

The release of the mortgages shown at sections 8 and 14 of the first part of the abstract are in defective form, but as the note secured by the mortgage shown in section 8 has been long past due, no action could be maintained upon same. The release shown in section 14, shows that the notes secured by the mortgage were undoubtedly paid.

Attention is directed to the restrictions in the conveyance shown at section 3 of the continuation of August 20, 1923, wherein are found restrictions for a period of twenty-five years against the use of the premises for the erection of any buildings to be used for slaughter houses and the killing of animals, or the use of said premises for the sale of intoxicating liquors or malt beverages.

The deed abstracted at section 3 of the continuation of August 20, 1923, shows transfer of Lot 118, excepting 6 feet off the rear end of said lot, reserved for an alley. This undoubtedly should be 12 feet and is probably an error of the copyist and should be corrected.

The abstract states no examination has been made in the United States District or Circuit Courts, nor in any subdivision thereof.

Taxes for the year 1923, although as yet undetermined, are a lien against the premises.

It is suggested that the proper execution of a general warranty deed by J. E. Joiner and wife, if married, will be sufficient to convey the title to said premises to the State of Ohio when properly delivered. However, the full first name should be used in the deed instead of the initial.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to cover the purchase price before the purchase can be consummated.

The abstract submitted is herewith returned.

Respectfully,
C. C. CRABBE,
Attorney General.

664.

ABSTRACT, STATUS OF TITLE, SOUTH HALF OF LOT NO. 106 AND NORTH HALF OF LOT NO. 109, HAMILTON'S SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, August 23, 1923.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—An examination of an abstract of title submitted by your office to this department discloses the following:

The abstract under consideration was prepared by C. E. Justice, Attorney, July 22, 1920, and a continuation thereto made by E. M. Baldrige, Attorney, on August 20, 1923, and pertains to the following premises:

Being the south half of Lot 106 and the north half of Lot 109 of Hamilton's Second Garden Addition to the city of Columbus, Ohio, as

the same is numbered and delineated on the recorded plat thereof, recorded in Plat Book 7, page 186, Recorder's office, Franklin County, Ohio, saving and excepting therefrom 12 feet off the rear end of each of said lots reserved for the purpose of an alley.

Upon examination of said abstract, I am of the opinion same shows a good and merchantable title to said premises in Nellie May Hartley, subject to the following exceptions:

Section 7 of the abstract shows a certain mortgage not satisfied of record, but inasmuch as I find the same mortgage in other abstracts you have submitted, with a notation to the effect that the same is undoubtedly paid, I am of the opinion same can be waived. The release of the mortgage as shown at section 16 is in defective form, but as the release shows the note secured by the mortgage was undoubtedly paid, this defect may be waived.

Attention is directed to the restrictions in the conveyances shown at sections 26 and 30 of the first part of the abstract prepared by C. E. Justice on July 22, 1920, wherein are found restrictions for a period of twenty-five years against the use of the premises for the erection of any buildings to be used for slaughter houses and the killing of animals, or the use of said premises for the sale of intoxicating liquors or malt beverages.

The abstract states no examination has been made in the United States District or Circuit Courts, nor in any subdivision thereof.

Taxes for the year 1923, although as yet undetermined, are a lien against the premises.

It is suggested that the proper execution of a general warranty deed by Nellie May Hartley and husband, if married, will be sufficient to convey the title to said premises to the State of Ohio when properly delivered.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to cover the purchase price before the purchase can be consummated.

The abstract submitted is herewith returned.

Respectfully,
C. C. CRABBE,
Attorney General.

665.

ABSTRACT, STATUS OF TITLE, LOT NO. 88, HAMILTON'S SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, August 23, 1923.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—An examination of an abstract of title submitted by your office to this department discloses the following:

The abstract under consideration was prepared by Adolph Haak & Co., Abstracters, August 10, 1905, a continuation thereto made by Adolph Haak & Co., Abstracters, December 29, 1918, and a further continuation made by E. M. Baldrige, Attorney, on August 20, 1923, and pertains to the following premises: