

visions of Section 2288-2, General Code, and that there is shown thereby a sufficient balance in the rotary fund to the credit of the Division of Forestry to pay the purchase price of this property, which purchase price is the sum of \$3,000.00. I am therefore approving said contract encumbrance record. And inasmuch as it appears that the purchase price of this property is to be paid from said rotary fund which has been set up in the office of the Treasurer of State under the authority of House Bill No. 571, enacted December 20, 1936, no approval of the purchase of this property by the Controlling Board was or is necessary.

I am herewith returning to you said abstract of title, warranty deed and contract encumbrance record No. 41 and other files to the end that you may issue voucher covering the purchase price of this property.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

678.

APPROVAL—ABSTRACT OF TITLE, WARRANTY DEED, CONTRACT ENCUMBRANCE RECORD RELATING TO THE PROPOSED PURCHASE BY THE FORESTRY DIVISION IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, June 2, 1937.

HON. CARL E. STEEB, *Secretary, Board of Control, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination an abstract of title, warranty deed, contract encumbrance record No. 43 and other files relating to the proposed purchase by the State of Ohio for the use of the Division of Forestry of your department of a tract of land in Nile Township, Scioto County, Ohio, which is bounded and described as follows:

The north portion of Ohio State University Lot Number Thirteen (13), beginning at a concrete boundary marker, of State of Ohio, Division of Forestry, on top of a small ridge northwest corner of Lot Number 12 and in the south line of Survey Number 15833; thence N. 27-04½ W, 322.00 feet, down the hill to the bottom of hollow to a pile of stone; thence N. 2-31 E, 562.69 feet up the hill to the top of the ridge to a

concrete marker and a stone marked "H", southeast corner of Lot Number 11; thence with the south line thereof and the north line of Lot Number 13, N. 87-54 W. 4936.33 feet out the ridge, then crossing two hollows and two ridges to a concrete boundary marker in a pile of stone and a stone marked "I" in the line of Survey Number 15881 and in the head of a small drain just below the top of the second ridge; thence S. 3-17½ W, 1339.58 feet, down the hill to a stake in the bottom of hollow at the east edge of the road and in the east line of Survey Number 15881; thence S. 88-00 E. 5279.04 feet following generally the south slope of the hill to a stake in the hollow in the west line of Lot Number 12; thence N. 2-19½ E. 763.37 feet to the beginning, containing 157.26 acres, more or less, the bearings used are true bearings; being a re-survey by the Ohio Division of Forestry of the real estate conveyed by H. N. Davis to W. H. Mills by warranty deed of conveyance, dated January 13, 1910, recorded in Volume 93 at page 532 of the Scioto County, Ohio, Record of Deeds.

Upon examination of this abstract of title, the last extension of which was certified by the abstractor under date of March 18, 1937, I find that Albert W. Mills and Wilma Mills Florer, son and daughter of William H. Mills, deceased, have, as tenants in common, a good indefeasible fee simple title to the above described tract of land subject to the consummated dower interest of Phebe Mills Lutz, and subject to the inchoate dower interests of their respective spouses, Bernice Mills and Robert S. Florer; and that they own and hold this property free and clear of all encumbrances except the taxes on the property for the year 1936, amounting to the sum of \$6.10, and except the undetermined taxes on the property for the year 1937, all of which taxes are a lien upon the property.

Upon examination of the warranty deed tendered to the State by Phebe Mills Lutz, Albert W. Mills and William Mills Florer, I find that said deed has been properly executed and acknowledged by said grantors and by Oliver I. Lutz, Bernice Mills and Robert S. Florer. I further find, upon examination of this deed, that the form of the same is such that this deed is legally sufficient to convey this property to the State of Ohio by full fee simple title free and clear of the consummated dower interest of Phebe Mills Lutz and free and clear of the inchoate dower and other interests of Oliver I. Lutz, Bernice Mills and Robert S. Florer, all of whom in signing the deed with the grantors above named have released their interests in this property to the State. I am therefore approving the deed as submitted.

Contract encumbrance record No. 43, which has been submitted as a part of the files relating to the purchase of this property, has been properly executed and the same shows a sufficient balance in the rotary fund to the credit of the Division of Forestry of the Ohio Agricultural Experiment Station to pay the purchase price of this property, which purchase price is the sum of \$707.67. In this connection, it is noted that the money covering the purchase price of this property is to be paid out of the rotary fund above referred to which has been established under the provisions of House Bill No. 571 enacted December 20, 1936, and that no approval by the Controlling Board of the purchase of this property is necessary.

I am herewith returning to you duly approved as aforesaid said abstract of title, warranty deed, contract encumbrance record and other files which you submitted to me in connection with the purchase of this property.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

679.

APPROVAL—BONDS OF GARFIELD HEIGHTS CITY SCHOOL
DISTRICT, CUYAHOGA COUNTY, OHIO, \$2,500.00.

COLUMBUS, OHIO, June 2, 1937.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.
GENTLEMEN:

RE: Bonds of Garfield Heights City School Dist.,
Cuyahoga County, Ohio, \$2,500.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of refunding bonds in the aggregate amount of \$45,000.00, dated October 1, 1933, bearing interest at the rate of 6% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.