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APPROVAL—SUPPLEMENTAL ABSTRACT OF TITLE, WARRANTY DEED AND CONTRACT ENCUMBRANCE RECORD NO. 1634 RELATING TO THE PROPOSED PURCHASE OF A CERTAIN PARCEL OF LAND IN BUTLER COUNTY.

COLUMBUS, OHIO, December 20, 1934.

HON. W. P. ROUDEBUSH, *Secretary, Board of Trustees, Miami University, Oxford, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a supplemental abstract of title, warranty deed and contract encumbrance record No. 1634, relating to the proposed purchase by the President and Trustees of the Miami University for the use of said institution, of a certain parcel owned by one Frances McFarland Bonham in the village of Oxford, Butler County, Ohio, which parcel of land is more particularly described as follows:

Being known and designated on the recorded plat thereof as a part of Outlot Number Eight (8), more particularly bounded and described as follows: Beginning at a point in the east line of said Outlot Number Eight (8) a distance of One Hundred (100) feet north of the southeast corner thereof; thence north along the east line of said Outlot Number Eight (8) a distance of Sixty-five (65) feet to a point; thence west on a line parallel with the south line of said Outlot Number Eight (8) a distance of Two Hundred Fourteen and Five Tenths (214.5) feet; thence south on a line parallel with the east and west lines of said Outlot Number Eight (8) a distance of Sixty-five (65) feet to a point; thence east on a line parallel with the south line of said Outlot Number Eight (8) a distance of Two Hundred Fourteen and Five Tenths (214.5) feet to the place of beginning; the tract herein conveyed being the north Sixty-five (65) feet of the south One Hundred Sixty-five (165) feet of the east Two Hundred Fourteen and Five Tenths (214.5) feet of Outlot Number Eight (8).

The supplemental abstract of title submitted by you, which is certified by the abstracter under date of December 12, 1934, is a continuation of an abstract of title which was submitted to me on or about March 14, 1932, in connection with the purchase by the President and Board of Trustees of Miami University of another parcel of land out of Outlot No. 8 in the village of Oxford, Ohio, and the title of Mrs. Bonham which I approved, subject to certain exceptions therein noted, by an opinion of that date.

Upon examination of said original abstract in connection with the supplemental abstract submitted by you, I find that Frances McFarland Bonham has a good merchantable title to the above described parcel of land, subject to the following exceptions.

1. On June 22, 1914, Frances McFarland Bonham executed a mortgage to the Oxford Loan and Building Association on a part of said Outlot No. 8 in the village of Oxford, Ohio, which included the parcel of land which is here under consideration and which is above described. This mortgage, which was given to

secure the payment of a note of that date in the sum of five thousand dollars, has not been canceled of record and the same to the extent of the amount of principal and interest on the note secured thereby, is a lien upon the parcel of land here under investigation, as well as upon the remaining part of said Outlot No. 8 covered by this mortgage. Some provision should be made for the cancellation or release of this mortgage with respect to the parcel of land here under investigation before the transaction is closed for the purchase of the property.

2. It appears from the supplemental abstract submitted as a continuation of the former abstract above referred to, that the taxes on the land and buildings now owned by Frances McFarland Bonham in Outlot No. 8 in the village of Oxford, Ohio, for the last half of the year 1933 have not been paid and that the same, amounting to the sum of \$100.84, together with the accrued penalty thereon, are a lien upon this property. In addition to this, the undetermined taxes for the year 1934 are a lien upon the property. Before the transaction is closed for the purchase of the property here under investigation, the taxes with respect to this property should be segregated and the same should be paid or some satisfactory arrangement should be made for the payment of such taxes when the tax books are opened for the collection of current and delinquent taxes in said county which, it appears from a statement made in the certificate of the abstracter, will be on February 15, 1935.

I have examined the warranty deed tendered by Frances McFarland Bonham, the owner of the property here under investigation, and I find that the same has been properly executed and acknowledged by her and by her husband, Llewellyn Bonham, who thereby releases his right and expectancy of dower in this property. I further find on the examination of the provisions of this lease that the form of this deed is such that the same is legally sufficient to convey to the President and Trustees of Miami University all of the right, title and interest of Frances McFarland Bonham in and to this property, free and clear of the inchoate dower interest of her husband, Llewellyn Bonham, with a warranty against all claim or claims other than those owned and held by Miami University.

Upon examination of contract encumbrance record No. 1634, I find that the same has been properly executed and that there is shown thereby a sufficient balance in the proper appropriation account standing to the credit of Miami University, to pay the contract purchase price of this property, which purchase price is the sum of \$2,925. In this connection, it is noted that the moneys necessary to meet the purchase price of this property are to be paid out of land rents standing to the credit of said institution and for this reason no action of the Board of Control with respect to the purchase of this property is necessary. Subject to the exceptions above noted, the title of Frances McFarland Bonham in and to the above described property is approved and the abstract of title and the continuation thereof, above referred to, as well as the warranty deed and encumbrance record No. 1634, are herewith, together with this opinion, forwarded to the Auditor of State as you are hereby advised by a copy of this opinion which is sent to you.

Respectfully,

JOHN W. BRICKER,
Attorney General.