

2773.

APPROVAL, BONDS OF MALVERN VILLAGE SCHOOL DISTRICT, CARROLL COUNTY, OHIO—\$80,000.00.

COLUMBUS, OHIO, October 24, 1928.

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

2774.

APPROVAL, BONDS OF TRUMBULL COUNTY, OHIO—\$9,100.00.

COLUMBUS, OHIO, October 24, 1928.

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

2775.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF JOHN T. FLACK, IN XENIA TOWNSHIP, GREENE COUNTY, OHIO.

COLUMBUS, OHIO, October 25, 1928.

HON. JOSEPH L. JOHNSON, *President, Board of Trustees, Combined Normal and Industrial Departments of Wilberforce University, 1375 East Long Street, Columbus, Ohio.*

DEAR SIR:—There was lately submitted to me an abstract of title covering certain real estate situated in Xenia Township, Greene County, Ohio, being a part of Virginia Military Survey No. 2265, and more particularly described as follows:

“First Tract. Beginning at a stake and elm corner to John Struthers and in the line of Henry Conklin; thence with the line of said Conklin N. $80\frac{3}{4}^{\circ}$ W. 50.2 poles to a stake also corner to said Conklin and in the line of Aniel Rogers; thence with the line of said Rogers, N. $8\frac{1}{4}^{\circ}$ E. 19.1 poles to a stone; thence S. $80\frac{3}{4}^{\circ}$ E. 50.4 poles to a stone in the line of said John Struthers; thence with Struthers line S. $9\frac{1}{2}^{\circ}$ W. 19.6 poles to the beginning, containing six (6) acres more or less.

Second Tract. Situate in the same County, State and Township and bounded and described as follows; being a part of Archibald Campbell's survey No. 2265 for 1000 acres on the waters of Massiescreek, the part of said

survey hereby conveyed, beginning at a stone in the line of V. B. Conklin and corner to John A. Ford; running thence with his line N. 9° 30' E. 19.12 poles to a stone corner to said Ford and John Squires; thence S. 81° 30' E. 42.80 poles to a stone in the north line of the Xenia and Columbus Railroad; thence with said line of said Railroad S. 53° 30' W. 27.80 poles to a stone corner said to V. B. Conklin; thence with the line of said Conklin N. 80° 30' W. 23.48 poles to the beginning, containing Four and Three One-Hundredths (4.03) acres more or less.

Third Tract. Situate in the same County in the same State, Township and Military survey. Beginning at a stone in the line of the Xenia and Columbus Railroad and in the center of a new road; running thence N. 82 W. with the line of J. A. Ford 74 poles to a stake corner to said Ford in the line of Joseph Morrow; thence with his S. 81½ W. 19.91 poles to a stake in the center of the new road passing said Morrow's corner at 19.50 poles; thence with the center of said road N. 84½ E. 76.24 poles to the beginning, containing Four and Sixty Hundredths (4.60) acres."

Upon examination of the abstract of title submitted I find that John T. Flack has a good and merchantable fee simple title to the above described lands and premises, subject to the following exceptions:

1. From some of the later deeds in the chain of title to the third tract of land above described, it appears that from said tract of land there has been deducted .003 acres of land which was conveyed to the Little Miami Railroad Company on May 25, 1908, by the then owners of said land. No description of this small tract of land deeded to the railroad company appears in the abstract; and such description with respect to the remainder of the tract of land above described should be given.

2. On March 17, 1924, said John T. Flack and Helen U. Flack, his wife, executed and delivered a mortgage in the sum of \$2,000.00 to the Peoples Building and Savings Company. It does not appear from the abstract that said mortgage has been executed or released, and the same to the extent of the amount unpaid thereon is a lien on all of the property above described.

3. On February 25, 1876, one Ira Hodson and one Isaiah Hodson, being then owners as tenants in common, of a tract of 37.127 acres of land which included the third tract of land above described, conveyed the same by warranty deed to one Henry Conklin. It is noted in the abstract that there is nothing in the record of said deed which shows whether said Ira Hodson and Isaiah Hodson were married or single at the time of the execution and delivery of this deed. If either of said grantors were married at the time of the execution of this deed, and such wife is still living, she has of course a dower interest in the tract of land thus conveyed, including the third tract here under investigation, unless such dower right and interest has since been released or barred.

In addition to the exceptions above noted, the abstract submitted is defective in not stating what taxes and assessments, if any, that stand against said property upon the county treasurer's duplicate.

No warranty deed duly executed by said John T. Flack and wife, encumbrance estimate or Controlling Board's certificate accompanied the abstract submitted, and in the absence of the same I cannot of course approve the proceedings relating to the purchase of this tract.

Respectfully,
EDWARD C. TURNER,
Attorney General.