

in the Building and Loan Code, that resort should be had to the General Corporation Act to limit, qualify or restrict such granted power.

The Building and Loan Code provides for unlimited, unqualified and unrestricted cumulative voting in the election of directors. The General Corporation Act provides for limited, qualified or restricted rights. To the extent that said provisions are inconsistent "it is otherwise provided" in the Building and Loan Code, and by the force of Section 9643, General Code, the provisions of the General Corporation Act do not apply.

In the light of the plain provisions of Section 9649, it seems apparent that it does not "clearly appear" that the special provisions of said section are cumulative, but on the contrary that such special provisions are exclusive.

It is my opinion, therefore, in specific answer to your question, that shareholders in building and loan associations may cumulate their votes in the election of directors without giving notice, pursuant to the provisions of Section 8623-50, General Code, of their intention so to do.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5533.

APPROVAL—CONDITIONALLY, CERTIFICATE OF TITLE,
ETC., TO LAND IN GREEN TOWNSHIP, SUMMIT COUNTY,
OHIO—WILLIAM L. BICKETT AND MARY O. BICKETT.

COLUMBUS, OHIO, May 15, 1936.

HON. CARL G. WAHL, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted a certificate of title issued by The Northern Ohio Guarantee Title Company of Akron, Ohio, under date of March 23, 1936, at 7:30 a. m., requesting my opinion as to the status of the title to two parcels of land situated in the Township of Green and County of Summit, which said lands William L. Bickett and Mary O. Bickett propose to convey to the State of Ohio for Nimisila Reservoir purposes. Reference is made to said abstract for a definite description of said lands.

After examination, it is my opinion that said certificate of title at the date thereof discloses a good and sufficient title in the said William L. Bickett and Mary O. Bickett, subject to the following:

Under date of June 3, 1925, the predecessor in title of the said

Bicketts granted to The East Ohio Gas Company an oil and gas lease for a term of twenty years.

Your attention is also directed to Section 2 of the exceptions noted in said certificate of title, which reads:

“In deed from Walter J. Helmkamp (Mildred Helmkamp, wife, releases dower only) and Albert Deiss (Emily Deiss, wife, releases dower only) to Anton Nielsen and Ruth Nielsen, dated April 4, 1930, and recorded in Volume 1374, page 36 of Summit County Records, conveying First Parcel of premises above described, appears the following:

‘Reserving to the Grantees, their heirs and assigns, the right to use in common with the grantors, their heirs and assigns, a forty foot lane, the center line of which extends from the center line of the South Main Street Road at a point which is N. 7° 00' E. 1146.58 feet from the southwest corner of said quarter section to the west line of land to be herein conveyed. The bearing and distance of the center line of said land being S. 74° 09' E. 590.03 feet.’”

It will be noted that the above exception refers to “Mildred Helmkamp, wife, releases dower only,” and “Emily Deiss, wife, releases dower only.” It is difficult to tell exactly what the abstract is attempting to state. In other words, if Walter J. Helmkamp and Mildred Helmkamp were joint owners of the property and/or Albert Deiss and Emily Deiss were joint owners, the release of the dower only of the wives would not be sufficient. It is probable that they were not joint owners and therefore the release of dower would be sufficient. However, inasmuch as it is not clear, this point should be clarified before conveyance of the property is accepted.

Also, you should determine to what, if any, extent the reservation for road purposes would affect the premises for the purpose for which you are purchasing it.

Your attention is also directed to Section 4 of said exceptions which discloses the reservation of a strip of land twenty feet in width off the entire northerly boundary of one of the parcels under consideration as a right of way, which you should determine to what, if any, extent the same will impair the property.

It further appears that the taxes for the years 1935 and 1936 are unpaid and a lien upon the property.

The certificate further discloses that no examination has been made in the records of United States Courts, nor for liens arising by reason of

any fine, assessment or levy imposed on account of the manufacture, sale or giving away of intoxicating liquors or for any liquor tax.

An examination has been made of the deed submitted, executed by William L. Bickett and Mary O. Bickett.

Representatives of your office state that the description in said deed has been checked with the abstract and a recent survey, and that the same is correct, which fact is assumed for the purposes of this opinion.

It is believed that said deed is in proper legal form and will be sufficient to convey the title to said premises to the State.

Amended Senate Bill No. 401, which provides the appropriation for this property, authorizes you to purchase said property free from or subject to easements thereon. Therefore, it is for you to determine to what extent the easements referred to will interfere with the use of the property. Your attention is further directed to the fact that before the deed is accepted you should obtain a certificate from the Director of Finance to the effect that there are funds legally appropriated and unencumbered sufficient to pay the amount under said contract.

The certificate of title and deed are being returned herewith.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5534.

APPROVAL—CONDITIONALLY, FOUR CERTIFICATES OF TITLE, ETC., TO LAND IN GREEN TOWNSHIP, SUMMIT COUNTY, OHIO—THE NORTHERN OHIO GUARANTEE TITLE COMPANY OF AKRON, OHIO.

COLUMBUS, OHIO, May 15, 1936.

HON. CARL G. WAHL, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted four certificates of title issued by The Northern Ohio Guarantee Title Company of Akron, Ohio, three of which are dated March 23, 1936, at 7:30 a. m., and one of which is dated March 31, 1936, at 7:30 a. m., and inquired as to the status of the title to the lands described in said certificates of title. All of said lands are situated in Green Township, Summit County, Ohio. The first certificate describes 1½ acres of land; the second, 45.02 acres of land; the third, 1.28 acres of land; and the fourth, 14.79 acres of land. Reference is made to said abstracts for a complete description of said property.

It is believed that said abstracts disclose that the title to the premises