

680.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF LOUISE C. PHILLIPS  
IN CARTHAGE, CINCINNATI, HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, July 26, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of a recent communication from your department over the signature of Herbert B. Briggs, State Architect, submitting for my examination and approval an abstract of title, warranty deed, encumbrance estimate No. 5060 and certificate of controlling board release, all relating to the proposed purchase of a lot or parcel of land in Carthage, Cincinnati, Ohio, owned of record by one Louise C. Phillips, and which parcel of land or lot is more particularly described as follows:

“Situate in Section 12, Millcreek Township, Fractional Range No. 2 in the Miami Purchase, Hamilton County, State of Ohio, in the village of Carthage now part of the city of Cincinnati; beginning at a point on the west line of Franklin Street, now Longview Street, in said village of Carthage, 100 feet south of Second Street, now 71st Street, at the northeast corner of what was formerly known as Lot No. 98, on the original plan of said village of Carthage, by Edward White; thence westwardly along the north line of said Lot 98, and parallel to Second Street, 71st Street now, 160 feet, more or less, to the center of what was formerly known as an alley in said original plan of Carthage; thence southwardly along the center of said alley, 50 feet; thence eastwardly, and parallel to the first line, 160 feet, more or less to the west line of Franklin Street, now Longview Street; thence northwardly along the west line of Franklin Street, now Longview Street, 50 feet to the place of beginning. The same being the said Lot 98 aforesaid, including one-half of the said alley in the rear of the said lot; and being the same premises conveyed to the said Louise C. Phillips by Anna Kudi and Arnold Blome as recorded in Deed Book 1001, Page 151, Hamilton County Ohio Records.”

I have carefully examined the abstract of title submitted and find that said Louise C. Phillips has a good and merchantable fee simple title to the above described real property, subject only to the inchoate dower rights of her husband Louis C. Phillips, and free and clear of all outstanding claims, liens and encumbrances except the undetermined taxes for the year 1929. These taxes are unpaid and the same are a lien upon said above described premises.

An examination of the warranty deed of said Louise C. Phillips tendered to the State of Ohio, shows that the same has been signed and otherwise properly executed and acknowledged by said Louise C. Phillips and Louis G. Phillips, her husband, and that the same is in form sufficient to convey to the State of Ohio a good and indefeasible fee simple title to the above described property, free and clear of the dower rights of said Louis C. Phillips which is to be released, and free and clear of all encumbrances whatsoever except the undetermined taxes for the year 1929 above referred to.

The stated consideration in said deed submitted is “One (\$1.00) dollar and other good and valuable considerations,” and in this respect said deed as tendered does not conform to the uniform and insistent requirement that all deeds executed to the State of Ohio should set out the full amount of the consideration paid for the property conveyed by the deed. The deed here in question is for this reason disapproved.

An examination of encumbrance estimate No. 5060 relating to the purchase of this property, shows that the same has been properly certified and approved and that there are sufficient balances in the proper appropriation account to pay the purchase price of this property.

With the above mentioned files there is likewise submitted a copy of a certificate of the controlling board under date of September 8, 1927, over the signature of the then secretary of said controlling board showing that the money necessary to purchase this property had been released by said board pursuant to the requirements of Section 12 of House Bill No. 502 of the 87th General Assembly.

I herewith inclose said abstract of title, warranty deed, encumbrance estimate and controlling board certificate.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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681.

DISAPPROVAL, LEASE TO MIAMI AND ERIE CANAL LAND IN THE  
CITY OF ST. MARYS, OHIO—THE HOME BANKING COMPANY.

COLUMBUS, OHIO, July 26, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You recently submitted to this department for examination and approval a certain lease, in triplicate, by which in consideration of the payment of an annual rental of six per cent upon the sum of three hundred dollars, the appraised value of the parcel of land leased, there is leased and demised to The Home Banking Company of St. Marys, Ohio, a certain parcel of abandoned Miami and Erie Canal Land located in the city of St. Marys, Auglaize County, Ohio, and which property is more particularly described in said lease.

This lease, which is one for a term of fifteen years, is executed on behalf of The Home Banking Company, by the president of said banking company, pursuant to the assumed authority of a resolution of the Board of Directors of said Home Banking Company, which in terms authorizes the president and cashier of said bank to execute said lease on behalf of said company. Inasmuch as the signature of the president of said company is not made over its corporate seal, which might in itself import the authorization of the Board of Directors to execute the lease in this manner, it is thought advisable that said lease be executed in strict conformity to the authorization contained in the resolution of the Board of Directors.

Said lease, and the triplicate copies thereof are accordingly herewith returned with the suggestion that the same be forwarded to the lessee for the signature of the cashier, in accordance with the provisions of the resolution of the board of directors above referred to.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*