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APPROVAL—ABSTRACT OF TITLE, ETC., TO LAND IN THE CITY OF ST. MARYS, AUGLAIZE COUNTY, OHIO—COMMUNITY WELFARE ASSOCIATION OF ST. MARYS.

COLUMBUS, OHIO, August 4, 1936.

HON. EMIL F. MARX, *Adjutant General, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval an abstract of title, warranty deed, contract encumbrance record No. 121, and certificate of the Controlling Board, relating to the proposed purchase of a parcel of land which is now owned of record by the Community Welfare Association of St. Marys, a corporation not for profit, which parcel of land is situated in the city of St. Marys, Auglaize County, Ohio, and is more particularly described as follows:

All of Out-Lot Fifty-seven (57), Out-Lot Fifty-six (56) and one hundred thirty-eight feet (138) off of the west end of Block Forty (40) of the East Addition to said city saving and excepting therefrom the following portion heretofore conveyed to the State of Ohio by Warranty Deed by The Community Welfare Association of St. Marys and recorded in Vol. 106, page 455. Auglaize County, Ohio, Deed Records and described as follows: Beginning at a point on the South line of South Street in said city seventy-five (75) feet east of the intersection of the center line of Chestnut street extending south to the said south line of South Street; thence southerly at right angles to the south line of South Street one hundred and twenty (120) feet to a point; thence westerly parallel with the south line of South Street one hundred and fifty (150) feet to a point; thence northerly at right angles to the south line of South Street one hundred and twenty (120) feet to the south line of South Street; thence easterly along the south line of South Street one hundred and fifty (150) feet to the place of beginning.

Upon the examination of this abstract of title, which consists of an original abstract certified by the abstracter making the same under date of December 17, 1920, and an extension and supplement thereto certified by the abstracter under date of July 5, 1936, I find that although there are a number of defects in the early history of the title to Outlots 40, 56 and 57 which, or parts of which, constitute the parcel of land here under investigation, by reason of the great lapse of time which has occurred since the defects here referred to appeared in the chain of title to these

several lots, and of the open and adverse possission in and by which this property has been held by the Community Welfare Association of St. Marys and by its predecessors in title to the several lots here referred to, the Community Welfare Association of St. Marys, as a corporation not for profit, has a good merchantable fee simple title to the above described property.

It further appears that this property is owned and held by the Community Welfare Association of St. Marys, free and clear of all encumbrances unless it be that this property is subject to the undetermined taxes on the property for the year 1936. As to this, the abstracter in his certificate states that "said premises are free of all taxes, tax claims, liens and assessments." It may be, of course, that by reason of the present ownership of this property and the use that is being made of the same, the property is not upon the tax list and duplicate of the taxable real property of the county, but is on the tax exempt list in the office of the Auditor of said county. This is a matter which can be determined by further investigation made by you or by your designated agents before the transaction for the purchase of this property is closed by the issuance of a voucher and warrant covering the purchase price of the property.

Upon examination of the warranty deed which has been tendered by the Community Welfare Association of St. Marys, I find that said deed has been properly executed and acknowledged by said corporation, acting through its President and Secretary. I also find that the form of this deed is such that the same is legally sufficient to convey the above described property to the state of Ohio by full and unconditional fee simple title with a warranty therein made by the grantor that the property is free and clear of all encumbrances whatsoever.

Contract encumbrance record No. 121, which has been submitted as a part of the files relating to the purchase of the above described property, has been properly executed and the same shows a sufficient balance in the proper appropriation account to the credit of your department to pay the purchase price of this property, which purchase price is the sum of \$3900.00.

It likewise appears by recital in said contract encumbrance record, as well as by the certificate of the Controlling Board, that said Board has approved the purchase of this property and has released from the appropriation account to the credit of your department the moneys necessary to cover the purchase price of the same.

I am herewith returning with my approval the abstract of title, warranty deed, contract encumbrance record and Controlling Board certificate above referred to .

Respectfully,

JOHN W. BRICKER,

Attorney General.