

1784.

APPROVAL, BONDS OF MARYSVILLE VILLAGE SCHOOL DISTRICT,
UNION COUNTY—\$6,250.00.

COLUMBUS, OHIO, April 15, 1930.

Retirement Board, State Teacher's Retirement System, Columbus, Ohio.

1785.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF ADDIE P. BOYER
IN NILES TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, April 16, 1930.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval an abstract of title, warranty deed, encumbrance estimate, controlling board certificate and other files relating to the proposed purchase by the State of Ohio of two certain tracts of land owned of record by one Addie P. Boyer in Niles Township, Scioto County, Ohio, which tracts of land are parts of Surveys Nos. 15391 and 15430, Virginia Military Lands, and contain respectively one hundred and twenty acres of land and forty acres of land.

Upon examination of said abstract of title I find that I am required to disapprove the title of Addie P. Boyer solely for the reason that the abstract does not show that in any of the deeds in the chain of title from the original patentee of said surveys down to and including the conveyance to one J. W. Willcox under date of February 26, 1912, were said conveyances to the respective grantees therein named "and to their heirs and assigns"; neither does it appear that there were in said deeds any similar or equivalent words of perpetuity such as were necessary to convey a fee simple title to lands prior to the enactment of Section 8510-1, General Code, by the act of March 14, 1925, 111 O. L., p. 18. *Ford vs. Johnson*, 41 O. S. 366. It is altogether probable that the deeds above referred to in the chain of title to the property here in question did contain in the granting clauses or in the habendum clauses thereof appropriate words of inheritance and that an inspection of said deeds as they appear of record in the recorder's office of Scioto County will disclose this to be the fact. If so, the objection here made to the abstract can be readily corrected by a certificate of the abstracter showing that he has examined said deeds of record, and that they contain the required terms of inheritance.

Assuming that the abstract of title will be corrected in the manner above indicated I am retaining in my files the warranty deed tendered by said Addie P. Boyer to the State of Ohio, encumbrance estimate No. 127, the controlling board certificate and the other files relating to the purchase of this property. I am herewith enclosing with my opinion said abstract of title with the request that the same be forwarded to the owner or to her authorized agent for the purpose of having the same corrected so as to meet the objection above noted, if this can be done.

Respectfully,

GILBERT BETTMAN,

Attorney General.