

deputy director of Pike County, to which office he has been duly appointed. Said bond is dated the 7th day of February, 1938. Attached thereto is the oath of office of said Eugene H. Adams; the certificate of compliance of the New York Casualty Company, issued by Robert L. Bowen, Superintendent of Insurance, as provided by law; the financial statement of the New York Casualty Company and the authority of the signers for the surety, the New York Casualty Company.

In my opinion, such official bond is in proper legal form and I have accordingly endorsed my approval thereon and am returning the same herewith.

Respectfully,
 HERBERT S. DUFFY,
Attorney General.

2005.

APPROVAL—ABSTRACT OF TITLE AND OTHER INSTRUMENTS, PROPOSED PURCHASE BY STATE OF OHIO, THROUGH ADJUTANT GENERAL, CERTAIN DESCRIBED PARCELS OF LAND, CITY OF WAPAKONETA, AUGLAIZE COUNTY, OHIO, OWNED BY AMERICAN LEGION OF OHIO, AUGLAIZE POST No. 330.

COLUMBUS, OHIO, March 3, 1938.

HON. EMIL F. MARX, *Adjutant General of Ohio, 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. 29, Controlling Board certificate and other files relating to the proposed purchase by you for and in the name of the State of Ohio of certain parcels of land which are owned of record by Auglaize Post No. 330, American Legion of Ohio, in the city of Wapakoneta, Auglaize County, Ohio, and which are more particularly described in the warranty deed which has been tendered to the State, as follows:

(1) Fraction Number 20 of Section 29, Town 5 South, Range 6 East, particularly described as follows: Commencing on the east line of Blackhoof Street at the northwest corner of said Fraction; thence eastwardly along the south line of a public alley and parallel with Auglaize Street, 77½ feet, more or less,

to the northeast corner of said Fraction; thence south parallel with Blackhoof Street, 66.44 feet to the southeast corner of said Fraction; thence west parallel with Auglaize Street, $77\frac{1}{2}$ feet, more or less, to Blackhoof Street and the southwest corner of said Fraction; thence north on the east line of Blackhoof Street 66.44 feet to the place of beginning, except 10 feet off of the south side of the above described premises reserved as a right-of-way for ingress and egress for the use and benefit of the property lying immediately south of and adjoining the real estate above described, and being the same premises conveyed to The Western Ohio Railway Company by the Executors of the Estate of Louis Merriman, deceased, by deeds of record in Volume 82, page 381, and Volume 84, page 239, of the Deed Records of said County;

Also,

(2) A strip of ground one (1) foot in width off of the east end of Fraction Number 20, Section 29, Town 5 South, Range 6 East, and the undivided half of that part of Fraction Number 19, Town 5 South, Range 6 East, particularly described as follows: Commencing at the southeast corner of Fraction Number 20 of said Section; thence north to the northeast corner of said Fraction Number 20; thence east 8 feet along the south line of a public alley to the northwest corner of Fraction Number 21 of said Section; thence south to the southwest corner of said Fraction Number 21; thence west 8 feet to the place of beginning, except 10 feet off of the south side of the above described premises reserved as a right-of-way for ingress and egress for the use and benefit of the property lying immediately south of and adjoining the real estate above described, and being the same premises deeded to The Western Ohio Railway Company by Dorothy Hassenier, by deed of record in Volume 85, page 350, of the Records of Deeds of said County;

Also,

(3) Thirty-six and one-half ($36\frac{1}{2}$) feet off of the west end of Fraction Number 21 of Section 29, Town 5 South, Range 6 East, particularly described as follows: Commencing at the southwest corner of said Fraction number 21; thence north on the west line of said Fraction, 66 feet to a public alley, and the northwest corner of said Fraction; thence east along the north line of said Fraction $36\frac{1}{2}$ feet to a point; thence south parallel with the west line of said Fraction, 66 feet to the south

line of said Fraction; thence west on the south line of said Fraction, $36\frac{1}{2}$ feet to the place of beginning;

And a part of Fraction Number 19 of Section 29, Town 5 South, Range 6 East, particularly described as follows: The undivided half of a tract of ground 8 feet wide, east and west, and 66 feet long, north and south, lying between Fractions Numbered 20 and 21 of said Section, and described by metes and bounds as follows: Commencing at the southeast corner of Fraction 20 of said Section; thence north on the east line of said Fraction Number 20, 66 feet to the northeast corner of said Fraction; thence eastwardly along the south line of a public alley and the north line of Fraction Number 19, 8 feet to the northwest corner of Fraction Number 21 of said Section; thence south along the west line of said Fraction 21, 66 feet to the southwest corner of said Fraction; thence west 8 feet to the southeast corner of said Fraction Number 20;

And the middle part of Fraction Number 21 of Section 29, Town 5 South, Range 6 East, particularly described as follows: Commencing $36\frac{1}{2}$ feet east of the northwest corner of said Fraction Number 21 on the south line of a public alley; thence east on the south line of said alley, $23\frac{1}{2}$ feet to a point; thence south parallel with the west line of said Fraction, 66 feet to a point on the south line of said Fraction; thence west on the south line of said Fraction, $23\frac{1}{2}$ feet to a point; thence north 66 feet to the north line of said Fraction to the place of beginning;

The last above description (3) being the same premises acquired by The Western Ohio Railway Company in a certain action in the Probate Court of Auglaize County, Ohio, wherein said Railway Company was plaintiff and Rachel J. Kolter, et al, were defendants, and being cause Number 6979 in said Court, and being recorded in Final Record Volume 20, Page 9, said Court.

Upon examination of the abstract of title, which has been submitted to me, which abstract is certified by the abstracters under date of February 7, 1938, I find that Auglaize Post No. 330, American Legion of Ohio, a private corporation not for profit, has a good merchantable fee simple title to the above described parcels of land and to the buildings and appurtenances thereunto belonging; and that said the Auglaize Post No. 330, American Legion of Ohio, owns and holds the above described property free and clear of all encumbrances whatsoever.

Upon examination of the warranty deed tendered by Auglaize Post

No. 330, American Legion of Ohio, I find that said deed has been properly executed and acknowledged by said grantor by the hands of its Post Commander, Post Adjutant and Post Finance Officer, acting pursuant to the authority of a resolution of said Post duly adopted by its members. I further find that the form of this deed is such that the same is legally sufficient to convey this property to the state of Ohio by fee simple title with a covenant of warranty that the title so conveyed is free and clear of all encumbrances whatsoever.

Contract encumbrance record No. 29, which has been submitted as a part of the files relating to the purchase of this property, has been properly executed and there is shown thereby a sufficient balance in the appropriation account to the credit of your office, otherwise unencumbered, to pay the purchase price of the above described property, which purchase price is the sum of \$12,000.00. It likewise appears in this connection from a recital in said contract encumbrance record, as well as from a certificate under date of December 22, 1937, over the signature of the President of the Controlling Board, that said Board has approved the purchase of this property and has released from the appropriation account the money necessary to pay the purchase price of this property in the amount above stated.

I am, accordingly approving the title of Auglaize Post No. 330, American Legion of Ohio, in and to the above described property, as well as the abstract of title, warranty deed, contract encumbrance record and other files submitted to me; all of which are herewith returned to the end that the transaction for the purchase of this property may be closed by the issue of voucher and warrant covering the purchase price of the property.

Respectfully,

HERBERT S. DUFFY,
Attorney General.