

276.

DEED—ANDREW J. ODLE TO STATE, DESIGNATED LAND, NILE TOWNSHIP, SCIOTO COUNTY, USE, DIVISION OF FORESTRY, OHIO AGRICULTURAL EXPERIMENT STATION.

COLUMBUS, OHIO, March 8, 1939.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval an abstract of title, warranty deed, contract encumbrance record No. 74 and other files relating to the purchase by the Board of Control of the Ohio Agricultural Experiment Station of a tract of land which is owned of record by one Andrew J. Odle in Nile Township, Scioto County, Ohio, which tract of land is a part of Survey Nos. 15396 and 15447 and which is bounded and described as follows:

Beginning at a stake on the eastern bank of a small branch and in line of a five acre tract now owned by A. J. Odle and Wife said five acre tract being part of surveys No. 15396 and No. 15447; thence crossing the branch and wire fence South 65-52½ West 403.29 feet to the remains of a gum stump at the head of a small drain on the west slope of the hill; thence re-crossing branch, South 33-05 East 132.41 feet to a large marked beech on East side of branch; thence up steep hill south 66-32½ West 699.93 feet to a State of Ohio Division of Forestry Boundary Marker on top of the ridge by a pine and forked hickory; thence with the ridge top North 7-36 West 135.91 feet to a State of Ohio Division of Forestry Boundary Marker on the ridge top by a twin chestnut oak; thence down the hill South 60-25½ West 1344.87 feet to a State of Ohio Division of Forestry Boundary Marker referenced by large marked beech, marked dogwood, marked Black Oak and marked white oak above the North Bank of the creek and a common corner with Survey No. 14184; thence with the common line of Survey 15396 and 15447 and Survey No. 14184 North 21-20½ West 1632.53 feet down the East bank of the creek to a State of Ohio Division of Forestry Boundary Marker surrounded by marked dogwood, marked beech, marked black oak and marked double maple; thence leaving survey No. 14184 on down the East bank of the creek North 10-36 West 276.71 feet to a State of Ohio Division of Forestry Boundary Marker referenced by marked white oak, marked beech and marked forked chestnut (now dead);

thence with boundary line between A. J. Odle and Magdalene Walters heirs up the hill South 51-19½ East 1211.61 feet to a large 24 inch marked Black Oak; thence South 63-50; East 399.94 feet to a marked stone and a stake on top of the ridge near two marked white oaks; thence down the hill crossing small ravine and up the hill on the other side North 39-39 East 638.29 feet to a stake on the hillside between two chestnut oaks; thence over the hill North 80-26½ East 153.34 feet to a stake and marked stone marked white oak on the North side of the hill; thence along the North side of the slope South 68-37 East 138.87 feet to a stake and marked stone near a wire fence; thence leaving the boundary line between Magdalene Walters heirs and A. J. Odle, South 72-43 East 812.09 feet to the beginning and containing 40.723 acres. Said real estate being a portion of the FOURTH TRACT and the whole of the FIFTH TRACT in a deed made by Nelson Odle and his wife Sarah Odle to A. J. Odle and Joseph Odle in the year 1892 and recorded in Deed Book 50, page 510 of the Scioto County, Ohio Records of Deeds.

Upon examination of the abstract of title of this property, which abstract is certified by the abstractor under date of January 11, 1939, I find that as of said date said Andrew J. Odle had a good merchantable fee simple title to the above described tract of land and that he owns and holds the same free and clear of all encumbrances except the taxes on the property for the last half of the year 1937, amounting with penalty thereon to the sum of \$2.49, and except the then undetermined taxes on the property for the year 1938, all of which taxes are a lien upon the property.

Upon examination of the warranty deed tendered by Andrew J. Odle, I find that said deed has been properly executed and acknowledged by said grantor and by his wife Bertha Odle, and 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 fee simple title free and clear of the dower interest of Bertha Odle as the wife of said grantor, Andrew J. Odle. It further appears from said deed that the property therein described is conveyed to the State of Ohio free and clear of all encumbrances except taxes on the property for the year 1938, "which the grantee, The State of Ohio does hereby covenant to pay."

Contract encumbrance record No. 74, submitted as a part of the files relating to the purchase of this property, has been properly executed and the same shows a sufficient unencumbered balance in the Division of Forestry Rotary Fund in the custody of the Treasurer of State for the use of the Division of Forestry of the Ohio Agricultural Experiment Station, to pay the purchase price of the above described property, which purchase price is the sum of \$203.61.

Subject to the exception with respect to the taxes which are a lien upon the property as above noted, the title of Andrew J. Odle in and to the above described tract of land is approved and the abstract of title relating to said property and the warranty deed and contract encumbrance record, likewise approved, are herewith enclosed for your further attention in closing the transaction for the purchase of this property.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*