

2369.

APPROVAL, BONDS OF THE VILLAGE OF WADSWORTH, MEDINA COUNTY, OHIO—\$14,075.00.

COLUMBUS, OHIO, July 18, 1928.

Industrial Commission of Ohio, Columbus, Ohio.

2370.

APPROVAL, ABSTRACT OF TITLE TO LAND OF W. S. SHAFFER, IN GILEAD TOWNSHIP, MORROW COUNTY, OHIO.

COLUMBUS, OHIO, July 18, 1928.

HON. CHAS. V. TRUAN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication under date of July 18, 1928, enclosing a warranty deed signed by one W. S. Shaffer, covering a certain tract of 125 acres of land in Gilead Township, Morrow County, Ohio, and in said deed more particularly described.

An examination of said warranty deed submitted shows that the same has been properly executed and acknowledged, and is in form sufficient to convey to the State of Ohio a fee simple title in and to the lands therein described, subject to the reservations therein stated, reserving to the grantor the growing crops on said lands, and the use and occupancy of the buildings on said lands and premises during the balance of the year 1928. Other than the reservations above stated, and other than the undetermined taxes on said lands for the year 1928, said deed conveys said lands to the State free and clear of all encumbrances.

Strictly speaking, the reservations above mentioned have no proper place in a deed to the State of Ohio, inasmuch as the title to real property is properly taken by the State, free and clear of all reservations and conditions whatsoever. However, your contemplated use of these lands may be such that the reservations above referred to may be of so little importance so far as the State is concerned, that I would not be justified in disapproving the deed by reason of said reservations. This is a matter largely for your determination.

Irrespective of this question your department should not of course close the transaction relating to the purchase of this property until the abstract of title to these lands and the encumbrance estimate relating to the purchase of the same have been submitted to this department and approved. Said abstract of title is now in the possession of your department, and the same together with said encumbrance estimate and a certificate over the signature of the Director of Finance, showing the approval of the purchase of this property should be submitted to this department for approval as soon as possible.

The warranty deed submitted to me is herewith enclosed.

Respectfully,

EDWARD C. TURNER,
Attorney General.