

price has been presented for my consideration and approval. When such contract encumbrance record, executed in the manner required by law, has been presented to me for approval and the same is approved, a further opinion will be directed to you relating to the purchase of this property.

I am retaining the abstract of title and warranty deed appending the submission of the contract encumbrance record above referred to; and the same will be forwarded to you, together with my supplemental opinion in this matter.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

3011.

APPROVAL—ABSTRACT OF TITLE, PARCEL OF LAND OWNED BY PAUL HOWELL, PART OF LOT No. 5, SECTION 23, TOWN 5, RANGE 1, OXFORD TOWNSHIP, BUTLER COUNTY, OHIO, PROPOSED PURCHASE BY BOARD OF TRUSTEES, MIAMI UNIVERSITY—SUPPLEMENTAL OPINION TO FOLLOW.

COLUMBUS, OHIO, September 23, 1938.

HON. W. P. ROUDEBUSH, *Secretary, Board of Trustees, Miami University, Oxford, 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 and warranty deed relating to a parcel of land which is owned of record by one Paul Howell, which parcel of land is described as follows:

Being part of Lot Number Five (5) in Section 23, Town 5, Range 1, Oxford Township, Butler County, Ohio, more particularly described as follows:

Beginning at a stake which is found by measuring from the Southeast corner of said lot along the South line West twelve (12) chains and forty (40) links; thence by the true bearing North ten (10) chains and thirty (30) links and from said stake so found East three (3) chains and forty-two (42) links; thence South one (1) chain and forty-six (46) links; thence West three (3) chains and forty-two (42) links. Thence North one (1) chain and forty-six (46) links to the place of beginning.

Upon examination of the abstract of title submitted to me, I find that said Paul Howell has a good and indefeasible perpetual leasehold interest in the above described parcel of land; and that he owns and holds the same by the title above indicated, free and clear of all encumbrances except the taxes on the property for the last half of the year 1937, amounting to the sum of \$.46, and the undetermined taxes on the property for the year 1938, all of which taxes are a lien upon this property.

Upon examination of the warranty deed tendered by Paul Howell and by Mollie Howell, his wife, I find that said deed has been executed and acknowledged by said grantors in the manner provided by law. I further find 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 which said Paul Howell now owns and holds in this property, free and clear of the inchoate dower interest of said Mollie Howell in said property and with a covenant of warranty on the part of said grantor, Paul Howell, that the title conveyed to the grantees is free and clear of all encumbrances whatsoever. In other words, upon examination of the abstract of title and of said deed, the President and Trustees of Miami University as a body corporate will then have an indefeasible fee simple title in this property subject only to the lien of the taxes above referred to.

Although, as above noted, I am herewith approving the title of Paul Howell in and to the above described property to the extent of his interest therein as above stated, I am not at this time approving the purchase of the property or the issuance of any warrant by the Auditor of State covering the purchase price of the same. And this for the reason that no contract encumbrance record with respect to the money necessary to pay for this property has been as yet certified to this office for examination and approval. As soon as such contract encumbrance record is presented and approved a supplemental opinion will be directed to you approving the purchase of this property. I am retaining the abstract of title and warranty deed until such supplemental opinion is prepared when the same will be forwarded to the Auditor of State with said supplemental opinion.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*