

Taxes for the year 1926, amounting to \$101.41 are unpaid and a lien. However, the grantors have agreed in their contract of sale to pay these. Their payment should be made a condition of the delivery of the voucher.

It also appears from a copy of minutes herewith enclosed that said purchase has been approved by the Controlling Board. A regularly certified encumbrance estimate should accompany this abstract.

The Abstract, Warranty Deed and other data submitted are herewith returned.

Respectfully,

C. C. CRABBE,

Attorney General.

3830.

APPROVAL, ABSTRACT OF TITLE TO 90 ACRES OF LAND IN EAST UNION TOWNSHIP, WAYNE COUNTY, OHIO, BEING PART OF SECTION 16, TOWNSHIP 16, RANGE 12, TO BE USED AS PART OF THE SITE FOR AN ADDITIONAL INSTITUTION FOR FEEBLE MINDED IN NORTHERN OHIO.

COLUMBUS, OHIO, November 22, 1926.

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract, warranty deed and other data submitted for my examination and approval, discloses the following:

The abstract as submitted was prepared by The Wayne County Abstract Company of Wooster, Ohio, and is certified under date of September 28, 1926, and pertains to 90 acres of land in East Union township, Wayne county, Ohio, to be used as part of the site for an additional institution for the Feeble Minded in Northern Ohio, and which real estate is more particularly bounded and described as follows:

Situated in the township of East Union, county of Wayne, State of Ohio, known as the west part of the southeast quarter and the east part of the southwest quarter of section 16, township 16, range 12, beginning at a stone the center of said section and running thence east on the north line of the southeast quarter 13 chains, 85 links to a stone; thence south $1^{\circ} 20'$ west 40 chains 57 links to a post on the south side of said section; thence west on said section line 22 chains 23 links to a stone; thence north $1^{\circ} 20'$ east 40 chains 47 links to a stone on the north line of said southwest quarter; thence east on said quarter line 8 chains 38 links to the place of beginning, containing 90 acres.

On pages 4, 6, 8 and 10 of said Abstract are notations with respect to deeds missing in the chain of title. However, one of these items dates back to 1832, one to 1839, one to 1834 and one to 1858. The item on page 8 refers to a missing deed from the State of Ohio. From the recitals in subsequent deeds it is evident that the missing deeds, with the exception of that noted on page 10 were actually executed and delivered but were simply not recorded. There is submitted herewith the affidavit of Della Watters Odenkirk and Israel G. Odenkirk showing open, notorious, adverse possession by the present owners and their predecessors in title for more than twenty-one years last past. This affidavit further states that no claim has ever been made upon the present owners, one of whom has been in possession of said premises since 1907 on account of said missing deeds. It is my opinion that although these are dis-

crepancies in the chain of title that they have been cured by prescription and that the state is safe in accepting the title in its present condition with respect to these items.

The mortgage set forth in item No. 10, page 12 of the Abstract, is not cancelled on the records. However, this mortgage was executed and delivered March 28, 1871, and in view of the affidavit of the present owners submitted herewith to the effect that no claim has ever been made upon them or upon their immediate predecessors in title, who was the father of the affiant, Dora Watters Odenkirk, and who obtained title and possession of said premises April 8, 1884, it is my opinion that said mortgage is barred by the statute of limitations, and that the state would be safe in accepting a deed without having this mortgage cancelled.

On page 14 of the Abstract are recitals with respect to certain reservations made by John Culbertson and Jane Culbertson during the life time of both or either of them. There is nothing in the Abstract to show whether or not these grantors or either of them are still living. However, the Affidavit submitted herewith and above referred to states that both are dead, so that the interest of these life tenants no longer exists. The Abstract shows that this property was deeded to John Waters April 8, 1864, item 12, page 15 of the Abstract, and was deeded away by John W. Watters, February 5, 1907, page 19, item No. 15 of the Abstract. The affidavit above referred to shows that the said John Waters and John W. Watters were one and the same person.

In view of the above explanations, I am of the opinion that said Abstract shows a good and merchantable title to said premises in said Della Watters Odenkirk and Israel G. Odenkirk.

A warranty deed from Della Watters Odenkirk and husband, Israel G. Odenkirk, is submitted herewith, and is in my opinion sufficient to convey the title of said premises to the State of Ohio.

There is also submitted herewith an assignment of the grantors in said deed to the State of Ohio of an oil and gas lease now held by The Logan Gas Company, shown on pages 29 and 30 of the Abstract, items Nos. 25 and 26, and which the State of Ohio in its contract of purchase has agreed to assume.

Taxes for the year 1926, the amount of which is not set forth in the Abstract, are a lien. However, the grantors have agreed in their contract of sale to pay these. Their payment should be made a condition of the delivery of the voucher.

It also appears from a copy of minutes herewith enclosed that said purchase has been approved by the Controlling Board. A regularly certified encumbrance estimate should accompany this abstract.

The Abstract, warranty deed and other data submitted are herewith returned.

Respectfully,

C. C. CRABBE,

Attorney General.

3831.

ABSTRACT, STATUS OF TITLE TO 164.70 ACRES OF LAND IN EAST UNION TOWNSHIP, WAYNE COUNTY, OHIO, BEING THE SOUTH-EAST QUARTER OF SECTION 21, TOWNSHIP 16, RANGE 12, TO BE USED AS PART OF THE SITE FOR ADDITIONAL INSTITUTION FOR FEEBLE-MINDED IN NORTHERN OHIO.

COLUMBUS, OHIO, November 22, 1926.

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract, warranty deed and other data submitted for my examination and approval, discloses the following: