

3655.

STATUS, ABSTRACT OF TITLE, TWO TRACTS OF LAND, SURVEYS  
NOS. 15421 AND 14862.

COLUMBUS, OHIO, October 11, 1922.

HON. L. J. TABER, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—An abstract has been submitted by your department which was certified July 1, 1922 by Joseph W. Mitchell, abstracter, and you have requested my opinion as to the status of the title, as disclosed by said abstract, to two tracts of land situated in Surveys Nos. 15421 and 14862, which said premises are more fully described in the abstract and deed which are enclosed herewith.

It is noted that while the deed purports to convey seventy-seven acres, an examination of the abstract indicates that there perhaps is not that amount in the premises described. However this may be, it is believed to be unimportant in view of the fact that it is the lands bounded by certain lines that you desire for certain purposes and not the number of acres that is of the most importance.

In the original examination it was noted that Charles E. Shaffer claimed title to the parcel situated in Survey No. 14862 by reason of a tax title. The abstract has been further supplemented by an affidavit establishing title to this particular tract in the said Charles E. Shaffer by adverse possession; also an affidavit has been submitted showing that David N. Hopkins was single at the time he conveyed said premises to Mr. Shaffer in 1907.

It is the opinion of this department that the abstract, together with the supplements above referred to, disclose the title to said premises to be in the name of Charles E. Shaffer free from encumbrance excepting the taxes for the year 1922, which are a lien. While there is a mortgage on said premises which is unreleased of record, in view of the time that has expired, it would seem that serious consideration need not be given to this matter.

You have further submitted a deed, executed by the said Charles E. Shaffer and Leutisha Shaffer, his wife, which is believed to be sufficient to convey said premises to the State when properly delivered.

You have further submitted encumbrance estimate No. 6259 which contains the certificate of the director of finance to the effect that there are unencumbered balances legally appropriated in the sum of Three Thousand (\$3,000) to cover the purchase price of said premises.

The abstract, deed and encumbrance estimates are enclosed herewith.

Respectfully,

JOHN G. PRICE,

*Attorney-General.*

3656.

STATUS, ABSTRACT OF TITLE, PREMISES SITUATE IN PUT-IN-BAY  
TOWNSHIP, OTTAWA COUNTY, OHIO, BEING A LOT OF SHIELE  
AND HOLLWAY'S PEACH POINT SUBDIVISION.

COLUMBUS, OHIO, October 11, 1922.

HON. CARL E. STEEB, *Secretary, Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract certified by Graves, Stahl, Duff and

Alexander, on October 3, 1922, and inquired as to the status of the title to the following described premises as disclosed by the abstract:

Situated in the township of Put-in-Bay, County of Ottawa, and State of Ohio, and known as Lot Number Forty-two (42) of Peach Point subdivision as surveyed, platted and recorded in County Recorder's Office at Port Clinton, Ottawa County, Ohio, being a lot of Shiele and Hollway's Peach Point Subdivision. And being the same premises conveyed from Anna Shiele and John Hollway, to Mrs. R. E. Smith and Mrs. Betty Gates as recorded in the records of Ottawa County, Ohio, Deed Book Volume 62, page 437.

After an examination it is believed that said abstract shows the title to said premises to be in the name of Bettie Gates. However, your attention is directed to the deed which was executed by Anna Schiele and John Hollway to Mrs. R. E. Smith and Bettie Gates March 5, 1907, as disclosed at page 45 of the abstract, which contained a reservation to the effect that said premises should be used "for residence purposes only" and further restrictions in reference to mercantile business, etc. The effect of such restrictions of course will depend to some extent upon the existing facts. If the grantors who made such restrictions, or their heirs, are now interested in adjoining premises and in the enforcement of such restrictions, there might be some objection to your board accepting such conveyance. However, if there are no parties who are interested in the enforcement of such restrictions who own adjoining lands, such restrictions might be of little or no effect. Therefore it is suggested that you should determine to your own satisfaction to what extent, if any, the restrictions above referred to will affect the enjoyment of the premises.

You have further submitted a deed, executed by Bettie Gates, which it is believed is sufficient to convey the title to said premises to the state when properly delivered.

You have further submitted encumbrance estimate number 3348 which contains the certificate of the director of finance to the effect that there are unencumbered balances legally appropriated in the sum of One Thousand Dollars (\$1,000) to cover the purchase price.

The abstract, deed and encumbrance estimate are being returned herewith.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

3657.

ROADS AND HIGHWAYS—VILLAGE ORDINANCE CONSENTING THAT BOARD OF COUNTY COMMISSIONERS MIGHT CONSTRUCT HIGHWAY IMPROVEMENT THROUGH SUCH VILLAGE IS NOT EFFECTIVE AS GIVING CONSENT PROVIDED FOR BY SECTION 1193-1 G. C.

*A village ordinance consenting that a board of county commissioners might construct a highway improvement through such village (section 6949 G. C.) is not effective as giving the consent provided for by section 1193-1 G. C. relating to im-*