

1150.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN THE VILLAGE OF  
POINT PLEASANT, CLERMONT COUNTY, OHIO

COLUMBUS, OHIO, October 14, 1927.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways and Public Works,*  
*Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract of title, certified under date of September 20, 1927, by N. C. Cover, abstractor of Batavia, Ohio, which is accompanied by an encumbrance estimate and a deed, all covering Lot No. 21 in the Village of Point Pleasant, Clermont County, Ohio, standing in the name of Horace Bainum.

An examination of the abstract of title discloses the following:

1. The property is a part of a survey in 1788 for Lawrence Butler in Military Warrant No. 199, but there is no patent of record to Lawrence Butler, and, in fact, there is no patent of record from the Government covering this land.

2. Nelson Armacost acquired Lot No. 21 by deed dated October 25, 1883. In 1884, his personal estate was administered in the Probate Court of Clermont County; and the property in question was deeded under date of March 16, 1924, by Blanche Armacost, Grace Simmermon and Fred Simmermon, her husband, to S. E. Galbreath. There is nothing in the abstract which discloses the identity of these grantors. An affidavit or other data should be furnished, which would disclose whether Nelson Armacost left a last will and testament, devising the property in question; disclose identity of the grantors in the deed of March 16, 1924, disclose whether Nelson Armacost left a widow, and if so, when she died; whether Blanche Armacost was a married woman at the time of the deed in question; and whether the grantors in the deed were the only children and heirs-at-law of Nelson Armacost.

3. An affidavit for the transfer and record of inherited real estate filed in June, 1926, discloses that Samuel N. Galbreath died intestate on the 18th of October, 1918, and at the time of his death was seized of Lot No. 21, here under consideration. The deed from Blanche Armacost, et al., to S. N. Galbreath, above discussed, was not executed until March 16, 1924; so that I am unable to say anything further respecting the Galbreath title until some definite information is given, which will explain this apparent discrepancy.

4. The abstract discloses a mortgage executed by Horace and Emma Bainum, and by them delivered to the State Bank of Moscow under date of June 21, 1926, and recorded in Vol. 92, page 45 of the Clermont County Mortgage Records, apparently to secure an indebtedness of \$1,000.00. This mortgage has not been cancelled nor Lot 21 released from the lien of the mortgage.

5. The 1926 taxes, amounting to \$12.02 with interest and penalty, are unpaid; and the taxes for 1927, amount undetermined, are unpaid and a lien

The encumbrance estimate is numbered 1561, dated May 14, 1927, and covers an appropriation from the U. S. Grant Memorial Commission Fund. It has been approved under date of June 15, 1926, by the State architect and G. F. Schlesinger, Director of Highways and Public Works. It has also been approved by the U. S. Grant Memorial Commission by Allen B. Nichols, chairman. The Director of Finance under date of September 21, 1927, certifies that there are unencumbered balances legally appropriated, sufficient to pay the sum of \$2,000.00, the purchase price of the property.

I do not find any evidence of the consent and approval by the Controlling Board to this purchase.

It should be noted that the abstract of title only covers Lot No. 21, while the encumbrance estimate covers not only Lot No. 21 but also Fractional Lot No. 21.

The deed has been executed by Horace Bainum and Emma Bainum, and by them acknowledged under date of September 22, 1927. This deed only covers Lot No. 21; but in view of the fact that the encumbrance estimate also covers Fractional Lot No. 21, I call your attention to the fact that Fractional Lot No. 21 is not described in the granting clause of the deed. Otherwise, the deed is in proper form and will, if the title to both Inlot 21 and Fractional Lot 21 is shown to be in Horace Bainum and Fractional Lot No. 21 included in the description of the land to be conveyed, convey a good title to the State of Ohio for the premises sought to be purchased by the State of Ohio.

An abstract of title for Fractional Lot No. 21 should be prepared and sent to you for examination.

The abstract of title of Inlot No. 21, deed and encumbrance estimate are herewith returned.

Respectfully,  
EDWARD C. TURNER,

*Attorney General.*

1151.

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POINT PLEASANT, CLERMONT COUNTY, OHIO.

COLUMBUS, OHIO, October 14, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract of title, certified under date of September 20, 1927, by N. G. Cover, abstracter, of Batavia, Ohio, which is accompanied by an encumbrance estimate and deed, all covering part of fractional Inlot No. 20, in the village of Point Pleasant, Clermont county, Ohio,

“Beginning at the northwest corner of the farmhouse owned by Mary A. Reed, and now owned by Edwin Morgan, of fractional Lot No. 20; thence in a westerly course fronting on Indian street 40 feet with the original line of said fractional Lot. No. 20 to a corner of a lot owned by John Cooper, but now owned by S. N. Galbreath; thence in a south course with the original line of said fractional Lot No. 20 and with said line of Cooper, now Galbreath, to the corner of Big Indian Creek; thence with the corner of said Cooper to the corner of said Mary A. Reed, now Morgan's lot; thence in a westerly course with the line of Mary A. Reed, now Morgan, to the beginning, being the same width in the rear as in the front,”

which property stands in the name of W. W. Shinkle.

An examination of the abstract of title discloses the following:

1. The property is a part of a survey in 1788 for Lawrence Butler in Military Warrant No. 199, but there is no patent of record to Lawrence Butler, and, in fact, there is no patent of record from the Government covering this land.