

As stated in 13 Ohio Jurisprudence, 970:

“The breach of conditions subsequent in a deed, though the deed contains words of forfeiture and re-entry, does not ipso facto produce reverter of title, but the estate continues in full force until proper steps are taken to consummate the forfeiture, inasmuch as performance may be named by the grantor, and the condition dispensed with. The title remains in the grantee until some action is taken by the grantor or by the court whereby the grantee is ousted.”

Therefore, in specific answer to your question it is my opinion that, where real property is conveyed to a board of education by warranty deed, and the habendum clause in the deed contains a condition to the effect that the premises “are to be used solely for the purpose of conducting a public school or schools thereon, and in the event that said premises should be abandoned for school purposes * * * for three years or more, then said premises shall immediately revert and pass to the grantor, his heirs or assigns,” and thereafter the board of education abandons the premises for school purposes for three years or more, thereupon the title reverts to the grantor if the grantor enters the premises and takes possession of the same, or applies to a court of competent jurisdiction to grant him relief to have the forfeiture declared and reconveyance ordered.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1707.

APPROVAL — BONDS CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$15,000.00, PART OF ISSUE DATED APRIL 1, 1926.

COLUMBUS, OHIO, January 5, 1938.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.
GENTLEMEN:

RE: Bonds of City of Cleveland, Cuyahoga County,
Ohio, \$15,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated April 1, 1926. The transcript relative to this

issue was approved by this office in an opinion rendered to the Industrial Commission under date of September 10, 1937, being Opinion No. 1127.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1708.

APPROVAL, BONDS OF CITY OF PORTSMOUTH, SCIOTO COUNTY, OHIO, \$5,000.00, PART OF ISSUE DATED JANUARY, 1, 1928.

COLUMBUS, OHIO, January 5, 1938.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of City of Portsmouth, Scioto County,
Ohio, \$5,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated January 1, 1928. The transcript relative to this issue was approved by this office in an opinion rendered to the Industrial Commission under date of August 16, 1937, being Opinion No. 1016.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,

Attorney General.