclaim deed in lieu of foreclosure. The deed contained a reservation of the right to re-purchase before a certain date, advantage of which was taken by the grantors. Because of default the contract of re-purchase was cancelled January 5, 1933. You now inquire (1) whether the contract may be reinstated and assigned to a person who desires to explore for oil and gas, and (2) whether the state secured the mineral rights by the quitclaim deed.

A quitclaim deed conveys all the rights of the grantors. If they had the mineral rights to the lands, such rights unless reserved would be conveyed by their quitclaim deed to the state. We find no statutory authority, however.

for the reinstatement of a contract after six years or more have elapsed since its cancellation. Section 3, Chapter 141, Laws of 1939 expressly provides:

“Whenever a certificate of purchase has been cancelled and annulled as provided by law, the owner, his assignee, heir or devisee may within six (6) years after cancellation and annulment of such certificate of purchase make application to the State Board of Land Commissioners for the reinstatement of such certificate, * * * .”

We think the Board of County Commissioners had no authority except that granted by this section. The authority of the commissioners is limited by the statute. No circumstances have been presented which would make the statute inapplicable.