

bonds purchased by you. These bonds comprise all of an issue of school improvement and site bonds dated April 1, 1938, bearing interest at the rate of $3\frac{1}{2}\%$ 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 valid and legal obligations of said school district.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2628.

APPROVAL—ABSTRACT OF TITLE AND OTHER INSTRUMENTS, STATE OF OHIO, THROUGH DIRECTOR, DEPARTMENT OF HIGHWAYS, PROPOSED PURCHASE, PARCEL OF LAND, DESCRIBED, SANDUSKY TOWNSHIP, SANDUSKY COUNTY, OHIO, GRANTORS, JOHN M. MOIR AND LAURA L. MOIR, PURCHASE PRICE, \$15,000.00.

COLUMBUS, OHIO, June 22, 1938.

HON. JOHN JASTER, JR., *Director Department of Highways, State Office Building, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval an abstract of title, a warranty deed, Contract Encumbrance Record No. 1630, and several records of proceedings in bankruptcy relating to the proposed purchase by the State of Ohio of a certain parcel of land, owned of record in Sandusky County by one John M. Moir, which parcel of land is more particularly described in said warranty deed as follows:

“Situated in the Township of Sandusky, County of Sandusky, and State of Ohio, and bounded and described as follows:

“A parcel of land in the northeast quarter (NE- $\frac{1}{4}$) of Section twenty-nine (29) Township Number five (5), North, Range Fifteen (15) East, Sandusky Township, Sandusky County, Ohio, and more particularly described as follows:

“Beginning in the center of Muscalonge Creek on the south Right of Way line of The Lake Shore and Michigan Southern Railroad Company, (now known as The New York Central R. R. Co.), thence northwesterly six hundred and thirty-seven

(637) feet along said south Right of Way line to a post; thence southwesterly with an included angle of seventy-five degrees and eight minutes (75 degrees and 8 minutes), six hundred and ninety-nine (699) feet to a stake; thence southeasterly and parallel with the Maumee Turnpike, (now known as McPherson Highway), seven hundred and seventy-eight (778) feet to the center of Muscalonge Creek, thence northerly and following the meanderings of the center line of said creek to the place of beginning, containing ten (10) acres of land, be the same more or less, but subject to all legal highways."

Upon examination of the abstract of title submitted, I find that John M. Moir, the record owner of this parcel, has a good title to the same, free and clear of all encumbrances, and according to receipts issued by the Treasurer of Sandusky County the taxes on this property have been paid to June 20, 1938.

The abstract, as it was submitted to me, indicated that a deed of trust executed by the Fremont Motors Corporation and recorded on July 1, 1924, in the Sandusky County Mortgage Record Volume 96, Pages 313-333, had not been released of record. This defect of record title has since been rectified by a release of mortgage executed by the trustee, George E. Hagenbuch, which release has been recorded in Sandusky County Record Volume 8, Pages 225-226.

An examination of the warranty deed discloses that it has been properly executed and acknowledged by John M. Moir and his wife, Laura L. Moir, and that said deed is sufficient to convey all their interest in the above-described property to the State of Ohio, free and clear of all dower interests in the property.

The Contract of Encumbrance Record No. 1630, indicates that the controlling board has approved the purchase of this property. This action was based on a finding that a sufficient balance was available from the amount appropriated in Section 8 of Amended Senate Bill 369, to pay the purchase price in the sum of \$15,000.

I am returning herewith the abstract of title, warranty deed, Encumbrance Record No. 1630, together with the release of mortgage which has been executed and recorded since this material was forwarded to me for my approval.

Respectfully,

HERBERT S. DUFFY,

Attorney General.